



**MINUTES OF ORDINARY COUNCIL MEETING OF THE COUNCIL OF
THE CITY OF RANDWICK HELD ON TUESDAY, 24 NOVEMBER 2009
AT 6:05 PM.**

Present:

The Mayor, Councillor J Procopiadis (Chairperson) (West Ward)

Councillor R Belleli (Deputy Chairperson) (South Ward)

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

Officers Present:

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

Prayer & Acknowledgement of Local Indigenous People

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

Apologies/Granting of Leave of Absences

Nil.

Confirmation of the Minutes

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY 20 OCTOBER 2009**

RESOLUTION: (Andrews/Smith) that the Minutes of the Ordinary Council Meeting held on Tuesday 20 October 2009 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

332/09

Declarations of Pecuniary and Non-Pecuniary Interests

- (a) Cr Matthews declared a non significant non pecuniary interest in item CP76/09 as he has met the developer previously.
- (b) Cr Matthews declared a non significant non pecuniary interest in item GF58/09 as he has met the speaker on the item previously.
- (c) Cr Andrews declared a pecuniary interest in item CP78/09 as he is the owner of the property. Cr Andrews will not be taking part in the debate or voting on the matter.
- (d) Cr Andrews declared a non significant non pecuniary interest in item CP73/09 as he knows the objectors through living in the Randwick area.
- (e) Cr Andrews declared a non significant non pecuniary interest in item CP74/09 as he knows the objectors through living in the Randwick area.
- (f) Cr Andrews declared a non significant non pecuniary interest in item MM90/09 as he is a member of the parish in question.
- (g) All Councillors declared a non significant non pecuniary interest in item CP78/09 as they know the owner of the property.
- (h) Cr White declared a non significant non pecuniary interest in item CP73/09 as he knows the objectors through living in the Randwick area.
- (i) Cr Belleli declared a non significant non pecuniary interest in items CP73/09 and CP74/09 as he knows some of the objectors through living in the Randwick area, including one who gave him preferences in the 2004 local government elections and another who, like Cr Belleli, has been Vice Chairman of the Maroubra Chamber of Commerce.
- (j) Cr Matson declared a non significant non pecuniary interest in items CP73/09 and CP74/09 as he knows some of the objectors through living in the Randwick area, including one who gave him preferences in the 2004 local government elections.
- (k) Cr Smith declared a pecuniary interest in item CP79/09 as his employer has a business relationship with the applicant. Cr Smith will not be taking part in the debate or voting on the matter
- (l) Cr Bowen declared a non significant non pecuniary interest in item CP73/09 as he knows the objectors through living in the Randwick area.
- (m) Cr Stevenson declared a non significant non pecuniary interest in item CP73/09 as he knows the objectors through living in the Randwick area.
- (n) Cr Andrews declared a non significant non pecuniary interest in items CP80/09 and CP81/09 as he knows the objectors through living in the Randwick area, including one whose funeral he attended recently.
- (o) Cr Seng declared a non significant non pecuniary interest in item CP78/09 as he received preferences from the owner of the property at the 2004 local government elections.
- (p) Cr Belleli declared a non significant non pecuniary interest in item CP70/09 as he knows the objectors through living in the Randwick area.

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:

CP70/09 191 BOYCE ROAD, MAROUBRA - DA/408/2007/B - MEDIATION

Against George Mandadakis

- For** Emmanuel Pertsoulis
- CP71/09 71-73 FRENCHMANS ROAD, RANDWICK
- For** Anthony Betros - on behalf of applicant
- CP72/09 5 CRANA AVENUE, SOUTH COOGEE
- Against** James Polyzoidis
- For** Gary Easton (Applicant)
- CP73/09 6/878-890 ANZAC PARADE, MAROUBRA
- For** Sabina Pradhan (on behalf of objectors)
- CP75/09 29 MIDWAY DRIVE, MAROUBRA
- For** Eugene Farich (on behalf of Applicant)
- CP79/09 195-199 MAROUBRA ROAD, MAROUBRA (MAROUBRA JUNCTION HOTEL)
- For** Robert Lees
- CP83/09 MAROUBRA BEACH URBAN DESIGN REVIEW
- For** Jackie Biro
- GF58/09 LEASE TO KENSINGTON BOWLING CLUB, 1 DAY LANE, KENSINGTON
- Bruce Rutherford - on behalf of the bowling club

The meeting was adjourned at 6.59 pm and was resumed at 7.24 pm.

Mayoral Minutes

MM84/09 Mayoral Minute - Waiving of Fees - Rainbow Club Australia Inc- Ocean Swim (F2005/00145)

333/09

RESOLUTION: (Mayor, Cr J Procopiadis) that:

- a) Council vote \$5,757.00 to cover the fees associated with the holding of the Rainbow Club Australia Inc's ocean swim on 21 February 2010 and that the funds be allocated from the 2009-10 Contingency fund;
- b) Council waive all associated fees for the Rainbow Club Australia Inc's annual ocean swim for the next five (5) years from 2010-2015;
- c) The organiser of the event undertake to appropriately and prominently acknowledge and promote Council's contribution to the swim; and
- d) The Mayor or his representative be given the opportunity to address the event on behalf of Council.

MOTION: (Mayor, Cr J Procopiadis) CARRIED - SEE RESOLUTION.

MM85/09 Mayoral Minute - Acknowledgement of Temora Shire Council - Winner of Bluett Award 2008/09 (F2005/00294)

334/09 **RESOLUTION: (Mayor, Cr J Procopiadis)** that Temora Shire Council be formally congratulated on their wonderful achievement of winning the A R Bluett Award for 2008-09.

MOTION: (Mayor, Cr J Procopiadis) CARRIED - SEE RESOLUTION.

MM86/09 Mayoral Minute - Sydney Airport Community Forum - Council Involvement (F2004/07972)

335/09 **RESOLUTION: (Mayor, Cr J Procopiadis)** that Council agree to write to the Federal Minister for Infrastructure, Transport, Regional Development and Local Government seeking that the Mayor of Randwick City Council (or a representative) be reinstated as a member of the Sydney Airport Community Forum (SACF).

MOTION: (Mayor, Cr J Procopiadis) CARRIED - SEE RESOLUTION.

MM87/09 Mayoral Minute - Sydney Water Award for Highest Percentage Reduction in Water Use Based on Industry Benchmarks 2009 (F2007/00485)

336/09 **RESOLUTION: (Mayor, Cr J Procopiadis)** that Council pass on its congratulations to the staff involved in producing these results and achieving the acknowledgement the Sydney Water Every Drop Counts Water Efficiency Award 2009 provides.

MOTION: (Mayor, Cr J Procopiadis) CARRIED - SEE RESOLUTION.

MM88/09 Mayoral Minute - Lexington Place Youth Program in Partnership with South Sydney Football Club (F2004/06290)

337/09 **RESOLUTION: (Mayor, Cr J Procopiadis)** that Council becomes an official "Rabbitohs Club 17 Partner" and enters into a number of initiatives with the South Sydney Football Club to assist the disadvantaged youth in the Lexington Place area and that this initiative be funded from the 2009-10 Contingency Fund.

MOTION: (Mayor, Cr J Procopiadis) CARRIED - SEE RESOLUTION.

MM89/09 Mayoral Minute - Corporate Leadership Cup (F2009/00328)

338/09 **RESOLUTION: (Mayor, Cr J Procopiadis)** that Council acknowledge the success of the inaugural Corporate Leadership Cup and Randwick City council's success in demonstrating and fostering best practice leadership in local government.

MOTION: (Mayor, Cr J Procopiadis) CARRIED - SEE RESOLUTION.

MM90/09 Mayoral Minute - Waiving of Fees - Greek Orthodox Church - Epiphany (F2005/00954)

339/09 **RESOLUTION: (Mayor, Cr J Procopiadis)** that:

- a) Council vote \$5,770.00 to cover the fees associated with the event and funds be allocated from the 2009-10 Council Contingency Fund;
- b) the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and
- c) the Mayor or the Mayor's representative shall be given the opportunity to address the event on behalf of Council.

MOTION: (Mayor, Cr J Procopiadis) CARRIED - SEE RESOLUTION.

MM91/09 Mayoral Minute - To Provide a Briefing for all NSW Councils on the Progress of Randwick's Local Government Emissions Trading Scheme (LGETS) in April 2010 (F2006/00626)

340/09 **RESOLUTION: (Mayor, Cr J Procopiadis)** that Council endorses this proposal for a briefing on the NSW Local Government Emissions Trading Scheme for all NSW Councils on 22 April 2010.

MOTION: (Mayor, Cr J Procopiadis) CARRIED - SEE RESOLUTION.

MM92/09 Mayoral Minute - Coogee Late Night Transport (Pumpkin Bus) Report (W41/09) (F2006/00382)

341/09 **RESOLUTION: (Mayor, Cr J Procopiadis)** that this matter be deferred until the Planning Committee meeting of 1st December, 2009 in order to get an indication from the Director of the Office of Liquor Gaming and Racing as to whether they will support Council in their collection of funds from the Licensees for the continuation of the Friday and Saturday night Pumpkin Bus service.

MOTION: (Mayor, Cr J Procopiadis) CARRIED - SEE RESOLUTION.

MM93/09 Mayoral Minute - Supporting "Sense of Community" Street Parties (F2004/07232)

342/09 **RESOLUTION: (Mayor, Cr J Procopiadis)** that Council:

- (a) support "Sense of Community" street parties by arranging, on behalf of residents:
- i. traffic control plans
 - ii. the preparation of traffic management plans and road occupancy licences for submission to the RTA (if necessary), and
 - iii. all traffic control measures associated with street parties including all signage and other materials as well as labour on the day of the event.
- (b) vote \$4,500.00 to cover the costs associated with the street party applications, with funds being allocated from the 2009/10 Council Contingency Fund.

MOTION: (Mayor, Cr J Procopiadis) CARRIED - SEE RESOLUTION.

Urgent Business

Nil.

Director City Planning Reports

CP70/09 Director City Planning Report - 191 Boyce Road, Maroubra - DA/408/2007/B - Mediation (DA/408/2007/B)

343/09 **RESOLUTION: (Nash/Woodsmith)**

That Council as the consent authority grant development consent under Section 96 of the Environmental Planning and Assessment Act 1979 to modify Development Consent No. 408/2007 in the following manner:

Condition 1 be modified to read;

1.The development must be implemented substantially in accordance with the amended plans numbered 596-01 to 596-04 Revision B dated 10/09/2009 and received by Council on 16th October 2007, the application form and on any supporting information received with the application, as amended by the Section 96

application and plans numbered 09/0018 and dated 11/7/2009 and received on the 13th July 2009 only so far as they relate to the modifications highlighted on the plans and detailed in the application, except as may be amended by the following conditions:

The following condition be added;

66. The proposed upper level rear balcony enlargement and associated supports must be deleted from the Section 96 plans numbered 09/0018 and dated 11/7/2009 and received on the 13th July 2009. Plans for the Construction Certificate must be amended accordingly indicating retention of the originally approved rear upper level Juliet style balconies.

MOTION: (Nash/Woodsmith) 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 Notley-Smith
Councillor Belleli	Councillor Smith
Councillor Bowen	
Councillor Hughes	
Councillor Matson	
Councillor Matthews	
Councillor Nash	
Councillor Procopiadis	
Councillor Seng	
Councillor Stevenson	
Councillor Tracey	
Councillor White	
Councillor Woodsmith	
Total (13)	Total (2)

CP71/09 Director City Planning Report - 71-73 Frenchmans Road, Randwick (DA/927/2008)

344/09

RESOLUTION: (Nash/Bowen) that this application be deferred to investigate any further opportunities to increase the provision of parking on the site.

MOTION: (Nash/Bowen) 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 Bowen	Councillor Notley-Smith
Councillor Hughes	Councillor Smith
Councillor Matson	Councillor Tracey
Councillor Matthews	Councillor White
Councillor Nash	
Councillor Procopiadis	
Councillor Seng	
Councillor Stevenson	
Councillor Woodsmith	
Total (10)	Total (5)

**CP72/09 Director City Planning Report - 5 Crana Avenue, South Coogee
(DA/476/2009)**

345/09

RESOLUTION: (Matson/Andrews)

That Council as the consent authority grant development consent under Section 80 of the Environmental Planning and Assessment Act 1979 to Development Application DA/476/2009 for alterations to the existing dwelling including the replacement of existing windows and doors, deletion of the existing planter box from the first floor balcony, and refurbishment of the first floor balcony for 5 Crana Avenue, South Coogee, subject to the following conditions:

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

1. The development must be implemented substantially in accordance with the plans numbered Sheet 2 of 4 through to 4 of 4, received by Council on 14 July 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. No approval is granted for the removal of the existing planter box to the first floor rear balcony. Plans must be amended to show the retention of the existing planter box to the first floor balcony prior to the issue of a construction certificate.

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

3. 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.

4. 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.

5. 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).
6. Prior to the commencement of any building works, the person having the benefit of the development consent must: -

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

1. 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.

7. 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.

8. A sign must be erected and maintained in a prominent position on the site for the duration of the works, which contains the following details:
 - name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours, or owner-builder permit details (as applicable);
 - name, address and telephone number of the Principal Certifying Authority; and
 - a statement stating that "unauthorised entry to the work site is prohibited".
9. 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.

10. If applicable, 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.

11. 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.

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:

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

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

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

13. 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.

14. 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.

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

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

16. 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.
17. 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.

18. 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.

19. 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.

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

CP73/09 Director City Planning Report - 6/878-890 Anzac Parade, Maroubra (DA/586/2009)

346/09

RESOLUTION: (Andrews/Woodsmith)

THAT Council, as the consent authority, refuses consent to Development Application No. 586/2009 for use and occupation of a Strata-titled unit for the purpose of a brothel with trading hours of 10am – 10pm, Sunday to Wednesday, and 10am – 11pm, Thursday to Saturday, at 6/878-890 Anzac Parade, Maroubra, pursuant to Section 80(1)(b) of the Environmental Planning and Assessment Act 1979, as amended, for the following reasons:

1. The proposed development does not satisfy the objectives for Zone No. 3A stipulated under Clauses 13(1)(a) and (b) of Randwick Local Environmental Plan 1998 in that the brothel will be situated in close proximity to other commercial offices within the same building, and will result in adverse impacts on their operation.
2. The proposed development does not satisfy the objective for the Maroubra Junction Town Centre stipulated under Clause 42D(2)(b) of Randwick Local Environmental Plan 1998 in that the brothel will be situated in close proximity to other commercial offices within the same building, and will result in adverse impacts on their operation.
3. The proposed development does not satisfy the objective for the Maroubra Junction Town Centre stipulated under Clause 42D(2)(e) of Randwick Local Environmental Plan 1998 in that the brothel will detrimentally affect the safety and security of other occupants, including residents and employees, within the building, and fail to satisfy their social needs.

4. The proposed development fails to satisfy the criteria for locating brothels established in the NSW Land and Environment Court planning principle (*Martyn v Hornsby Shire Council* [2004] NSWLEC 614).
5. The proposed brothel will share the same entry lobby and staircase with other residential and commercial units within the building, and yet does not provide adequate access control and security device to monitor activities within the common areas. The development is considered to result in detrimental impacts on the safety and security of other occupants within the building.
6. The proposed brothel is considered to cause noise and disturbance to other building occupants from clients arriving, leaving, loitering or looking for the premises.
7. The subject site is located within an established retail and commercial strip on Anzac Parade in close proximity to a main bus stop frequently used by school students and adolescents. The location of the brothel is not considered to have minimised visibility and exposure to impressionable groups.
8. The street level entry to the proposed brothel is not discreet and will result in patrons awaiting admission in the public footpath, which is highly likely to offend members of the public.
9. The proposal does not provide for adequate sanitary installations, waste and linen storage areas, floor covering and illumination equipment, and is not considered to have incorporated suitable facilities for the intended brothel use.
10. The documentation submitted with the development application is deficient of information and details relating to a thorough analysis of the potential impacts on the nearby premises and the adequacy of the internal layout and facilities for staff and patrons.
11. The proposed development is considered to result in detrimental social impacts on the locality and does not satisfy Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.
12. The proposal fails to consider the suitability of the site for brothel development given the close proximity to residential dwellings and general business uses within the same building, and therefore does not satisfy Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.
13. The proposed development is not considered to be within the public interest and therefore does not satisfy Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

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

CP74/09 Director City Planning Report - 6/878-890 Anzac Parade, Maroubra (DA/778/2005/A)

347/09

RESOLUTION: (Andrews/Woodsmith)

That Council, as the consent authority, refuses to grant approval for modification of Development Application No. 778/2005 under Section 96(2) of the Environmental Planning and Assessment Act 1979, as amended, for deletion of Conditions 2 and 3 relating to prohibition of sex services and restriction on the number and qualification of employees, and amendment of Condition 4 for extension of trading hours to 10am

- 10pm, Sunday to Wednesday, and 10am – 11pm, Thursday to Saturday, at 6/878-890 Anzac Parade, Maroubra, for the following reasons:

1. The proposed modification does not satisfy the objectives for Zone No. 3A stipulated under Clauses 13(1)(a) and (b) of Randwick Local Environmental Plan 1998 in that the brothel will be situated in close proximity to other commercial offices within the same building, and will result in disturbance and adverse impacts on their operation.
2. The proposed modification does not satisfy the objective for the Maroubra Junction Town Centre stipulated under Clause 42D(2)(b) of Randwick Local Environmental Plan 1998 in that the brothel will be situated in close proximity to other commercial offices within the same building, and will result in disturbance and adverse impacts on their operation.
3. The proposed modification does not satisfy the objective for the Maroubra Junction Town Centre stipulated under Clause 42D(2)(e) of Randwick Local Environmental Plan 1998 in that the brothel will detrimentally affect the safety and security of other occupants, including residents and employees, within the building, and fail to satisfy their social needs.
4. The proposed modification fails to satisfy the criteria for locating brothels established in the NSW Land and Environment Court planning principle (*Martyn v Hornsby Shire Council* [2004] NSWLEC 614).
5. The proposed brothel will share the same entry lobby and staircase with other residential and commercial units within the building, and yet does not provide adequate access control and security device to monitor activities within the common areas. The development is considered to result in detrimental impacts on the safety and security of other occupants within the building.
6. The proposed brothel is considered to cause noise and disturbance to other building occupants from clients arriving, leaving, loitering or looking for the premises.
7. The subject site is located within an established retail and commercial strip on Anzac Parade in close proximity to a main bus stop frequently used by school students and adolescents. The location of the brothel is not considered to have minimised visibility and exposure to impressionable groups.
8. The street level entry to the proposed brothel is not discreet and will result in patrons awaiting admission in the public footpath, which is highly likely to offend members of the public.
9. The proposal does not provide for adequate sanitary installations, waste and linen storage areas, floor covering and illumination equipment, and is not considered to have incorporated suitable facilities for the intended brothel use.
10. The documentation submitted with the development application is deficient of information and details relating to a thorough analysis of the potential impacts on the nearby premises and the adequacy of the internal layout and facilities for staff and patrons.
11. The proposed modification is considered to result in detrimental social impacts on the locality and does not satisfy Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.
12. The proposal fails to consider the suitability of the site for brothel development given the close proximity to residential dwellings and general business uses within the same building, and therefore does not satisfy Section 79C(1)(c) of the

Environmental Planning and Assessment Act 1979, as amended.

13. The proposed modification is not considered to be within the public interest and therefore does not satisfy Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.
14. The proposed modification is not substantially the same development for which the original consent was granted and does not satisfy Section 96(2)(a) of the Environmental Planning and Assessment Act 1979, as amended.

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

**CP75/09 Director City Planning Report - 6A Eyre Street, Chifley
(DA/712/2009)**

348/09

RESOLUTION: (Matson/Andrews)

- A. That Council support the objections under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with Clause 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.
- B That Council, as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/712/2009 for alterations and additions to the existing dual occupancy including enclosure of existing entry portico and upper level rear balcony, and construction of a new rear ground level addition (SEPP 1 objection to Floor Space Ratio) at 6 Eyre Street, Chifley 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 DA1 - 01 through to DA1-05, inclusive, Issue B, dated September 2009 and received by Council on 2nd October 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 additions are to be compatible with the existing dwelling and adjacent development to maintain the integrity and amenity of the building and the streetscape.
3. Metal roof sheeting is to be pre-painted (e.g. colourbond) and form part of the colour scheme and external finishes for the development.

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

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

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

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

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

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

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

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

11. **Prior to the commencement of any building works**, the following requirements must be complied with:

- a) 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*.

A copy of the construction certificate, the approved development consent plans and 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.

- b) a *Principal Certifying Authority* (PCA) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and
- c) a *principal contractor* must be appointed for the building work, or in relation to residential building work, an *owner-builder* permit may be obtained in accordance with the requirements of the *Home Building Act 1989*, and the PCA and Council are to be notified accordingly; and
- d) the *principal contractor* must be advised of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*; and
- e) at least two days notice must be given to the Council, in writing, prior to commencing building works.

12. 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).

13. 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:

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- 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".

14. 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**.

15. 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.

16. 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.

6

- 7 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.

8

- 9 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:

17. 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)

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- 11 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.

18. 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.
19. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 E of the *Environmental Planning & Assessment Regulation 2000*, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.
 - a) If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development must, at the person's own expense:
 - i) protect and support the adjoining premises from possible damage from the excavation, and
 - ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - b) The condition referred to in subclause 1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.
20. 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:
 - 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,
 - new dwellings or additions to dwellings sited up to shared property boundaries (e.g. additions to a semi-detached dwelling or a terraced dwelling),
 - 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 may be 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.
21. 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.
22. 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

requirements of the *Protection of the Environment Operations Act 1997* and NSW DECC Guidelines must be satisfied at all times.

23. 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.

24. 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.

The sediment and erosion control measures are to be in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to the satisfaction of Council and details are to be provided in the Construction Site Management Plan.

25. 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.

A4 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA) and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards and you are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.

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

CP76/09 Director City Planning Report - 29 Midway Drive, Maroubra

(DA/393/2008)

349/09

RESOLUTION: (Matson/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, changes its previous determination of Development Application No. 393/2008 under Section 82A(4A) of the Environmental Planning and Assessment Act 1979, as amended, and grants Development Consent under Sections 80 and 80A of the same Act for demolition of existing structures on site and construction of a 2-storey plus semi-basement multi-unit housing development comprising 4 dwellings and 7 car spaces, and incorporating changes to the floor layout, relocation of driveway, increase in front and rear setbacks and amendments to window configuration, subject to the following conditions:

Conditions of Consent

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

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

Plan Number	Dated	Received	Prepared By
0903 G02	06/10/09	13 October 2009	Draftsmart Pty. Ltd.
0903 G03	06/10/09	13 October 2009	
0903 G04	06/10/09	13 October 2009	
0903 G05	06/10/09	13 October 2009	
0903 G06	06/10/09	13 October 2009	
08.711 LSK01(D)	08/10/09	13 October 2009	Greenplan

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

2. The colours, materials and finishes of the external surfaces to the building are to be consistent with the submitted Schedule of Finishes, stamp-received by Council on 21 August 2009.
3. That section of the first floor front balcony attached to Bedroom 3 of TH1 shall be deleted, in order to increase front setback to the building. Details demonstrating compliance with the above requirements shall be incorporated in the Construction Certificate documentation to the satisfaction of the Principal Certifying Authority.
4. A minimum of two (2) 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 Standard 2890.3: Bicycle Parking Facilities. Details of compliance are to be included in the Construction Certificate application.

and sign-posted as being compliant with Australian Standard 2890.1: Off-Street Car Parking. Details of compliance are to be included in the Construction Certificate application.

6. A security roller door / grille shall be installed at the entry to the basement car park and be appropriately finished in neutral colour in a darker tone. Details demonstrating compliance are to be incorporated in the Construction Certificate documentation.
7. The proposed fencing along the street boundary of the subject site shall have a height of not more than 1,000mm as measured from the existing ground level.
8. 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 fence shall also be tapered in front of the building line to match the height of the front fence.

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.

9. The partition wall / fence that separates the private courtyard of TH1 (being the courtyard located to the front of the building) from the common circulation areas within the site shall have a height of not more than 1m as measured from the existing ground level and shall match the height of the front fence.
10. 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.
11. A skylight is to be installed above each of the following spaces:
 - (i) Walk-in-wardrobe and study areas on the first floor of TH2; and
 - (ii) Bathroom (located in between Bedroom 1 and Bedroom 3) on the first floor of TH3.

Details demonstrating compliance are to be incorporated in the Construction Certificate documentation to the satisfaction of the Principal Certifying authority.

12. Suitable security lighting is to be installed along the common pedestrian access corridor adjacent to the south-western boundary of the subject site. The above lighting devices shall be low level lighting where the light source is located no higher than 1m above the finished ground 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.
13. There must be no encroachment of the structure/s or associated articles onto Council's road reserve, footway, nature strip or public place.
14. 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.

15. Power supply and telecommunications cabling to the development shall be underground.
16. 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.
17. 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.
18. 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.

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

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

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

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

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

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

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

Category	Cost	Applicable levy	S94A levy
Development cost \$100,001 - \$200,000	-----	0.5%	-----
Development cost more than \$200,000	\$752,462.37	1.0%	\$7,524.62

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:

21. 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.
22. 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.

23. 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)
24. In accordance with Clause 154B of the *Environmental Planning & Assessment Regulation 2000*, a Certifying Authority must not issue an Occupation Certificate for this development, unless it is satisfied that each of the required BASIX commitments has been fulfilled.

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

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

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

The following conditions are applied to ensure that the development satisfies

the provisions of the *Environmental Planning and Assessment Act 1979* and Regulations:

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, 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.

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* 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.

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, 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".

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

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.

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.

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

38. 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.

39. 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.

40. 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**.

41. 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**.

42. 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**.

43. 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:

44. 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.

45. 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).
46. 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.

47. 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.

48. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:

- a) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.
- 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.
49. A Registered Surveyor's check survey certificate or *compliance certificate* is to be forwarded to the principal certifying authority (*and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority*), detailing compliance with Council's approval at the following stages of construction:
- a) Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being construction at the approved levels.
- b) On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.
50. A Construction Site Management Plan is to be developed and implemented prior to the commencement of demolition, excavation or building works. The site management plan must include the following measures, as applicable to the type of development:
- location and construction of protective fencing / hoardings to the perimeter of the site;
 - location of site storage areas/sheds/equipment;
 - location of building materials for construction;
 - provisions for public safety;
 - dust control measures;
 - site access location and construction
 - details and methods of disposal of demolition materials;
 - protective measures for tree preservation;
 - provisions for temporary sanitary facilities;
 - location and size of waste containers/bulk bins;

- details of proposed sediment and erosion control measures;
- construction noise and vibration management;
- construction traffic management provisions.

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

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

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

Dust control measures and practices may include:-

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

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

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

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

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

A warning sign for soil and water management must be displayed in a

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

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

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

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

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

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

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

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

54. The demolition, removal, storage, handling and disposal of materials and all building work must be carried out in accordance with the following requirements (as applicable):

- Australian Standard 2601 (2001) – Demolition of Structures
- Occupational Health and Safety Act 2000
- Occupational Health and Safety (Hazardous Substances) Regulation 2001
- Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
- WorkCover NSW – Guidelines and Codes of Practice
- Randwick City Council's Asbestos Policy
- The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.

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

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

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

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

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

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

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

- b) A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 50 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.

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

57. 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.

58. 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.

59. 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*.

Security Deposit Conditions

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

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

a) \$2000.00 - Damage / Civil Works Security Deposit

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

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

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

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

Traffic conditions/Civil Works Conditions

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

61. 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 new heavy duty concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.
 - b) Remove the redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.
 - c) Re-construct a kerb and gutter for the full site frontage except opposite the vehicular entrance and exit points.
 - d) Carry out a 1.00 metre wide, road reknit in front of the kerb and gutter along the full site frontage.
 - e) Reconstruct the Council concrete footpath along the full site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.
62. 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.
63. 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.

64. All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.
65. The driveway opening at the Midway Drive frontage must be a minimum clear width of 3.20 metres wide and located 1.2 metres clear of the side property boundary.

Alignment Level Conditions

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

66. The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage.
67. The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the footpath must be indicated on the building plans for the construction certificate.
68. The above alignment levels and the site inspection by Council's Development Engineer has been issued at a prescribed fee of \$748.00 calculated at \$44.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.

Service Authority Conditions

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

69. 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.
70. 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.

Note: This shall include the relocation of the Power Pole which is located within the construction zone of the proposed new vehicular crossing.

71. 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.
72. A Road / Asset Opening Permit must be obtained from Council prior to carrying out any public utility service works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.

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

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

73. Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant must liaise with Energy Australia prior to lodging the construction certificate to determine whether or not an electricity substation is required for the development.
74. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.

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

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

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

Drainage Conditions

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

75. The proposed internal driveway must be designed with a minimum high point of RL 14.51 AHD and in such a manner as to minimize the potential for stormwater to enter the basement carpark. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.
76. The internal driveway grades must not exceed a grade of 1 in 8, (up or down) for the first 5 metres within the development site. The internal driveway must have a high point at least RL 14.51 metres AHD and all changes in gradient must comply with the relevant provisions of AS 2890.1-2004. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.
77. The fire exits from the basement car park must be protected from stormwater inundation up to a minimum level of RL 14.66 AHD. Similarly, any windows, vents and other openings into the basement carpark (excluding the driveway opening) must be located at least 300 mm above the determined 1 in 100 year flood level, (i.e. at a minimum level of RL 14.66metres AHD). The plans submitted for the construction certificate shall demonstrate compliance with this requirement.
78. The floor level of all habitable and storage areas shall be at a minimum RL of 14.66 metres AHD or suitably waterproofed up to this same level. The plans submitted for the construction certificate shall demonstrate compliance with

this requirement.

79. All structural walls on the ground floor level shall be designed to structurally withstand hydrostatic pressure/stormwater inundation from floodwater during the probable maximum flood (PMF) event as defined in the Floodplain Development Manual (New South Wales Government, April 2005). Structural Engineering certification confirming that this condition has been complied with shall be submitted to the certifying authority prior to the issuing of a construction certificate.

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

80. **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

e.g. the nature of the soil in the site and/or the presence of rock etc.

81. 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.
82. All site stormwater must be discharged (by gravity) to the kerb and gutter or drainage system at the front of the property.
83. On-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a **1 in 5** year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by Council. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.

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

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

84. The detention area must be regularly cleaned and maintained to ensure it functions as required by the design. Any onsite detention shall be located in areas accessible by residents of all units.
85. The maximum depth of ponding in above ground detention areas (and/or infiltration systems with above ground storage) shall be as follows:
 - 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
86. Any above ground stormwater detention must be suitably signposted where required, warning people of the maximum flood level.
 87. The floor level of all habitable and storage areas adjacent to the detention area (and/or infiltration systems with above ground storage) must be a minimum of 300mm above the maximum water level in the detention area for the design storm or alternately a permanent 300mm high water proof barrier is to be constructed.

(In this regard, it must be noted that this condition must not result in any increase in the heights or levels of the building. Any variations to the heights

or levels of the building will require a new or amended development consent from the Council prior to a construction certificate being issued for the development).

88. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
89. A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention/infiltration area.
90. 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.

91. 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

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.

92. Prior to the issuing of an occupation certificate a "restriction on the use of land" and "positive covenant" (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property to ensure that the onsite

detention/infiltration system is maintained and that no works which could affect the design function of the detention/infiltration system are undertaken without the prior consent (in writing) from Council. Such restriction and positive covenant shall not be released, varied or modified without the consent of the Council.

Notes:

- a. The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
 - b. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.
93. 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).
94. 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.
95. As the above site is located in an area with a relatively high water table, (and given that water table levels fluctuate), the basement carpark or similar structures must be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard, to the satisfaction of the certifying authority. A copy of the certification is to be forwarded to Council.

Notes:-

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

a Construction Certificate the approved report must be forwarded to Council, (if Council is not the Certifying Authority). This report is to be prepared by suitably qualified and experienced Geotechnical, Hydrological and Structural Engineers and is to include but not limited to:

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

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

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

97. Prior to lodgement of a Construction Certificate application the applicant must obtain from the Department of Water and Energy, the general terms of approval and any specific requirements for dewatering of the site to facilitate construction of the basement carpark level. In particular, the applicant must obtain in writing the Department's general terms of approval for the issuing of a Part V license under the Water Act 1912.

The Construction Certificate application must demonstrate compliance with the

general terms of approval for a Part V License. No construction certificate is to be issued until such time as the applicant demonstrates to the satisfaction of the Department of Water and Energy and the Certifying Authority that the proposed method for construction of the basement carpark and dewatering of the site is strictly in accordance with the Department of Water and Energy's requirements and best current engineering practice.

No dewatering of the site shall take place until such time as a Part V license has been obtained. A copy of the Part V license must be forwarded to Council prior to the commencement of any dewatering on the site.

98. Details of any proposed connection and / or disposal of groundwater to Council's external stormwater drainage system must be submitted to and approved by Council's Development Engineer, prior to commencing these works, in accordance with section 138 of the *Roads Act 1993*.

The subject details must include the following information:

- Site plan
- Hydraulic engineering details of the proposed disposal/connection of groundwater or site stormwater to Council/s drainage system
- Volume of water to be discharged
- Location and size of drainage pipes
- Duration, dates and time/s for the proposed works and disposal
- Details of water quality and compliance with the requirements of the *Protection of the Environment Operations Act 1997*
- Details of associated plant and equipment, including noise levels from the plant and equipment and compliance with the requirements of the *Protection of the Environment Operations Act 1997* and associated Regulations and Guidelines
- Copy of any required approvals and licences from other Authorities (e.g. A water licence from the Department of Planning/Department of Water & Energy).
- Details of compliance with any relevant approvals and licences

Waste Management Conditions

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

99. The garbage room areas will have to be designed so as to be able to contain a total of 4 x 240 litre bins (2 garbage bins & 2 recycle bins) whilst providing satisfactory access to these bins. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.
100. Prior to the accredited certifier issuing an occupation certificate for the proposed development the applicant is to contact Council's Manager of Waste in regards to meeting Council's requirements for waste services to the development.
101. 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:

102. Landscaping at the site shall be installed in accordance with the Landscape Plan by GreenPlan, sheet number LSK 01, job number 08.711, issue D, dated 08/10/09 and stamped 13th October 2009.

NOTE: While too small for Council's TPO, the applicant is still encouraged to retain the small Bottlebrush located in front of the Swamp Mahogany, along the front boundary, and incorporate it into site landscaping as an existing site feature due to its favourable location and being a native species.

103. To ensure satisfactory maintenance of the landscaped areas, an automatic drip irrigation system shall be installed throughout all planted areas. Details shall be provided showing that the system will be connected to the sites rainwater tanks, with back-up connection to the mains supply, in accordance with all current Sydney Water requirements.
104. All detention tanks and below ground stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping.
105. 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.
106. 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.
107. The landscaping shall be installed in accordance with the approved documentation and relevant conditions of consent, prior to the PCA issuing a final occupation certificate, and shall be maintained in accordance with those plans.

Tree Management

108. The applicant shall submit a total payment of \$107.25 (including GST), being the cost for Council to supply and install 1 x 25 litre street tree, *Cupaniopsis anacardioides* (Tuckeroo) on the Midway Drive nature strip, to the west of the proposed vehicle crossing at the completion of all works.

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

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

109. Approval is granted for removal of the following trees, subject to full implementation of the approved landscape plan:
- One large *Eucalyptus botryoides* (Bangalay) in the front yard, in the

northwest corner, in order to accommodate the new vehicle crossing, basement entry ramp and associated works as shown;

- One *Banksia integrifolia* (Coastal Banksia) in the front yard, along the northern site boundary, due to its inappropriate location hard up against the northeast corner of the existing dwelling.

110. The applicant is required to ensure the retention and long term health of all trees located on adjoining properties adjacent to the proposed development. As a general guide there shall be minimal excavation or root pruning within the dripline/s of such trees.

Tree Pruning

111. Prior to the issue of a Construction Certificate, the PCA must ensure that an Arborist who holds a minimum of AQF Level V in Arboriculture, and who is also a registered member of a nationally recognised organisation/association, is engaged to perform pruning, and administering the Tree Protection Measures described later in this report.

112. Permission is also granted for the minimal and selective pruning of the following:

- Only that sucker growth, deadwood, and lower order branches on the eastern aspect of the *Eucalyptus robusta* (Swamp Mahogany), which is located in the front yard, in the southwest corner of the site, where they need to be specifically pruned in order to avoid damage to the tree, conflict with the southwest corner of the proposed building, or interference upon completion;
- Only those lower order branches from the southwest quarter of the *Eucalyptus botryoides* (Bangalay), which is located in the north-east corner of the site, which specifically need to be pruned in order to avoid damage to the tree, conflict with the north-east of the proposed building, or interference upon completion.

NOTE: No pruning of the large Eucalyptus saligna (Sydney Blue Gum), located beyond the southeast corner of the site, in the rear yard of 52 Minneapolis Crescent, should be required given its substantial distance away from all works.

113. Prior to any pruning, the applicant must contact Council's Landscape Development Officer on 9399-0613 to arrange a joint site inspection to confirm the exact amount that is permitted.

114. Pruning can only be undertaken by the site Arborist, and must comply with the requirements of Australian Standard AS 4373-1996 'Pruning of Amenity Trees.'

Tree Protection Measures

115. In order to ensure retention of the endemic tree, a *Eucalyptus robusta* (Swamp Mahogany) located in the front yard, in the southwest corner of the site 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 and canopy to be clearly shown on all drawings.
- b. The construction certificate plans must show that the western wall of

- the proposed basement level will be setback a minimum distance of 3.2 metres from its trunk (measured off its outside edge at ground level), with the construction technique used to be one which does not require further excavations or any associated works beyond this point, and therefore, must involve contiguous bored piers, sheet piling or a similar approved alternative.
- c. Similarly, all physical parts of the proposed ground level and first floor of Town House 1, must be setback a minimum distance of 2.3 metres, adjacent its trunk at these respective levels.
 - d. Other than for the front (western) site boundary, and the front of the proposed building, there must be no excavations for strip footings within the front courtyard of the development, with the design for the ground floor balcony, garden areas and fencing needing to be mindful that, in order to minimise the damage of roots, only pier and beam type footings or localised pads (as appropriate) can be used, with suitable details and notations which confirm compliance with these requirements needing to be provided.
 - e. The construction certificate plans must show that existing levels in this front setback will be maintained as existing, with no excavations for pipes, services, stormwater systems or similar to be undertaken in this area, as has been shown on the submitted Stormwater Concept by Concept Stormwater Drainage Plan by AJK Structural/Civil Engineers, registration SW200802-3, sheet 1 of 1, amendment 3, dated 12.10.09.
 - f. Until such time as this part of the site is being landscaped, 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 2.5 metres to its south and east, as well as 4.5 metres to its north (measured off the outside edge of its trunk at ground level), matching up with the front (western) boundary, in order to completely enclose this tree for the duration of works.
 - g. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE, DO NOT ENTER".
 - h. Within the zone described in point 'f' above, there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble.
 - i. The site Arborist (refer eligibility requirements in the Tree Pruning condition earlier in this report), must ensure that initial excavations associated with any approved works within the zone specified in point 'f' are performed by hand, to a minimum depth of 600mm.
 - j. Any roots encountered that are in conflict with the proposed works and need to be pruned, must be cut cleanly by hand, ONLY by the site Arborist, with the affected area to be backfilled with clean site soil as soon as practically possible, with no roots (whether intact or cut) to be left exposed to the air in order to prevent the entry of pathogens, pests and diseases.
 - k. A layer of woodchip mulch to an average depth of between 50-75mm must be maintained within the fenced off exclusion zone until landscaping/turfing surrounding the tree is taking place.

116. As well as to ensure retention of the *Eucalyptus botryoides* (Bangalay), located in the rear yard, in the northeast corner of the site 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 and canopy to be clearly shown on all drawings.
 - b. The construction certificate plans must show that the eastern wall of the proposed basement level will be setback a minimum distance of 9.0 metres from its trunk (measured off its outside edge at ground level), with the construction technique to be used to be one that does not require further excavations or any associated works beyond this point, and must therefore involve contiguous bored piers, sheet piling or a similar approved alternative.
 - c. Similarly, all physical parts of the proposed rear patio for proposed Town House 4 must be setback a minimum distance of 3.9m, with the ground level to be 4.1m away, and the first floor 4m, adjacent its trunk at these respective levels.
 - d. The OSD area and all associated stormwater services proposed in the rear portion of the site (as shown on the submitted Stormwater Concept by Concept Stormwater Drainage Plan by AJK Structural/Civil Engineers, registration SW200802-3, sheet 1 of 1, amendment 3, dated 12.10.09) must be deleted, with any OSD area needing to be constructed wholly within the basement level, as this will avoid roots being damaged during excavations; prevent the suffocation of fine feeder roots near the surface due to raising the soil levels, and will also improve the size and useability of the private open space available for the future occupants of Town House 4.
 - e. The applicant must demonstrate through the inclusion of current spot levels & notations, that existing soil levels for that area between the rear of the proposed building and rear boundary will be maintained as existing, and must also remain as a porous/permeable area.
 - f. 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 3.5 metres to its west and south (measured off the outside edge of its trunk at ground level), matching up with the northern and eastern site boundaries respectively, in order to completely enclose this tree for the duration of works.
 - g. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT ENTER".
 - h. Within the zone specified in point 'f' above, there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble.
 - i. Any roots encountered during the course of the approved works must be cut cleanly by hand, by the site Arborist, and the affected area backfilled with clean site soil as soon as practically possible.
 - j. A 50-75mm layer of woodchip mulch is to be maintained within the TPZ

for the duration of the works, until such time as this area is being landscaped/turfed.

117. In order to ensure retention of the large *Eucalyptus saligna* (Sydney Blue Gum) located beyond the southeast corner of the site, in the rear yard of 52 Minneapolis Crescent, 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 and canopy to be clearly shown on all drawings.
 - b. Any new common boundary fencing along the rear and side boundaries, within 6 metres of its trunk must be that which requires the use of localised, pad footings only.
 - c. Other than the approved landscaping, there shall be no other excavations or the placement of new structures, services or similar within a 6 metre radius of the southeast corner of the site.
 - d. Until such time as this part of the site is being landscaped, this tree is to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing, which shall be located at a 4 metre radius off the southeast corner of the site, matching up with the southern and eastern boundaries, in order to completely exclude the western side of its root plate from the works.
 - e. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT ENTER".
 - f. Within the TPZ described in point 'd' above, there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble.
 - g. Any roots encountered during the approved works, must be cut cleanly by hand, by the site Arborist, with the affected area to be backfilled with clean site soil as soon as practically possible, with no roots (whether intact or cut) to be left exposed to the air in order to prevent the entry of pathogens, pests and diseases.
 - h. A layer of woodchip mulch to an average depth of between 50-75mm must be maintained within the TPZ, until landscaping/turfing surrounding the tree is taking place.
- Further information and details on Council's requirements for trees on development sites can be obtained from the recently adopted Tree Technical Manual, which can be downloaded from Council's website at the following link, <http://www.randwick.nsw.gov.au> - Looking after our environment – Trees – Tree Management Technical Manual; which aims to achieve consistency of approach and compliance with appropriate standards and best practice guidelines.

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.

A4 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/Andrews) CARRIED UNANIMOUSLY - SEE RESOLUTION.

**CP77/09 Director City Planning Report - 6-28 Harvey Street, Little Bay
(DA/571/2008/c)**

350/09

RESOLUTION: (Matson/Andrews)

That Council as the responsible Consent Authority grant consent under Section 96(2) of the Environmental Planning and Assessment Act 1979 to modify Development Consent No DA/571/2008 for addition of 7 townhouses, alteration to carparking involving relocation of at-grade carparking in block C to new basement carpark underneath, additional lofts and roof terraces and alterations to facades of dwelling at 6-28 Harvey Street, Little Bay, in the following manner:

A Amend Condition No. 1 to read:

1. The development must be implemented substantially in accordance with the **Section 96 (2) plans numbered DA 2 001 Rev. C, DA 2 00 Rev. E, DA 2 01 Rev. A, DA 2 02 Rev. A, DA 2 03 Rev. A, DA 5 01 Rev. A, DA 5 02 Rev. A, DA 5 03 Rev. A, DA 5 04 Rev. A, DA 6 01 Rev. A, DA 6 02 Rev. A, DA 6 03 Rev. B, and stamped and received by Council on 28 July 2009, BASIX Assessment with BASIX Certificate No. 35515334, dated 21 July 2009, and received by Council on 28 July 2009, the Draft Strata Plan Sheets 1 to 8 issued 21 July 2009 and prepared by Denny Linker & Co. and stamped and received by Council on 28 July 2009**, only in so far as they relate to the modifications detailed in the Section 96 applications, and highlighted on the Section 96 plans except as may be amended by the following conditions and the details approved pursuant to the deferred

commencement conditions and as may be shown in red on the attached plans:"

B Amend Condition No. 2 to read:

2. The external colours, materials and finishes of the proposed development and the landscaping shall be in accordance with the details prepared by Batesmart, dated July 2009, and submitted to Council on 28 July 2009.

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

**CP78/09 Director City Planning Report - 8 Nagle Avenue, Maroubra
(DA/774/2009)**

Having declared an interest in this item Cr Andrews left the chamber, taking no part in the discussion or voting on the matter.

351/09

RESOLUTION: (Matthews/Belleli)

That Council, as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/774/2009 for permission to alterations & additions to an existing dwelling at 8 Nagle Avenue, Maroubra subject to the following conditions:

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

1. The development must be implemented substantially in accordance with the plans numbered 51/09 dated 12/10/09 and received by Council on 22nd October 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 additions are to be compatible with the existing dwelling and adjacent development to maintain the integrity and amenity of the building and the streetscape.
3. The hip roof associated with the car port is not to overhang Council's footpath. This is to be shown on the Construction Certificate plans and approved as part of that application.

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

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

Category	Cost	Applicable Levy	S94A Levy
Development cost \$100,001 - \$200,000	\$ 130,000	0.5%	\$650.
Development Cost More than \$200,000	N/A	1.0%	N/A

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

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

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

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

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

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

6. 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.

7. 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.

8. 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:

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

application for the development.

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

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

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

10. 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.

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 (BCA).

12. **Prior to the commencement of any building works**, the following requirements must be complied with:

- a) 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*.

A copy of the construction certificate, the approved development consent plans and 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.

- b) a *Principal Certifying Authority* (PCA) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and
- c) a *principal contractor* must be appointed for the building work, or in relation to residential building work, an *owner-builder* permit may be obtained in accordance with the requirements of the *Home Building Act 1989*, and the PCA and Council are to be notified accordingly; and
- d) the *principal contractor* must be advised of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*; and
- e) at least two days notice must be given to the Council, in writing, prior to commencing building works.

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).

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:
- 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.

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

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

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

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)
- 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. 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.
20. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 E of the *Environmental Planning & Assessment Regulation 2000*, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.
- a) If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development must, at the person's own expense:
- i) protect and support the adjoining premises from possible damage from the excavation, and
 - ii) where necessary, underpin the adjoining premises to prevent any such damage.
- b) The condition referred to in subclause 1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.
21. 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:
- 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,
 - new dwellings or additions to dwellings sited up to shared property boundaries (e.g. additions to a semi-detached dwelling or a terraced dwelling),
 - 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 may be 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.

22. 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.
23. 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 requirements of the *Protection of the Environment Operations Act 1997* and NSW DECC Guidelines must be satisfied at all times.
24. 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.

25. 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.

The sediment and erosion control measures are to be in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to the satisfaction of Council and details are to be provided in the Construction Site Management Plan.

26. 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.
- A4 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA) and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards and you are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.

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

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

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

AMENDMENT: (Hughes/Matson) that the recommendation contained in the Director City Planning's report be approved, which also included the following condition:-

A privacy screen must be provided along the entire length of the western side of the first floor balcony to match the screens proposed along both the northern and southern sides of the balcony, as shown on the approved plans. The screen must be located 1.2 metres above the floor level of the balcony to a height of 1.5 metres. This screen is to be shown on the Construction Certificate plans and approved as part of that application. **LOST (ON CASTING VOTE OF THE MAYOR).**

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

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

**CP79/09 Director City Planning Report - 195-199 Maroubra Road, Maroubra
(Maroubra Junction Hotel) (DA/395/2008)**

Having previously declared an interest in this item Cr Smith left the chamber, taking no part in the discussion or voting on this matter.

352/09

RESOLUTION: (Matson/Andrews)

That Council as the responsible authority grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No DA/395/2008 for alterations to Maroubra Junction Hotel including new lift, refurbishment of basement level and ground floor levels, new internal stairs, new function room & lounge, associated facilities at first floor level, outdoor terrace at first floor, alterations & additions to second floor including provision of hotel rooms, managers residence, terraces, administration area (Heritage Item) at 195-199 Maroubra Road, Maroubra, subject to the following conditions:

Deferred Commencement Conditions

- D1 This consent does not operate until the applicant satisfies the Council, in accordance with the Regulations, as to all matters specified in this condition:
- a) The making of a voluntary planning agreement (VPA) to the satisfaction of the council providing for the payment of a lump sum Development Contribution of \$150,000 by bank cheque to Randwick City Council which will be applied towards the cost of providing a bicycle lane along Maroubra Road extending from Bunnerong Road to Malabar Road
 - b) The registration of the VPA upon the title to the land subject of this development application.
 - c) Council has acknowledged compliance with this condition in writing.

Period within which evidence must be produced

The applicant must produce evidence to Council sufficient enough to enable it to be satisfied as to those matters above within 365 days (1 year) of the date of determination.

Clause 95(4) of the Regulation:

"The applicant may produce evidence to the consent authority sufficient to enable it to be satisfied as to those matters and, if the consent authority has specified a period for the purpose, the evidence must be produced within that period."

Note: Nothing in the Act prevents a person from doing such things as may be necessary to comply with this condition. (See section 80(3) of the Act)

Note: Implementing the development prior to written confirmation of compliance may result in legal proceedings. If such proceedings are required Council will seek all costs associated with such proceedings as well as any penalty or order that the Court may impose. No Construction Certificate can be issued until all conditions including this condition required to be satisfied prior to the issue of any Construction Certificate have been satisfied.

Referenced plans:

1. The development must be implemented substantially in accordance with the plans numbered DA202.A to DA212.A dated 11/4/08 and 4/6/08 and DA215.B dated 5/11/08 and received by Council on 6/11/08, the application form, and on any supporting information received with the application, except as may be amended by the details/amendments approved pursuant to the deferred commencement conditions and by the following conditions and as may be shown in red on the attached plans:

Heritage Conditions

The following conditions are applied to ensure appropriate treatment of heritage fabric on the site:

2. Prior to a Construction Certificate being issued for the development, the applicant shall:
 - a) Submit details of the proposed external materials and colours for approval by Council's Director City Planning in accordance with Section 80A(2) of the Environmental Planning and Assessment Act 1979. Unpainted brickwork is to remain unpainted.
 - b) Submit a signage policy for the building for the approval of Council's Director City Planning. In preparing the signage policy, the applicant shall have regard to historic photographs of the building.

Social Impact Conditions

The following conditions are applied to ensure social impact is acceptable:

3. The hotel must be operated according to the existing harm minimisation strategies identified within the Social Impact Assessment (SIA) and the Plan of Management (POM) provided by BBC Consulting Planners to accompany the development application DA/395/08.

Security Deposit Conditions

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

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

- a) \$2000.00 - Damage / Civil Works Security Deposit

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

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

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

The applicant is to advise Council in writing and/or photographs of any signs of

existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

Civil Works Conditions

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

5. 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.
6. 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.
7. A Works Zone is to be provided for the duration of the construction works. The 'Works Zone' shall be provided to the satisfaction of the Randwick Traffic Committee and shall have a minimum length of 12 metres. The prescribed fee for the Works Zone must be paid to Council at least four (4) weeks prior to the commencement of work on the site.

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

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

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

Service Authority Conditions

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

9. 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.
10. A Road / Asset Opening Permit must be obtained from Council prior to carrying out any public utility service works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.

The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of

Council, prior to the issuing of a final occupation certificate for the development.

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

11. 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.
12. The applicant shall meet the full cost of the overhead power lines and telecommunication cables located in the vicinity of the development site to be relocated underground and all redundant power poles to be removed. The applicant shall liaise directly with the relevant service utility authorities to organise for the wires/cables to be relocated. All wires cables must be relocated underground to the satisfaction of the relevant service utility authority prior to the issuing of an occupation certificate for the development.
13. A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.

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

The Notice must be issued to the Principal Certifying Authority prior to the construction certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.

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

14. Detailed drainage plans shall be submitted to and approved by the certifying authority prior to the issue of a construction certificate. The drainage plans shall demonstrate compliance with the conditions of this development approval.
15. All site stormwater must be discharged (by gravity) to the kerb and gutter or drainage system at the front of the property.

Waste Management Conditions

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

16. 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.

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

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

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

18. The L_{10} noise level emitted from the licensed premises shall not exceed the background noise level (L_{90}) in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 7.00am and 12.00 midnight at the boundary of any affected residence. The background noise level shall be measured in the absence of noise emitted from the licensed premises.

The L_{A10} noise level emitted from the licensed premises shall not exceed the background noise level (L_{A90}) in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) between 12.00 midnight and 7.00am at the boundary of any affected residence. The background noise level shall be measured in the absence of noise emitted from the licensed premises.

Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am.

19. The licensee must establish and maintain a formal and documented system for the recording and resolution of complaints made to the licensed premises by residents. All complaints are to be attended to in a courteous and efficient manner and referred promptly to the licensee or duty manager. The appropriate remedial action, where possible, is to be implemented immediately and the licensee or duty Manager is to contact the complainant within 48 hours to confirm details of action taken.

Upon reasonable prior notice, the licensee must make available the incident book to the police and Council officers.

20. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises.

21. The hours of operation of the Maroubra Junction Hotel are restricted to:

Monday to Saturday: 5:00am – 5:00am (24hours)
Sunday: 10:00am – Midnight

22. The hours of operation of the First Floor Terrace are restricted to:

Monday to Saturday: 6:00am – Midnight
Sunday: 10:00am – Midnight

23. The acoustic report submitted in support of this application, prepared by Acoustic Logic Consultancy titled Maroubra Junction Hotel – Stage 2, 195

Maroubra Road Maroubra Junction, Environmental Noise Impact Assessment, Report 2007418/2304A/R6/JZ, dated 21 May 2008 and the noise control recommendations stated in this report form part of this development consent. The following noise control recommendations apply:

Indoor Area:

- Glazing to the eastern façade of the restaurant (including ingress/egress doors) shall be a minimum 10.38mm thick monolithic glass with a minimum STC rating and shall incorporate full perimeter acoustic and astragal seal equal to Schlegal manufacture.
- Ingress/egress doors from the internal hotel space accessing the balcony shall be closed at midnight.
- Ensure that the amplified background music sound reinforcement system is hard set to a maximum level of 75dB(A) LA10.
- All loudspeakers forming part of the amplified background music sound reinforcement system shall be adequately vibration isolated from the building structure.
- A resiliently mounted plasterboard ceiling be installed on the first level Hotel tenancy. The cavity should be a minimum 400mm below the soffit with a resiliently suspended 2 layer 16mm thick fire rated plasterboard ceiling using Embleton RHD mounts or equivalent. The void formed shall be lined with 100mm thick 24kg/m³ density glass wool insulation. All penetrations are to be acoustically sealed using a flexible 100% polyurethane sealant equivalent to Bostik Fireban 1. Services are to be installed below the ceiling with a fit out ceiling below.
- All columns within the first floor hotel space supporting the structure above are to be clad with a discontinuous plasterboard stud construction in order to prevent structure-borne noise, that is, noise borne from vibrations inducted in the building structure, to the residents situated above.
- All duct penetrations and service risers running up through the building are to be acoustically treated.
- Hotel accommodation balconies are to be inaccessible after 8pm.

Outdoor Terrace Area:

- Outdoor terraces are to be vacated prior to midnight.
- The perimeter of the terrace area shall incorporate a solid imperforate barrier as detailed in Figure 2. The imperforate barrier shall have no gaps at its base or between panels and can be constructed from toughened glass, Perspex, fibrous cement or the like. The total effective height of the barrier shall be 2.6m measured off the finished floor level.
- A minimum 2m band of all available wall areas extending from the chair rail upwards be treated with 50mm thick 32kg/m³ density CSR Bradford Supertel insulation with an Ultraphon facing. A suitable facing should be used to cover the insulation. This may be a perforated metal. This is for the purpose of controlling reverberant noise build up within the terrace area.

- Glazing to the bedroom of units on second floor shall be a minimum 10.38mm thick fixed laminated glazing with a minimum 35 STC rating where the bedrooms of such units are exposed to the outdoor terrace area. Glazing shall incorporate full perimeter acoustic seals equal to Schlegal manufacture.
 - Ensure that Management of the Maroubra Junction Hotel supervise the behaviour of patrons utilising the outdoor terrace area.
 - Ensure that signage is visible at egress points and on the outdoor terrace area reminding patrons on the outdoor terrace areas to minimise noise.
 - No amplified loudspeakers to be used on the outdoor terrace area at all times.
 - The outdoor terrace area is not to be used for functions or as a breakout space.
 - The outdoor terrace area is restricted to a maximum of 50 patrons at any one time.
24. All recommended construction requirements detailed in Section 6.4 of the acoustic report prepared by Acoustic Logic Consultancy (*Report 2007418/2304A/R6/JZ*) are to be implemented.
25. 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 validates the previous report prepared by *Acoustic Logic Consultancy* titled *Maroubra Junction Hotel – Stage 2, 195 Maroubra Road Maroubra Junction, Environmental Noise Impact Assessment, Report 2007418/2304A/R6/JZ*, dated 21 May 2008 and which demonstrates and certifies that the cumulative noise and vibration emissions from the development comply with the relevant provisions of the *Protection of the Environment Operations Act 1997*, *Liquor Administration Board (LAB) Noise Criteria*, NSW Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager Environmental Health & Building Services.

The acoustic report is to also state that all the recommended noise control measures have been implemented.

Any additional recommendations made in this report are to be implemented after appropriate approval by Council.

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:

26. The use and operation of the premises shall not give rise to an environmental health nuisance to the adjoining/nearby premises.
27. The use and operation of the premises shall not give rise to an environmental health or public nuisance and there are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.
28. There is to be no entertainment, amplified music or general announcements on any part of the first floor terrace.

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

29. The residential units are to achieve the following internal acoustic amenity criteria:

a) In naturally ventilated residential units; the repeatable maximum L_{Aeq} (1 hour) shall not exceed:

- 35 dB(A) between 10pm and 7am in sleeping areas when the windows are closed;
- 45 dB(A) in sleeping areas when windows are open;
- 45 dB(A) in living areas (24 hours) when the windows are closed, and
- 55 dB(A) in living areas when the windows are open.

b) In residential units provided with mechanical ventilation, air conditioning or other complying means of ventilation, when doors and windows are shut, the repeatable maximum L_{Aeq} (1 hour) shall not exceed:

- 38 dB(A) between 10pm and 7am in sleeping areas;
- 46 dB(A) in living areas (24 hours).

Details of compliance with the relevant criteria is to be included in the construction certificate application and written confirmation of compliance is to be provided to the Council and the Certifying Authority, by the Acoustic consultant, **prior to the construction certificate being issued.**

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

The project specific criteria for noise emissions shall be in accordance with the acoustic report dated 21 May 2008, prepared by Acoustic Logic Consultancy, when measured at the nearest affected boundary:

	Day (7am - 10pm)	Evening (6pm - 10pm)	Night (10pm - 12am)	Night (12am - 7am)
Hotel Accommodation Maroubra Road	62 L_{Aeq} (15mins)	57 L_{Aeq} (15mins)	52 L_{Aeq} (15mins)	49 L_{Aeq} (15mins)
Southern Receivers Ferguson Lane	62 L_{Aeq} (15mins)	57 L_{Aeq} (15mins)	52 L_{Aeq} (15mins)	49 L_{Aeq} (15mins)

The following conditions are applied to ensure compliance with the Food Act 2003 and to ensure public health and safety:

31. The premises is to be designed, constructed and operated in accordance with the Food Act 2003, Food Regulation 2004, Australia & New Zealand Food Standards Code and Australian Standard AS 4674-2004, Design, construction and fit-out of food premises.

32. The premises is to be designed, constructed and operated in accordance with the Food Act 2003, Food Regulation 2004, Australia & New Zealand Food

Standards Code and Australian Standard AS 4674-2004, Design, construction and fit-out of food premises and details of compliance are to be included in the documentation for the **construction certificate** to the satisfaction of the certifying authority.

33. Food safety practices and operation of the food premises must be in accordance with the *Food Act 2003*, *Food Regulation 2004*, *Food Standards Code* and Food Safety Standards at all times, including the requirements and provisions relating to:

- Food handling – skills, knowledge and controls.
- Health and hygiene requirements.
- Requirements for food handlers and businesses.
- Cleaning, sanitising and maintenance.
- Design and construction of food premises, fixtures, fitting and equipment.

A failure to comply with the relevant food safety requirements is an offence and may result in legal proceedings, service of notices and/or the issuing of on-the-spot penalty infringement notices.

34. The food premises must be registered with Council's Environmental Health section and the NSW Food Authority must also be notified of the food business in accordance with the Food Safety Standards, **prior to commencement of food business operations**.

35. Upon completion of the work and **prior to the issuing of an occupation certificate**, the premises must be inspected by Council's Environmental Health Officer to ascertain compliance with relevant Food Safety Standards and the written approval of Council (being the relevant Food Authority for this food business) must be obtained prior to the operation of the food business.

36. The Proprietor of the food business and all staff carrying out food handling and food storage activities must have appropriate skills and knowledge in food safety and food hygiene matters, as required by the Food Safety Standards.

37. The design and construction of food premises must comply with the following requirements, as applicable:-

- The floors of kitchens, food preparation areas and the like are to be constructed of materials which are impervious, non slip and non abrasive. The floor is to be finished to a smooth even surface, graded and drained to a floor waste connected to the sewer.
- The intersection of walls with floor and plinths is to be coved, to facilitate cleaning.
- Walls of the kitchen preparation areas and the like are to be of suitable construction finished in a light colour with glazed tiles, stainless steel, laminated plastics or similar approved material adhered directly to the wall adjacent to cooking and food preparation facilities or areas, to provide a smooth even surface.
- The glazed tiling or other approved material is to extend up to the underside of any mechanical exhaust ventilation hoods and a minimum of 450mm above bench tops or other facilities and equipment.
- Walls where not tiled are to be cement rendered or be of rigid smooth faced non-absorbent material (i.e. fibrous cement sheeting, plasterboard

or other approved material) and finished to a smooth even surface, painted with a washable paint of a light colour or sealed with other approved materials.

- The ceilings of kitchens, food preparation areas, storerooms and the like are to be of rigid smooth-faced, non absorbent material i.e., fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material.
 - All stoves, refrigerators, bain-maries, stock pots, washing machines, hot water heaters, large scales, food mixers, food warmers, cupboards, counters, bars etc.... to be supported on wheels, concrete plinths a minimum 75mm in height, metal legs minimum 150mm in height, brackets or approved metal framework of the like.
 - Cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particleboard or similar material is not permitted unless laminated on all surfaces.
 - Adequate fly screens and doors with self-closing devices, (where applicable), are to be provided to all external door and window openings. An electronic insect control device must also be provided within the food premises.
 - Garbage storage enclosures are to be fitted with a hose cock and the floor is to be graded and drained to an approved floor waste connected to the sewer.
 - A mechanical ventilation exhaust system hood is to be installed where cooking or heating processes are carried out in the kitchen or in food preparation areas, in accordance with the relevant requirements of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2.
 - Wash hand basins must be provided in convenient positions, with hot and cold water, together with a sufficient supply of soap and clean towels. Such hot and cold water shall be supplied to the wash hand basins through an approved mixing device.
 - Ceramic tiles being provided to a height of 450mm above bench tops, wash hand basins and similar fittings.
 - A numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius being provided to refrigerators, cool rooms, other cooling appliances and bain-maries or other heated food storage/display appliances. The thermometer is to be located so as to be read easily from the outside of the appliance.
 - All food that is to be kept hot should be heated within one (1) hour from the time when it was prepared or was last kept cold, to a temperature of not less than 60°C and keep this food hot at or above the temperature. Food that is to be kept cold should be cooled, within four (4) hours from the time when it was prepared or was last kept hot, to a temperature of not more than 5°C and keep this food cold at or below that temperature.
38. A wash hand basin (and soap & towel dispenser) must be provided within the Basement floor bar, Ground floor kitchen, Ground floor bar, First floor kitchen and First floor bar (both service areas). Each wash hand basin is to be provided with hot and cold water via a suitable mixing device.

39. Details of proposed mechanical ventilation systems, detailing compliance with the relevant requirements of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2 (including exhaust air quantities and discharge location points) are to be submitted to and approved by the Certifying Authority with the construction certificate and a copy of relevant documentation is to be provided to Council.
40. A certificate or statement must be provided to the certifying authority and the Council, from suitably qualified person, prior to occupation, which confirms that the mechanical ventilation system satisfies the relevant requirements of the Building Code of Australia and Australian Standards AS 1668 Parts 1 & 2.
41. Adequate provisions are to be made within the premises for the storage, collection and disposal of trade/commercial waste and recyclable materials, to the satisfaction of Council.
42. Liquid trade waste materials are to be disposed of in accordance with the requirements of the Sydney Water, Trade Waste Department and details of compliance are to be submitted to the certifying authority **prior to the commencement of works**.
43. Trade/commercial waste materials must not be disposed via council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed waste collection and disposal service are to be submitted to Council prior to occupation of the building.

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

Regulatory

44. 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.
45. 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*.
46. **Prior to the commencement of any building works** (including fit-out works), a **construction certificate** must be obtained from the Council's Building Certification Services or an Accredited Certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.

A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
47. **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.
48. 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.

49. 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".
50. 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.

51. **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.

52. 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.

53. 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**.

Fire safety

54. The existing levels of fire and safety within the building are to be upgraded in accordance with the following requirements and the fire safety certificate provisions of Part 9 of the *Environmental Planning and Assessment Regulation 2000* must be complied with, **prior to issuing an occupation certificate**:

Upgrading works are to be undertaken in accordance with the fire safety upgrading strategy specified in the report accompanying the application prepared by BCA Logic Pty Ltd dated 19 August 2008 and the provisions of the Building Code of Australia (BCA2009) as applicable.

The following conditions have been applied to protect the amenity of patrons and neighbouring residents and to provide an harmonious environment in

the locality:-

55. Seating in the premises must allow for permanent, unobstructed access to exits from the premises at all times.
56. All paths of travel and stairways shall be maintained clear and unobstructed at all times so as not to impede the free flow or prejudice the safety of persons in the premises.
57. Egress doors shall not be locked or otherwise obstructed at anytime while the premises are occupied.
58. Trading hours shall be in accordance with the Liquor Licence and relevant conditions of Development Consent.
59. The maximum number of persons permitted in the individual entertainment areas is as follows:-
 - *Basement* - 300 persons (including all staff) — which allows for a mixture of patrons seated and standing, plus 5— 10 serving/performing staff)
 - *Ground Floor & First Floor combined* - 700 persons (including all staff)
 - *First Floor* - No more than 350 persons at any time including all staff
60. The number of persons permitted in the premises must not exceed the authorised capacity and appropriate measures are to be implemented to ensure compliance.
61. When entertainment is provided, two security guards or a specially appointed members of staff, identified as such by uniform, to take all reasonable steps to prevent noisy and unruly behaviour of patrons leaving the premises.

The security personnel are to patrol the exterior of the premises 30 minutes prior to the commencement of the entertainment and for 30 minutes after the conclusion of the entertainment.
62. The L_{10} noise level emitted from any music/entertainment shall not exceed 5dB above the background level in any Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) at the nearest affected residential boundary between the hours of 7.00am to midnight. The background level shall be measured in the absence of noise emitted from any music/entertainment provided in premises.
63. The L_{10} noise level emitted from any music/entertainment shall not exceed the background level in any Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) from 12.00 midnight to 7.00am at the nearest affected residential boundary. The background level shall be measured in the absence of noise emitted from any entertainment provided in premises.
64. The use and operation of the premises shall not give rise to an environmental health or public nuisance.
65. A complaints management system, including a complaints register, is to be implemented on an ongoing basis, to ensure that resident complaints can be effectively managed and responded to and the register is to be made available to Council's officers and affected residents.

66. An Annual *Fire Safety Statement* is to be submitted to the Council on an annual basis, certifying the operation of all essential fire and other safety measures within the premises.
67. A progress report, prepared by a suitably qualified Building Code of Australia/fire safety consultant must be submitted Council every 3 months (up until the upgrading works are finalised), which provides details of the status of the upgrading works and which confirms that the works have been carried out in accordance with this approval.
68. Prior to commencing the abovementioned works, a Construction Certificate must be obtained from Council's Building Certification Services or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and *Environmental Planning & Assessment Regulation 2000*. The upgrading works are to be included in **the construction certificate** and be implemented prior to issuing an occupation certificate for the new building or part and written confirmation is to be provided to Council accordingly.
69. 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.

Structural adequacy

70. A Certificate of Adequacy supplied by a *professional engineer* shall be submitted to the certifying authority (*and the Council, if the Council is not the certifying authority*) **prior to a construction certificate being issued** for the development, certifying the structural adequacy of the existing structure to support the additional storey.
71. A Certificate prepared by a professional engineer, shall be submitted to the Council **prior to the issuing of an occupation certificate**, certifying the structural adequacy of the building including all balustrading and hand rails.

Construction site management

72. Demolition work and the removal, storage, handling and disposal of building materials must be carried out in accordance with the following requirements (as applicable):
- Australian Standard 2601 (2001) – Demolition of Structures
 - Occupational Health and Safety Act 2000
 - Occupational Health and Safety (Hazardous Substances) Regulation 2001
 - Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
 - WorkCover NSW Codes of Practice and Guidelines
 - The Protection of the Environment Operations Act 1997 and Protection of

- the Environment Operations (Waste) Regulation 1996.
- Randwick City Council Asbestos Policy (adopted 13 September 2005)

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

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

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

- b) A Demolition Work Plan must be developed and implemented in accordance with Australian Standard AS2601-2001, Demolition of Structures.
- c) A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
- d) Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996. 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) On demolition sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.
- f) A certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council upon completion of the works (prior to an Occupation Certificate being issued), which confirms that the relevant requirements contained in the Asbestos Survey and conditions of consent, in relation to the safe removal and disposal of asbestos, have been satisfied.

74. 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.

75. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be satisfied:

- a) 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.
- b) 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.
- c) A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or footway for services or the like.
- d) Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
- e) Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health, Building & Regulatory Services department.
- f) During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing. Sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction.
- g) Public safety must be maintained at all times and public access to demolition/building works, materials and equipment on the site is to be restricted. If required, a temporary 1.8m high safety fence or hoarding is to be provided to protect the public, located between the work site and the public place. An awning may also be required to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises.

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

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

If it is proposed to locate any hoardings, site fencing or amenities upon any part of the footpath, nature strip or any public place, the written

consent from Council's Health, Building & Regulatory Services department 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.

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

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

- location and construction of protective fencing / hoardings to the perimeter of the site;
- location of site storage areas/sheds/equipment;
- location of building materials for construction;
- provisions for public safety;
- dust control measures;
- site access location and construction;
- details of demolition works 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 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 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.

The following conditions are applied to provide appropriate access and facilities to the premises:

77. Access, facilities and at least one accessible sole occupancy unit being provided for people with disabilities in accordance with the relevant provisions of the Building Code of Australia and AS1428.1 and AS4299 to the satisfaction of the

Certifying Authority. Details of the proposed access, facilities and accessible sole occupancy unit/s for people with disabilities are to be included in the plans / specifications for the **construction certificate**.

All accessible facilities, including all doorways to/from accessible spaces and their associated circulation space, and the provision of and access to accessible toilet(s) will need to be designed/upgraded to comply with the detailed provisions of BCA Part D3 and AS 1428.1-2001, as well as any additional provision imposed by Council as part of any local Access & Mobility Policy.

ADVISORY MATTERS:

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

In this regard, the development consent plans do not show compliance with the deemed-to-satisfy provisions of the BCA. Details of compliance with the relevant provisions of the Building Code of Australia and conditions of development consent are to be provided in the plans and specifications for the construction certificate.

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

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

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

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

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

CP80/09 Director City Planning Report - 88-102 Moverly Road, South Coogee - DA/577/2009 (DA/577/2009)

353/09

RESOLUTION: (Matson/Andrews)

That Council as the consent authority grant its development consent under of Section 80 and 80A of the Environmental Planning and Assessment Act 1979 to Development Application No. DA/577/2009 for the construction of 18 x two storey dwellings with garaging and public domain works within Stage 2A of Endeavour House site and Street Tree Master Plan for whole of Endeavour House site at 88-102 Moverly Road, South Coogee, subject to the following conditions:

The following conditions are applied to satisfy the provisions of section 79C

of the Environmental Planning and Assessment Act 1979 and to maintain reasonable levels of environmental amenity:

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

Plan No.	Revision	Revision Date	Received on
001	B	14-08-09	20-08-09
003	D	23-10-09	23-10-09
004	C	17-09-09	22-09-09
005	C	17-09-09	22-09-09
006	B	14-08-09	20-08-09
037	B	18-08-09	20-08-09
038	A	18-08-09	20-08-09
039	A	17-09-09	22-09-09
040	A	04-09-09	22-09-09
041	C	19-10-09	23-10-09
042	C	19-10-09	23-10-09
043	A	17-09-09	22-09-09
044	A	17-09-09	22-09-09
045	B	19-10-09	23-10-09
046	A	17-09-09	22-09-09
047	A	17-09-09	22-09-09
048	A	17-09-09	22-09-09
049	A	17-09-09	22-09-09
050	B	19-10-09	23-10-09
051	A	17-09-09	22-09-09
052	A	17-09-09	22-09-09
053	A	17-09-09	22-09-09
054	A	17-09-09	22-09-09
055	A	17-09-09	22-09-09
056	A	17-09-09	22-09-09
057	A	17-09-09	22-09-09

the application form and any supporting information received with the application, except as may be amended by the following conditions:

2. The colours, materials and finishes of the external surfaces of the dwelling hours are to be consistent with that indicated in the sample board accompanying the subject development application and received by Council on 21 August 2009.
3. Prior to the issue of any occupation certificate for any dwelling erected within the Stage 2 site, the developer must have completed the construction of the following public pedestrian access ways from the internal roads of the development:
 - (a) to the east to Moverly Road, South Coogee through No. 132 Moverly Road as per Development Consent No. 555/2009; and
 - (b) to the west to Grevillea Place, South Coogee through No. 11 Grevillea Place as per Development Consent No. 554/2009.
4. Fences located on the side or rear boundaries of the premises shall not exceed a maximum height of 1800mm, measured above the finished ground level within the individual site.

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.

The applicant and owner is 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.

5. There must be no encroachment of the structure/s or associated articles onto Council's road reserve, footway, nature strip or public place.
6. Street numbering must be provided to the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council, **prior to an occupation certificate being issued** for the development.

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

7. The 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.
8. External lighting to the premises shall be designed so as not to cause a nuisance to nearby residents.

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

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

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

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

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

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

10. 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	\$5,975,200	1%	\$59,752

more than \$200,000			
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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.

11. 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.
12. 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.

13. 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)
14. In accordance with Clause 154B of the *Environmental Planning & Assessment Regulation 2000*, a Certifying Authority must not issue an Occupation Certificate for this development, unless it is satisfied that each of the required BASIX commitments has been fulfilled.

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

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

Regulations:

15. 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.

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

17. **Prior to the commencement of any building works**, the following requirements must be complied with:

- a) 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*.

A copy of the construction certificate, the approved development consent plans and 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.

- b) a *Principal Certifying Authority* (PCA) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and

- c) a *principal contractor* must be appointed for the building work, or in relation to residential building work, an *owner-builder* permit may be obtained in accordance with the requirements of the *Home Building Act 1989*, and the PCA and Council are to be notified accordingly; and

- d) the *principal contractor* must be advised of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*; and

- e) at least two days notice must be given to the Council, in writing, prior to commencing building works.

2. *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.*

3.

18. The building works must be inspected by the *Principal Certifying Authority* (or other *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).

19. 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".

20. 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**.

21. 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.

22. An **Occupation Certificate** must be obtained from the Principal Certifying Authority **prior to any occupation of the building work** encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979*.

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

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

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

Smoke alarms must comply with AS3786 – Smoke alarms and be connected to the consumer mains electric power supply and provided with a battery back-up. Details of compliance with the provisions of the Building Code of Australia must be included in the plans / specification for the **construction certificate**.

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

25. 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:
- 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,
 - new dwellings or additions to dwellings sited up to shared property boundaries (e.g. additions to a semi-detached dwelling or terraced dwellings),
 - 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 may be 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.

26. 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.

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.

27. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 E of the *Environmental Planning & Assessment Regulation 2000*, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.
- a) If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development must, at the person's own expense:
- i) protect and support the adjoining premises from possible damage from the excavation, and
 - ii) where necessary, underpin the adjoining premises to prevent any such damage.

b) The condition referred to in subclause 1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

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

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

29. 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 requirements of the *Protection of the Environment Operations Act 1997* and NSW DECC Guidelines must be satisfied at all times.

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

A Construction Noise Management Plan, prepared by a suitably qualified person is to be implemented throughout the works, to the satisfaction of the Council. A copy of the strategy must be provided to the Principal Certifying Authority and Council **prior to the commencement of works.**

The Construction Noise Management Plan is to be prepared in accordance with the NSW DECC Construction Noise Guideline.

30. A Registered Surveyor's check survey certificate or *compliance certificate* is to be obtained at the following stage/s of construction to demonstrate compliance with the approved setbacks, levels, layout and height of the building to the satisfaction of the Principal Certifying Authority:

- prior to construction of the footings or first completed floor slab (prior to the pouring of concrete),
- upon completion of the building, prior to issuing an occupation certificate.

The survey documentation must 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.

31. 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.

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

A temporary safety fence is to be provided to protect the public, located to the

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

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

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

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

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

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

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

34. Sediment and erosion control measures must be provided in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to Council's satisfaction.

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.

35. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:
- a) Building materials, sand, soil, waste materials, construction equipment or 5 other activities must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
 - b) Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line or any public place and the stockpiles must be protected with adequate sediment control measures.
 - c) Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.
 - d) 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.
 - e) Any part of Council's road, footway or nature strip which is damaged as a result of the work must be repaired or replaced to Council's satisfaction.

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

36. The air conditioning plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:
- before 8.00am or after 10.00pm on any Saturday, Sunday or public holiday; or
 - before 7.00am or after 10.00pm on any other day.
37. 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.
38. The installation of rainwater tanks shall comply with the following noise control requirements:-
- a) The operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997 and Regulations*.

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

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

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

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

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

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

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

The following conditions are applied to maintain reasonable levels of environmental health, safety and amenity:

41. The land must be remediated to meet the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 and the following requirements must be complied with:
 - a) **Prior to the commencement of any works**, a Remediation Action Plan (RAP) is required to be prepared and be submitted to Council. The RAP is also required to be reviewed by an independent NSW Department of Environment & Climate Change (DECC) Accredited Site Auditor and a written statement is to be provided to the Council with the RAP from the Site Auditor, which confirms that the RAP satisfies the relevant legislative guidelines and requirements and that the land is able to be remediated to the required level and will be suitable for the intended development and use.
 - b) The RAP is to be prepared in accordance with the relevant Guidelines

made or approved by the NSW Department of Environment & Climate Change, including the Guidelines for Consultants Reporting on Contaminated Sites.

This RAP is to include procedures for the following:

- Excavation, removal and disposal of contaminated soil,
 - Site management planning,
 - Validation sampling and analysis,
 - Prevention of cross contamination and migration or release of contaminants,
 - Ground water remediation, dewatering, drainage, monitoring and validation,
 - Unexpected finds.
- c) A NSW Department of Environment & Climate Change (formerly EPA) Accredited Site Auditor, accredited under the *Contaminated Land Management Act 1997*, must be appointed to assess the suitability of the site for its intended development and use.
- d) A Statutory Site Audit Statement and Summary Site Audit Report is to be submitted to Council which verifies that the land has been remediated and the site is suitable for the intended development and satisfies the relevant criteria in the NEPM 1999.

Any requirements contained within an Environmental Management Plan (EMP) which forms part of the Site Audit Statement and Site Audit Report, form part of this consent and must be implemented accordingly. Council is required to be consulted with prior to the development of the EMP and any comments made by Council are required to be taken into consideration prior to finalising the EMP.

- e) The site remediation must be carried out to the satisfaction of the Accredited Site Auditor and a Site Audit Statement and Summary Site Audit Report must be submitted to Council **prior to:**
- i) **a construction certificate being issued for the development or**
 - ii) **a subdivision certificate being issued** for the development, which ever comes first
- f) Remediation works shall be carried out in accordance with the requirements of the *Contaminated Land Management Act 1997*, environmental planning instruments applying to the site, guidelines made by the NSW Department of Environment & Climate Change and Department of Infrastructure Planning & Natural Resources, Randwick City Council's Contaminated Land Policy 1999 and the *Protection of the Environment Operations Act 1997*.
- g) Should the approved remediation strategy including the 'capping' or 'containment' of any contaminated land, details are to be included in the Site Audit Statement (SAS) and Environmental Management Plan (EMP) to the satisfaction of the Site Auditor.

Details of the SAS and EMP (including capping and containment of contaminated land) are also required to be included on the Certificate of Title for the subject land under the provisions of section 88 of the *Conveyancing Act 1919*.

- h) The Site Audit Statement must, where no guideline made or approved under the NSW *Contaminated Land Management Act* is available (as with asbestos), clearly state the source of the standard adopted in determining the suitability of the land for the intended development and use and must also demonstrate its suitability to Council.

In relation to any asbestos contamination, a comprehensive remediation strategy and remedial action plan must be developed, to the satisfaction of the Site Auditor and NSW Department of Health or other suitably qualified and experienced specialist to the satisfaction of the Site Auditor.

The remediation strategy and remedial action plan must demonstrate that the land will be remediated in accordance with relevant guidelines (if any) and to a level or standard where no unacceptable health risk remains from asbestos exposure, which shall be verified upon completion of the remediation works to the satisfaction of the Site Auditor.

- i) A Site Remediation Management Plan must be prepared prior to the commencement of remediation works by a suitably qualified environmental consultant and be implemented throughout remediation works. The Site Remediation Management Plan shall include measures to address the following matters:
- general site management, site security, barriers, traffic management and signage
 - hazard identification and control
 - worker health & safety, work zones and decontamination procedures
 - prevention of cross contamination
 - site drainage and dewatering
 - air and water quality monitoring
 - disposal of hazardous wastes
 - contingency plans and incident reporting
 - details of provisions for monitoring implementation of remediation works and persons/consultants responsible.

A copy of the Site Remediation Management Plan is to be forwarded to Council prior to commencing remediation works.

- j) Any fill importation to the site is to be monitored and classified by the Site Auditor appointed for remediation of the site or a person with his qualifications. Only 'Virgin Excavated Natural Material' (VENM) is to be imported to the site, as detailed in the NSW DECC Waste Classification Guidelines (2008).
- k) Hazardous or intractable wastes arising from the demolition, excavation and remediation process being removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, and with the provisions of:
- *New South Wales Occupational Health and Safety Act, 2000;*
 - *The Occupational Health and Safety (Hazardous Substances) Regulation 2001;*
 - *The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;*
 - *Protection Of the Environment Operations Act 1997 (NSW) and*
 - *NSW DECC Waste Classification Guidelines (2008).*

- l) The works must not cause any environmental pollution, public nuisance

or, result in an offence under the *Protection of the Environment Operations Act 1997* or *NSW Occupational Health & Safety Act (2000) & Regulations (2001)*.

- m) Any new information which is identified during remediation, demolition or construction works that has the potential to alter previous conclusions about site contamination or the remediation strategy shall be notified to the Site Auditor and Council immediately in writing.

The written concurrence of Council must be obtained prior to implementing any changes to the remediation action plan or strategies.

Security Deposit Condition

The following condition is applied to provide adequate security against damage to Council's infrastructure:

42. The following damage/civil works security deposit requirement is to be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused to the roadway, footway, verge or any public place; or as security for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the Environmental Planning and Assessment Act 1979:
- a) \$5000.00 - Damage / Civil Works Security Deposit

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

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

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

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

Traffic conditions/Civil Works Conditions

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

43. Prior to the issuing of an Occupation Certificate for any of the residential dwellings the applicant must meet the full cost for Council or a Council approved contractor to:
- a) Construct full width concrete vehicular crossings and laybacks at kerb opposite the vehicular entrances to the proposed dwellings.
- b) All civil infrastructure works required to provide the proposed pedestrian connection with Latham Park. Works to be to Council's satisfaction.
44. All civil infrastructure works within the proposed development site including, but not limited to, construction of the drainage system within the proposed

road reserve, construction of the private interallotment drainage system/s, construction of the road pavement, construction of kerb and gutter, construction of footpaths within the road reserve and construction of vehicular crossings must be undertaken in accordance with the development consent for Stage 1 and the construction certificate for Stage 2 civil infrastructure works. Construction certificate applications for the proposed dwellings must demonstrate compliance with this requirement. No occupation certificate to be issued until all Stage 2 civil infrastructure works are completed to the satisfaction of certifying authority.

45. All private interallotment drainage systems and future Council controlled drainage systems within the proposed Stage 2A (Development Application 577/2009) and Stage 2B (Development Application 578/2009) must be completed prior to the issuing of an occupation certificate for any dwelling within Stage 2A.
46. All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.
47. Prior to the issue of a construction certificate for the proposed dwellings, the applicant shall submit for approval and have approved by Council's Traffic Engineer a detailed construction traffic management plan. The plan shall demonstrate how construction and delivery vehicles will access the development site during the construction phase of the development.

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

Alignment Level Conditions

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

48. The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage.
 - **2.5% above the design top of kerb opposite at all points within the proposed Stage 2A development site.**
4. The design alignment level at the property boundary must be strictly adhered to.
49. The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the construction certificate.

Service Authority Conditions

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

50. A public utility impact assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building

works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.

51. The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.
52. 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.
53. 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.
54. All services must be located underground.
55. 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:

56. The floor level of all habitable areas, storage areas and garages in the proposed dwellings must be a minimum of 300mm above the critical 1 in 100 year ARI flood level. The applicant's hydraulic consultant, (i.e. the consultant engaged to prepare the drainage system design for the Stage 2 construction certificate), must provide to the certifying authority certification of compliance with this requirement prior to the issuing of a construction certificate for any dwelling.
57. The proposed internal driveways must be designed with a high point at least 150 mm above the critical 1 in 100 year ARI flood level. The applicant's hydraulic consultant, (i.e. the consultant engaged to prepare the drainage system design for the Stage 2 construction certificate), must provide to the certifying authority certification of compliance with this requirement prior to the issuing of a construction certificate for any dwelling.
58. All stormwater discharge from the proposed dwellings site shall be directed to

either the proposed street drainage system, (for houses on the high side of the proposed road) or to the proposed private interallotment drainage system/s for houses that drain away from the road reserve.

59. Detailed drainage plans for each dwelling shall be submitted to and approved by the certifying authority prior to the issue of a construction certificate for that dwelling. The drainage plans shall demonstrate compliance with the conditions of this development approval. All drainage details shall be prepared by a suitably qualified hydraulic consultant who shall, at the completion of the works, certify that the drainage works have been constructed in accordance with the approved drainage plans and relevant standards.

Waste Management Conditions

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

60. A waste storage area shall be provided within each dwelling, screened from view and sized to contain a total of 3 waste bins (1 x 120L garbage bin, 1 x 240L recycling bin & 1 x 240L green waste bin) whilst providing satisfactory access to these bins. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.
61. 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:

62. Landscaping for each individual lot within Stage 2A must be installed substantially in accordance with the Private Lot Principles & Planting Schedule and Typical House Types C & L by EDAW/AECOM, drawing numbers SK-L-DA-848 & 849E, revision D, dated 13.08.09; however, Council requires that the following changes be shown on amended plans, which must be submitted to, and be approved by the PCA for each lot, prior to the issue of Construction Certificates for each dwelling:
- a) Deletion of the following species, which are to be replaced with alternative species of similar form and function:
 - i) *Coprosma repens* (Looking Glass Plant) as it is recognised as an environmental weed which invades areas of native bushland;
 - ii) *Pennisetum alopecuroides* (Fountain Grass) as this species has also demonstrated a capacity to escape cultivation and spread by wind blow seed;
 - iii) *Poa labillardieri* (Poa) as it does not remain evergreen which gives a poor appearance.
 - b) Plant schedules must nominate the quantity, location and spacing for all planting proposed within each lot, and must be shown at their full size at maturity in order to avoid future maintenance issues for both the landscaping and dwellings;

- c) Any tree plantings that will achieve a height of 6 metres, and/or, a canopy spread of 4 metres upon maturity, must be setback a minimum distance of 2.5 metres from any physical part of a proposed dwelling;
 - d) Additional notation or details for soil, mulch, edging, paving, fencing, surface finishes, retaining walls or any other landscape elements in order to fully describe the proposed landscape works;
 - e) Any hydraulic/stormwater systems must attempt to reduce the placement of detention tanks and pits within areas of private open space so as to maximise the useability of these areas by future occupants.
63. The landscaping must be installed in accordance with the approved documentation, prior to the issue of a Final Occupation Certificate, and must be maintained in accordance with these plans.

Entry Road Planting

64. As part of the proposed development, the applicant will be responsible for landscaping the entry road verges and central median, and is to be undertaken substantially in accordance with the Entry Detail Plan & Entry Road Section by EDAW/AECOM, drawing numbers SK-L-DA-842 – 843H, revision H dated 18.08.2009.
65. However, prior to the PCA issuing a Construction Certificate for the Stage 2A public domain works, the applicant will need to make the following changes on an amended plan, which must be submitted to, and approved in writing by Council's Landscape Development Officer:
- Deletion of *Poa labillardieri* (Tussock Grass) and *Danthonia tenuior* (Wallaby Grass) as neither species remain evergreen, and give the appearance of poor maintenance, and shall be replaced with suitable *Lomandra* or *Dianella* cultivars or similar approved alternatives;
 - Where stormwater will fall towards depressed garden beds in this area, a combination of *Dianella* 'Little Jess' and 'Breeze' shall be used, and must be setback 300mm from the path/roadway edge. Conversely, where garden beds are raised above, or slope down towards adjoining hard surfacing, *Lomandra* 'Tanika' and 'Katrinus' shall be used;
 - The planting rates for both situations described above shall be 9 Viro-tubes or 6 x 150mm pots per square metre;
 - Certification must be provided showing that imported soils comply with AS4419 – 2003: Soils for landscaping & garden use, and for mulches, AS4454 – 2003 Composts, Soil Conditioners & Mulches;
 - Incorporation of a larger feature tree to accentuate and announce entry to the site, similar as to what is proposed at the southwest corner of this area;
 - Drip irrigation shall be provided to this entry area planting only, with suitable details of the system and 'As Built' drawings to be provided;
 - Additional details of how drainage will be diverted both into and away from the sedge planting proposed within the central median.
 - detention tanks and pits within areas of private open space so as to

maximise the useability of these areas by future occupants.

66. The Entry Planting area must be completed in accordance with the approved documentation, and prior to a Final Occupation Certificate being issued for the Stage 2B public domain works, the applicant must contact Council's Landscape Development Officer on 9399-0613 to perform a Final Inspection.
67. The applicant will be responsible for addressing any issues identified by Council, with written satisfaction needing to be obtained, prior to the issue of Final Occupation Certificate, and Council accepting dedication of this public area.
68. Any substation required is to be screened from view, with the proposed location, elevation and screening method to be shown.
69. The applicant must also provide details to Council's satisfaction, showing how the existing trees within the adjoining public reserve, Latham Park, will be protected during the course of the works, with additional details of any construction works along this common boundary, as well as how measures such as, but not limited to, protective fencing, sediment/erosion control and any other methods will be used to ensure their preservation.
70. Any pruning required from these neighbouring park trees where they overhang the common boundary into the site and need to be specifically pruned so as to avoid damage to the trees, or, to avoid conflict with the proposed works, MUST be done so in consultation with Council's landscape Development Officer (9399-0613).
71. This pruning must be conducted in accordance with any instruction issued by Council's officer, as well as AS 4373-1996 'Pruning of Amenity Trees', and can only be undertaken by an Arborist who holds a minimum of AQF Level V in Arboriculture, and who is also a registered member of a nationally recognised organisation/ association.

Street Tree Masterplan

72. As part of the proposed development, the applicant will be responsible for the provision of street trees throughout Stage 2A, and must be carried out substantially in accordance with the Stage 2 Landscape Masterplan by EDAW/AECOM, drawing number SK-L-DA-841H, revision H, dated 18.08.2009.
73. Prior to the issuing of a Construction Certificate for the Stage 2A public works, the applicant must submit to, and have approved in writing by Council's Landscape Development Officer, an amended Street Tree Masterplan which complies with the following requirements:
 - Deletion of *Fraxinus griffithii* (Evergreen Ash), to be replaced by *Elaeocarpus reticulatus* (Blueberry Ash);
 - Wherever possible, street trees will be planted in a staggered arrangement along the length of a roadway rather than being placed opposite each other so as to create a more streamlined appearance and minimal 'gaps' between their canopies;
 - In order to avoid both overcrowding as well as future maintenance issues associated with both the trees and surrounding infrastructure, all proposed trees must be shown at their mature size;
 - The exact location (showing distances in metres) of all proposed street

trees must be shown to ensure that there is no obstruction to the line of sight near vehicle crossings, intersections, infrastructure such as signs, poles, lights etc.

- detention tanks and pits within areas of private open space so as to maximise the useability of these areas by future occupants.
74. Works associated with the Street Tree Masterplan must be completed in accordance with the approved documentation, and prior to a Final Occupation Certificate being issued for the Stage 2A public domain works, the applicant must contact Council's Landscape Development Officer on 9399-0613 to perform a Final Inspection.
75. The applicant will be responsible for addressing any issues identified by Council, with written satisfaction needing to be obtained, prior to the issue of a Final Occupation Certificate, and Council accepting dedication of these public trees.

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 Certification Services section prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:-

- Install or erect any site fencing, hoardings or site structures
- Operate a crane or hoist goods or materials over a footpath or road
- Placement of a waste skip or any other container or article.

For further information please contact Council's Building Certification Services on 9399 0944.

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.

A4 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA) and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards and you are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.

A5 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/Andrews) CARRIED UNANIMOUSLY - SEE RESOLUTION.

CP81/09 Director City Planning Report - 88-102 Moverly Road, South Coogee - DA/578/2009 (DA/578/2009)

354/09

RESOLUTION: (Matson/Andrews)

- A. That Council as the consent authority grant its development consent under of Section 80 and 80A of the Environmental Planning and Assessment Act 1979 to Development Application No. DA/578/2009 for the construction of 11 x two storey detached dwellings and 6 x two storey townhouses with garaging, public domain works within stage 2B of Endeavour House site at 88-102 Moverly Road, South Coogee, subject to the following conditions:

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

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

Plan No.	Revision	Revision Date	Received on
001	B	14-08-09	20-08-09
003	C	17-09-09	22-09-09
004	C	17-09-09	22-09-09
005	C	17-09-09	22-09-09
006	B	14-08-09	20-08-09
036	B	18-08-09	20-08-09
037	B	18-08-09	20-08-09
039	A	17-09-09	22-09-09
040	B	22-10-09	23-10-09
041	B	22-10-09	23-10-09
042	B	22-10-09	23-10-09
043	A	09-09-09	22-09-09
044	A	09-09-09	22-09-09
045	A	10-09-09	22-09-09
046	A	10-09-09	22-09-09
047	A	10-09-09	22-09-09
048	A	04-09-09	22-09-09
049	A	10-09-09	22-09-09
050	A	10-09-09	22-09-09
051	A	04-09-09	22-09-09
052	A	10-09-09	22-09-09
053	A	10-09-09	22-09-09
054	A	10-09-09	22-09-09
055	A	10-09-09	22-09-09
056	A	10-09-09	22-09-09

the application form and any supporting information received with the application, except as may be amended by the following conditions:

2. The colours, materials and finishes of the external surfaces of the dwelling hours are to be consistent with that indicated in the sample board accompanying the subject development application and received by Council on 21 August 2009.

3. Prior to the issue of any occupation certificate for any dwelling erected within the Stage 2 site, the developer must have completed the construction of the following public pedestrian access ways from the internal roads of the development:
 - (a) to the east to Moverly Road, South Coogee through No. 132 Moverly Road as per Development Consent No. 555/2009; and
 - (b) to the west to Grevillea Place, South Coogee through No. 11 Grevillea Place as per Development Consent No. 554/2009.
4. Fences located on the side or rear boundaries of the premises shall not exceed a maximum height of 1800mm, measured above the finished ground level within the individual site.

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.

The applicant and owner is 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.

5. There must be no encroachment of the structure/s or associated articles onto Council's road reserve, footway, nature strip or public place.
6. Street numbering must be provided to the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council, **prior to an occupation certificate being issued** for the development.

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

7. The 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.
8. External lighting to the premises shall be designed so as not to cause a nuisance to nearby residents.

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

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

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

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

and go to the Building, Developing and Plumbing, then Quick Check or Building and Renovating or telephone 13 20 92.

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

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

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

Category	Cost	Applicable Levy	S94A Levy
Development Cost more than \$200,000	\$5,504,400	1%	\$55,044

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.

11. 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.
12. 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.

13. 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)

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

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

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

15. 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.

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

17. **Prior to the commencement of any building works**, the following requirements must be complied with:

- a) 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*.

A copy of the construction certificate, the approved development consent plans and 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.

- b) a *Principal Certifying Authority* (PCA) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and
- c) a *principal contractor* must be appointed for the building work, or in relation to residential building work, an *owner-builder* permit may be obtained in accordance with the requirements of the *Home Building Act 1989*, and the PCA and Council are to be notified accordingly; and
- d) the *principal contractor* must be advised of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*; and
- e) at least two days notice must be given to the Council, in writing, prior to commencing building works.

5. *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.*

6.

18. The building works must be inspected by the *Principal Certifying Authority* (or other *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).

19. 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".
20. 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.**

21. 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.

22. An **Occupation Certificate** must be obtained from the Principal Certifying Authority **prior to any occupation of the building work** encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979*.

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

occupation certificate.

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

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

Smoke alarms must comply with AS3786 – Smoke alarms and be connected to the consumer mains electric power supply and provided with a battery back-up. Details of compliance with the provisions of the Building Code of Australia must be included in the plans / specification for the **construction certificate**.

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

25. 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:

- 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,
- new dwellings or additions to dwellings sited up to shared property boundaries (e.g. additions to a semi-detached dwelling or terraced dwellings),
- 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 may be 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.

26. 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.

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.

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

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

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

29. 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 requirements of the *Protection of the Environment Operations Act 1997* and NSW DECC Guidelines must be satisfied at all times.

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

A Construction Noise Management Plan, prepared by a suitably qualified person is to be implemented throughout the works, to the satisfaction of the Council. A copy of the strategy must be provided to the Principal Certifying Authority and Council **prior to the commencement of works.**

The Construction Noise Management Plan is to be prepared in accordance with the NSW DECC Construction Noise Guideline.

30. A Registered Surveyor's check survey certificate or *compliance certificate* is to be obtained at the following stage/s of construction to demonstrate compliance with the approved setbacks, levels, layout and height of the building to the satisfaction of the Principal Certifying Authority:
- prior to construction of the footings or first completed floor slab (prior to the pouring of concrete),

- upon completion of the building, prior to issuing an occupation certificate.

The survey documentation must 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.

31. 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.
32. Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied, to the satisfaction of Council.

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

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

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

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

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

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

34. Sediment and erosion control measures must be provided in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to Council's satisfaction.

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.

35. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:

- a) Building materials, sand, soil, waste materials, construction equipment or 5 other activities must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
- b) Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line or any public place and the stockpiles must be protected with adequate sediment control measures.
- c) Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.
- d) 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.
- e) Any part of Council's road, footway or nature strip which is damaged as a result of the work must be repaired or replaced to Council's satisfaction.

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

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

- before 7.00am or after 10.00pm on any other day.
37. 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.

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

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

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

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

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

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

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

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

The following conditions are applied to maintain reasonable levels of environmental health, safety and amenity:

41. The land must be remediated to meet the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 and the following requirements must be complied with:

- a) **Prior to the commencement of any works**, a Remediation Action Plan (RAP) is required to be prepared and be submitted to Council. The RAP is also required to be reviewed by an independent NSW Department of Environment & Climate Change (DECC) Accredited Site Auditor and a written statement is to be provided to the Council with the RAP from the Site Auditor, which confirms that the RAP satisfies the relevant legislative guidelines and requirements and that the land is able to be remediated to the required level and will be suitable for the intended development and use.
- b) The RAP is to be prepared in accordance with the relevant Guidelines made or approved by the NSW Department of Environment & Climate Change, including the Guidelines for Consultants Reporting on Contaminated Sites.

This RAP is to include procedures for the following:

- Excavation, removal and disposal of contaminated soil,
 - Site management planning,
 - Validation sampling and analysis,
 - Prevention of cross contamination and migration or release of contaminants,
 - Ground water remediation, dewatering, drainage, monitoring and validation,
 - Unexpected finds.
- c) A NSW Department of Environment & Climate Change (formerly EPA) Accredited Site Auditor, accredited under the *Contaminated Land Management Act 1997*, must be appointed to assess the suitability of the site for its intended development and use.
 - d) A Statutory Site Audit Statement and Summary Site Audit Report is to be submitted to Council which verifies that the land has been remediated and the site is suitable for the intended development and satisfies the relevant criteria in the NEPM 1999.

Any requirements contained within an Environmental Management Plan (EMP) which forms part of the Site Audit Statement and Site Audit Report, form part of this consent and must be implemented accordingly. Council is required to be consulted with prior to the development of the EMP and any comments made by Council are required to be taken into consideration prior to finalising the EMP.

- e) The site remediation must be carried out to the satisfaction of the Accredited Site Auditor and a Site Audit Statement and Summary Site Audit Report must be submitted to Council **prior to:**
 - i) **a construction certificate being issued for the development or**
 - ii) **a subdivision certificate being issued** for the development, which ever comes first

- f) Remediation works shall be carried out in accordance with the requirements of the *Contaminated Land Management Act 1997*, environmental planning instruments applying to the site, guidelines made by the NSW Department of Environment & Climate Change and Department of Infrastructure Planning & Natural Resources, Randwick City Council's Contaminated Land Policy 1999 and the *Protection of the Environment Operations Act 1997*.
- g) Should the approved remediation strategy including the 'capping' or 'containment' of any contaminated land, details are to be included in the Site Audit Statement (SAS) and Environmental Management Plan (EMP) to the satisfaction of the Site Auditor.

Details of the SAS and EMP (including capping and containment of contaminated land) are also required to be included on the Certificate of Title for the subject land under the provisions of section 88 of the *Conveyancing Act 1919*.

- h) The Site Audit Statement must, where no guideline made or approved under the NSW *Contaminated Land Management Act* is available (as with asbestos), clearly state the source of the standard adopted in determining the suitability of the land for the intended development and use and must also demonstrate its suitability to Council.

In relation to any asbestos contamination, a comprehensive remediation strategy and remedial action plan must be developed, to the satisfaction of the Site Auditor and NSW Department of Health or other suitably qualified and experienced specialist to the satisfaction of the Site Auditor.

The remediation strategy and remedial action plan must demonstrate that the land will be remediated in accordance with relevant guidelines (if any) and to a level or standard where no unacceptable health risk remains from asbestos exposure, which shall be verified upon completion of the remediation works to the satisfaction of the Site Auditor.

- i) A Site Remediation Management Plan must be prepared prior to the commencement of remediation works by a suitably qualified environmental consultant and be implemented throughout remediation works. The Site Remediation Management Plan shall include measures to address the following matters:
- general site management, site security, barriers, traffic management and signage
 - hazard identification and control
 - worker health & safety, work zones and decontamination procedures
 - prevention of cross contamination
 - site drainage and dewatering
 - air and water quality monitoring
 - disposal of hazardous wastes
 - contingency plans and incident reporting
 - details of provisions for monitoring implementation of remediation works and persons/consultants responsible.

A copy of the Site Remediation Management Plan is to be forwarded to Council prior to commencing remediation works.

- j) Any fill importation to the site is to be monitored and classified by the

Site Auditor appointed for remediation of the site or a person with his qualifications. Only 'Virgin Excavated Natural Material' (VENM) is to be imported to the site, as detailed in the NSW DECC Waste Classification Guidelines (2008).

- k) Hazardous or intractable wastes arising from the demolition, excavation and remediation process being removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, and with the provisions of:
- *New South Wales Occupational Health and Safety Act, 2000;*
 - *The Occupational Health and Safety (Hazardous Substances) Regulation 2001;*
 - *The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;*
 - *Protection Of the Environment Operations Act 1997 (NSW) and*
 - *NSW DECC Waste Classification Guidelines (2008).*
- l) The works must not cause any environmental pollution, public nuisance or, result in an offence under the *Protection of the Environment Operations Act 1997* or *NSW Occupational Health & Safety Act (2000) & Regulations (2001)*.
- m) Any new information which is identified during remediation, demolition or construction works that has the potential to alter previous conclusions about site contamination or the remediation strategy shall be notified to the Site Auditor and Council immediately in writing.

The written concurrence of Council must be obtained prior to implementing any changes to the remediation action plan or strategies.

Security Deposit Conditions

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

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

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

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

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

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

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

commencement of any building/demolition works.

Traffic conditions/Civil Works Conditions

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

43. Prior to the issuing of an Occupation Certificate for any of the residential dwellings the applicant must meet the full cost for Council or a Council approved contractor to:
 - a) Construct full width concrete vehicular crossings and laybacks at kerb opposite the vehicular entrances to the proposed dwellings.
44. All civil infrastructure works within the proposed development site including, but not limited to, construction of the drainage system within the proposed road reserve, construction of the drainage system from the proposed road reserve to the downstream end of the development site, construction of the private interallotment drainage system/s, construction of the road pavement, construction of kerb and gutter, construction of footpaths within the road reserve and construction of vehicular crossings must be undertaken in accordance with the development consent for Stage 1 and the construction certificate for Stage 2 civil infrastructure works. Construction certificate applications for the proposed dwellings must demonstrate compliance with this requirement. No occupation certificate to be issued until all Stage 2 civil infrastructure works are completed to the satisfaction of certifying authority.
45. All private interallotment drainage systems and future Council controlled drainage systems within the proposed Stage 2A (Development Application 577/2009) and Stage 2B (Development Application 578/2009) must be completed prior to the issuing of an occupation certificate for any dwelling within Stage 2B.
46. All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.
47. Prior to the issue of a construction certificate for the proposed dwellings, the applicant shall submit for approval and have approved by Council's Traffic Engineer a detailed construction traffic management plan. The plan shall demonstrate how construction and delivery vehicles will access the development site during the construction phase of the development.

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

Proposed Public Access way Conditions

48. Lighting along the proposed pedestrian access way 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.
49. Details of fencing along the northern and southern side of the public pedestrian access way extending from the internal roads of the Endeavour House site development to the west to Grevillea Place, through No. 11 Grevillea Place, shall be submitted to and approved by Council's Director City Planning prior to a Construction Certificate being issued for the development in accordance with Land and Environment Court approval dated 5 February 2009 (Appeal No.

10701 of 2008) and section 80A (2) of the Environmental Planning and Assessment Act 1979.

50. The proposed 1.5m wide concrete footpath/public pedestrian access way shall be constructed in general accordance with the report, plans and sections detailed in the document prepared by ADW Johnson dated July 2009 and titled "Engineering Design Report Public Pedestrian Access way Linking 11 Grevillea Place within the Endeavour Site". The applicant must meet the full cost for Council or a Council approved contractor to construct the footpath. All works must be carried out in accordance with Council's specifications. Construction of the public pedestrian access way shall be completed prior to the issue of any occupation certificate for any dwelling erected upon the land the subject of Development Applications Nos. DA/77/2008 and DA/578/2009 in accordance with Condition No. 4B of the Land and Environment Court Approval dated 5 February 2009 (Appeal No. 10701 of 2008).
51. A Landscape plan for the proposed public pedestrian access way must 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 works). The applicant shall note the following when preparing the landscape plan:
- a) Any larger planting required in any proposed garden beds should be those species which will only attain a mature height similar to that of the common boundary fencing in this area;
 - b) Planting is to be restricted solely to low growing, low maintenance grass/strap leaf like plants that will not encroach onto the proposed walkway, and require regular and on-going trimming in order to avoid interference;
 - c) Nomination of exactly what is to be planted where and quantities, so that a continuous cover along the length of the walkway (on both sides) is achieved.

Alignment Level Conditions

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

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

- **2.5% above the design top of kerb opposite at all points within the proposed Stage 2B development site.**

7.

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

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

Service Authority Conditions

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

54. A public utility impact assessment must be carried out on all public utility

services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.

55. The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.
56. 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.
57. 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.
58. All services must be located underground.
59. 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:

60. The floor level of all habitable areas, storage areas and garages in the proposed dwellings must be a minimum of 300mm above the critical 1 in 100 year ARI flood level. The applicant's hydraulic consultant, (i.e. the consultant engaged to prepare the drainage system design for the Stage 2 construction certificate), must provide to the certifying authority certification of compliance with this requirement prior to the issuing of a construction certificate for any dwelling.
61. The proposed internal driveways must be designed with a high point at least 150 mm above the critical 1 in 100 year ARI flood level. The applicant's hydraulic consultant, (i.e. the consultant engaged to prepare the drainage system design for the Stage 2 construction certificate), must provide to the certifying authority certification of compliance with this requirement prior to

the issuing of a construction certificate for any dwelling.

62. All stormwater discharge from the proposed dwellings site shall be directed to either the proposed street drainage system, (for houses on the high side of the proposed road) or to the proposed private interallotment drainage system/s for houses that drain away from the road reserve.
63. Detailed drainage plans for each dwelling shall be submitted to and approved by the certifying authority prior to the issue of a construction certificate for that dwelling. The drainage plans shall demonstrate compliance with the conditions of this development approval. All drainage details shall be prepared by a suitably qualified hydraulic consultant who shall, at the completion of the works, certify that the drainage works have been constructed in accordance with the approved drainage plans and relevant standards.

Waste Management Conditions

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

64. A waste storage area shall be provided within each dwelling, screened from view and sized to contain a total of 3 waste bins (1 x 120L garbage bin, 1 x 240L recycling bin & 1 x 240L green waste bin) whilst providing satisfactory access to these bins. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.
65. 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:

66. Landscaping for each individual lot within Stage 2B must be installed substantially in accordance with the Private Lot Principles & Planting Schedule and Typical House Types C & L by EDAW/AECOM, drawing numbers SK-L-DA-848 & 849E, revision D, dated 13.08.09; however, Council requires that the following changes be shown on amended plans, which must be submitted to, and be approved by the PCA for each lot, prior to the issue of Construction Certificates for each dwelling:
 - a) Deletion of the following species, which are to be replaced with alternative species of similar form and function:
 - i) *Coprosma repens* (Looking Glass Plant) as it is recognised as an environmental weed which invades areas of native bushland;
 - ii) *Pennisetum alopecuroides* (Fountain Grass) as this species has also demonstrated a capacity to escape cultivation and spread by wind blow seed;
 - iii) *Poa labillardieri* (Poa) as it does not remain evergreen which gives a poor appearance.

- b) Plant schedules must nominate the quantity, location and spacing for all planting proposed within each lot, and must be shown at their full size at maturity in order to avoid future maintenance issues for both the landscaping and dwellings;
 - c) Any tree plantings that will achieve a height of 6 metres, and/or, a canopy spread of 4 metres upon maturity, must be setback a minimum distance of 2.5 metres from any physical part of a proposed dwelling;
 - d) Additional notation or details for soil, mulch, edging, paving, fencing, surface finishes, retaining walls or any other landscape elements in order to fully describe the proposed landscape works;
 - e) Any hydraulic/stormwater systems must attempt to reduce the placement of detention tanks and pits within areas of private open space so as to maximise the useability of these areas by future occupants.
67. The landscaping must be installed in accordance with the approved documentation, prior to the issue of a Final Occupation Certificate, and must be maintained in accordance with these plans.

Public Reserve/Central Park

68. As part of the proposed development, the applicant will be responsible for landscaping the public reserve identified as Central Park, which shall be undertaken substantially in accordance with the Park Detail Plan, Park Section & Model and Park Sections by EDAW/AECOM, drawing numbers SK-L-DA-844 – 846H, revision H dated 18.08.2009, as well as the covering letter by Mirvac, dated 20th October 2009 and received by Council on 23rd October 2009, including Appendix 1 – Concept Proposal, and Appendix 2 – Conceptual Images.
69. Prior to the issuing of a Construction Certificate for the Stage 2B public domain works, the applicant will need to make the following changes on an amended plan, which must be submitted to, and approved in writing by Council's Landscape Development Officer:
- A fully detailed plan for the proposed playground area (as shown on the letter dated 20th October 2009 and received by Council on 23rd October 2009);
 - Deletion of *Poa labillardieri* (Tussock Grass) and *Danthonia tenuior* (Wallably Grass) as neither species remain evergreen, and give the appearance of poor maintenance, and shall be replaced with suitable *Lomandra* or *Dianella* cultivars or similar approved alternatives;
 - The actual location and canopy spread of those existing trees which are nominated for retention, with a site specific Tree Protection Plan outlining how this will be achieved is to be submitted for Council's satisfaction;
 - In order to reduce excessive maintenance once this reserve is dedicated to Council, concrete surfacing or a similar treatment shall be provided between the proposed seating steps/terraces, rather than grass as has been shown;
 - All proposed park items must be suitably robust and vandal proof wherever possible, with details for all proposed furniture, lighting, surface finishes, specifications and similar to be provided so that the integrity of the design can be maintained into the future;
 - At least 1-2 large (12m+) evergreen native feature trees shall be incorporated

into the open turfed area for the purpose of both amenity and shade, with all tree plantings to be located to the perimeter of this area so as to maximise the area available for recreation, with open turfed areas to be as level as practically possible for the same reason;

- Footpaths within the park must be a minimum of 1.5 metre wide, and must be suitably graded to comply with disabled access requirements;
 - Grass areas must be installed in the form of turf rolls and not seeded;
 - Where stormwater will fall towards depressed garden beds in this area which are to be mass planted, a combination of *Dianella* 'Little Jess' and 'Breeze' shall be used, and must be setback 300mm from the path/roadway edge. Conversely, where garden beds are raised above, or slope down towards adjoining hard surfacing, *Lomandra* 'Tanika' and 'Katrinus' shall be used;
 - The planting rates for both situations described above shall be 9 Viro-tubes or 6 x 150mm pots per square metre;
 - Certification must be provided showing that imported soils comply with AS4419 – 2003: Soils for landscaping & garden use, and for mulches, AS4454 – 2003 Composts, Soil Conditioners & Mulches.
70. The Central Park works must be completed in accordance with the approved documentation, and prior to a Final Occupation Certificate being issued for the Stage 2B public domain works, the applicant will be required to contact Council's Landscape Development Officer on 9399-0613 to perform a Final Inspection.
71. The applicant will be responsible for addressing any issues identified by Council, with written satisfaction needing to be obtained, prior to the issue of Final Occupation Certificate, and prior to Council accepting dedication of this public reserve.
72. Any substation required is to be screened from view, with the proposed location, elevation and screening method to be shown.
73. Where those existing trees shown for retention need to be specifically pruned so as to avoid damage to the trees, or, to avoid conflict with the proposed works, it MUST be done so in consultation with Council's Landscape Development Officer (9399-0613). This pruning must be conducted in accordance with any instruction issued by Council's officer, as well as AS 4373-1996 'Pruning of Amenity Trees', and can only be undertaken by an Arborist who holds a minimum of AQF Level V in Arboriculture, and who is also a registered member of a nationally recognised organisation/ association.

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 Certification Services section prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:-

- Install or erect any site fencing, hoardings or site structures
- Operate a crane or hoist goods or materials over a footpath or road
- Placement of a waste skip or any other container or article.

For further information please contact Council's Building Certification Services on 9399 0944.

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.

A4 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA) and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards and you are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.

A5 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/Andrews) CARRIED UNANIMOUSLY - SEE RESOLUTION.

CP82/09 Director City Planning Report - Reporting Variations to Development Standard under State Environment Planning Policy No. 1 (SEPP1) from 1 October to 31 October 2009 (F2008/00122)

355/09 **RESOLUTION: (Matson/Andrews)** that the report be received and noted.

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

CP83/09 Director City Planning Report - Maroubra Beach Urban Design Review (F2006/00355)

356/09 **RESOLUTION: (Andrews/Seng)** that

- (a) Draft planning controls be developed for the Maroubra Beach Commercial Centre consistent with the concept plan that was endorsed by the Maroubra Beach Renewal Working Group and any further development of that concept through the Working Group; and
- (b) Council continue to consult with the Maroubra Beach Renewal Working Group and the wider community in the development of the concept plan and draft planning controls for the Maroubra Beach Commercial Centre.

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

CP84/09 Director City Planning Report - Draft 'An Inclusive Randwick City'

(F2004/08006)

357/09 **RESOLUTION: (Bowen/ Woodsmith)** that

- a) Council endorse the draft "An Inclusive Randwick City" to be exhibited for further community consultation and comment; and
- b) Council agree that the Director, City Planning may make minor adjustments to rectify any numerical, typographical, interpretation and formatting errors as required in preparing the draft plan for public exhibition.

MOTION: (Bowen/Woodsmith) CARRIED UNANIMOUSLY – SEE RESOLUTION.

General Manager's Reports**GM54/09 General Manager's Report - Affixing of the Seal (F2009/00042)**

358/09 **RESOLUTION: (Belleli/Andrews)** that the Council's Seal be affixed to the signing of the access deed between Council and Vodafone Network Pty Ltd and Optus Mobile Pty Ltd.

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

GM55/09 General Manager's Report - Arrangements During Xmas/New Year Period for Decision Making and Schedule of Meetings for 2010 (F2004/06565)

359/09 **RESOLUTION: (Belleli/Andrews)** that:

- a) The 'Council in Recess Procedure' be updated as follows;

'The Mayor, the Chairpersons of the Planning Committee, the Administration & Finance Committee, the Community Services Committee and the Works Committee or in his/her absence (or if the Mayor is the Chairperson of the Committee) the Deputy Chairpersons and the General Manager jointly be authorised to make decision which would otherwise be made by the Council and any such decision are to be unanimous and circulated to Councillors for their information.'
- b) the Council Meeting recess commence following the ordinary meeting scheduled to be held on Tuesday 8 December 2009 and meetings be resumed on Tuesday 9 February 2010 (with Committee meetings being held on that night) and during the recess period the amended 'Council in Recess Procedure' be utilised, subject to the need for any extraordinary meetings, which may be called in extenuating circumstances; and
- c) the meeting schedule for the 2010 calendar year be adopted.

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

GM56/09 General Manager's Report - Integrated Planning and Reporting Nomination (F2006/00716)

360/09 **RESOLUTION: (Belleli/Andrews)** that Council nominate for Group 1 in relation to the commencement of the Local Government Amendment (Planning and Reporting) Act 2009.

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

GM57/09 General Manager's Report - Review of the 2009-13 Management Plan - September 2009 Quarterly Report (F2009/00052)

361/09 **RESOLUTION: (Smith/Andrews)** that the information contained in the September 2009 Quarterly Review of the 2009-13 Management Plan be received and noted.

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

Director City Services Reports**CS23/09 Director City Services Report - La Perouse Loop Road Coastal Walk Extension (PROJ/10171/2009)**

362/09 **RESOLUTION: (Belleli/Andrews)** that Council:

- (a) endorse the amended La Perouse Loop Road Coastal Walk Extension – Concept Plan (Refer Attachment 3 to the report tabled);
- (b) exhibit the amended plan for information and notify the key stakeholders of the amended plan; and
- (c) organise a secure parking space for Sundays and public holidays for Mr John Cann to enable him to continue with his "Snake Man" shows, which are a very popular tourist attraction at La Perouse.

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

Director Governance & Financial Services Reports**GF49/09 Director Governance & Financial Services Report - Blenheim House Open Days (F2004/06336)**

363/09 **RESOLUTION: (Notley-Smith/ Andrews)** that Council

- (a) receive and note the report;
- (b) adopt the proposed open days for 2009, being Thursday December 10th and Sunday December 13th, 2009; and
- (c) request the General Manager to prepare a report to Council in early 2010 addressing the issues of open days, lease conditions, maintenance checks and planning for the future occupancy and use of Blenheim House on completion of the current lease agreement in February 2018, in accordance with Council's ten (10) year Strategic Plan.

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

GF50/09 Director Governance & Financial Services Report - Notice of Acquisition of Land - Stewart Street Laneway, Randwick (F2004/06325)

364/09 **RESOLUTION: (Nash/Andrews)** that Council:

- a) Approves the acquisition of the Reserve comprising Lot 1 DP 1141835 by compulsory process in accordance with Section 186 and 197 of the Local Government Act 1993 (NSW) for the purpose of pedestrian foot reserve;

- b) Approves the making of an application to the Minister for Local Government for the issue of a proposed acquisition notice (PAN) under the Land Acquisitions (Just Terms Compensation) Act 1991 (NSW) (Act) with respect to the Reserve;
- c) Approves the making of an application to the Governor for the publication of an Acquisition Notice in the Government Gazette under the Act with respect to the Reserve; and
- d) Classifies the land as community land.

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

GF51/09 Director Governance & Financial Services Report - Boatshed Cafe Lease from Department of Lands, 1611 Anzac Parade, La Perouse (F2004/06324)

365/09 **RESOLUTION: (Andrews/ Hughes)** that

- (a) the report on the lease from the Department of Lands to First Fleet Marine Pty Ltd be received and noted; and
- (b) Council write to the Minister for Lands requesting the removal of the stannard wharf.

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

GF52/09 Director Governance & Financial Services Report - Budget Review - September 2009 Quarter (F2008/00650)

366/09 **RESOLUTION: (Belleli/Andrews)** that:

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

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

GF53/09 Director Governance & Financial Services Report - Increase in Non-Members' Green Fees for Randwick Golf Course (F2004/06336)

367/09 **RESOLUTION: (Belleli/Andrews)** that Council supports the proposed increase in non-member green fees at Randwick Golf Club by \$1.00 from 1 December, 2009 and a further \$1.00 increase each second year for the next six (6) years.

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

GF54/09 Director Governance & Financial Services Report - Investment Report - October 2009 (f2004/06527)

368/09 **RESOLUTION: (Belleli/Andrews)** that the investment report for October 2009 be received and noted.

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

GF55/09 Director Governance & Financial Services Report - Insurance Pooling and Local Government Tendering Requirements (F2005/00503)

369/09

RESOLUTION: (Belleli/ Andrews) that due to the unavailability of competitive tenderers, Council determines that a satisfactory result would not be achieved by inviting tenders for the provision of any insurances (excluding Workers Compensation and CTP) and remain with Statewide Mutual.

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

GF56/09 Director Governance & Financial Services Report - Review of Councillors Expenses and Facilities Policy (F2004/06576)

370/09

RESOLUTION: (Woodsmith/Nash) that:

- a) the Councillors' Expenses & Facilities Policy be publicly exhibited for a period of 28 days in accordance with the requirements of the *Local Government Act 1993*;
- b) the General Manager seek advice from the Department of Local Government on the proposed amendments made by Councillor Stevenson with respect to legal assistance and pre-approved expense limits and bring a report back to Council outlining the Department's response; and
- c) a copy of this report to Council, the report arising from part (b) above and the revised policy be submitted to the Department of Local Government.

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

AMENDMENT: (Stevenson/Bowen) that the following amendments be added to the Policy on exhibition:-

- (a) Part 1 Clause (xvi) Dispute Resolution – the first paragraph to have the additional wording “and a pre-approved limit be advised if requested.”
- (b) the proposed new clause in Part 7 – Legal Assistance to now read “Council will not meet the legal costs of legal proceedings initiated by a Councillor under any circumstances, except for appeals processes where a councillor would be covered by the policy for the proceedings below.” **LOST.**

Cr White left the Chamber at this point in the meeting, the time being 9.06pm.

Petitions

Nil.

Motion Pursuant to Notice

NM65/09 Motion Pursuant to Notice - Notice of Motion from Cr Andrews - Extra Police Presence in Coogee over the Summer Months. (F2004/07501)

371/09

RESOLUTION: (Andrews/Belleli) that Council write to both the NSW Minister for Police/Member for Maroubra, The Hon Michael Daley and the Member for Coogee, Paul Pearce requesting the following:

1. Increase in police numbers for the Eastern Beaches Local Area Command.
2. A greater police presence in the Coogee Basin over the coming summer months including but not limited to higher visibility policing that being regular

- foot patrols in order to prevent anti social behaviour;
3. Enforcement of declared alcohol free zone as adopted by this Council.

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

**NM66/09 Motion Pursuant to Notice - Notion of Motion from Cr Andrews -
Developing a Policy on Banning Trans Fats in Food Outlets in the
Randwick City Area (F2004/08221)**

372/09 **RESOLUTION: (Andrews/Belleli) that:**

- a) Council develop a policy banning the use of trans fats by food outlets in the City of Randwick by using powers vested to Council in accordance with the Environmental Planning and Assessment Act; and
b) a report come back to Council in respect to the above.

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

**NM67/09 Motion Pursuant to Notice - Notice of Motion from Cr Andrews -
Kerb and Guttering in Eastmore Place (F2004/00887)**

373/09 **RESOLUTION: (Andrews/Nash)** that Council consider, in future budgets, kerb and guttering and road re-surfacing of Eastmore Place, Maroubra.

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

**NM68/09 Motion Pursuant to Notice - Notice of Motion from Cr Matthews -
Relocation of a Convicted Paedophile (F2004/06062)**

374/09 **RESOLUTION: (Matthews/Andrews)** that Council write to the relevant Minister and the Member for Maroubra, The Hon Michael Daley, Minister for Police, seeking advice as to whether convicted paedophile Dennis Ferguson is residing in Malabar or anywhere else in the Randwick City area.

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

**NM69/09 Motion Pursuant to Notice - Notice of Motion from Cr Matthews -
Penalties for Walking Dogs Off the Leash (F2004/07426)**

375/09 **RESOLUTION: (Matthews/Belleli)** that Council increases resources to proactively patrol our parks, beaches and streets and enforce the applicable penalties for adults who are walking their dogs off the leash and/or not picking up after them.

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

**NM70/09 Motion Pursuant to Notice - Notice of Motion from Cr Bowen -
Safety Requirements for Window & Door Openings (F2006/00055)**

This matter was withdrawn with the consent of Council.

**NM71/09 Motion Pursuant to Notice - Notice of Motion from Cr Bowen -
Dementia Community Support Grants (F2007/00086)**

376/09 **RESOLUTION: (Bowen/Belleli)** that Council apply under the *Dementia Community Support Grants - Round Three* to obtain a grant of funding to raise dementia awareness in Randwick City and information on support and respite service available within Randwick City for sufferers of dementia and their carers.

**MOTION: (Bowen/Belleli) CARRIED UNANIMOUSLY – SEE RESOLUTION.
NM72/09 Motion Pursuant to Notice - Notice of Motion from Cr Bowen -
Introducing a Information & Reference Service for Aged and
Respite Services (F2004/06289)**

377/09 **RESOLUTION: (Bowen/Belleli)** that Council prepare a report to examine the viability of creating an aged care information and reference service to assist the residents of Randwick City locate and obtain available assistance for aged and respite care within the Randwick Council area.

MOTION: (Bowen/Belleli) CARRIED UNANIMOUSLY – SEE RESOLUTION.

**NM73/09 Motion Pursuant to Notice - Notice of Motion from Cr Matson -
Climate Change Vulnerability Mapping (F2008/00363)**

378/09 **RESOLUTION: (Matson/Belleli)** that the recent Coastal Council's document "Climate Change Vulnerability Mapping as a Stakeholder Engagement Tool: Case Study from Sydney Australia" be reviewed at an upcoming Councillor briefing session for its relevance to the Randwick City Council area.

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

**NM74/09 Motion Pursuant to Notice - Notice of Motion from Cr Matson -
Political Connections to the Randwick Rugby Club (DA/194/2008)**

379/09 **RESOLUTION: (Matson/Woodsmith)** that Council note that Cr Matson may make representations to the General Manager concerning the position taken by a number of Councillors with respect to the declarations of alleged conflicts of interest during council debates on the recent development application from the Randwick Rugby Club.

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

Confidential Reports

GF57/09 Confidential - Tender for Yarra Bay Kiosk - T07/09 (F2004/07367)

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

380/09 **RESOLUTION: (Andrews/Smith)** that Council:

- a) accepts the tenders submitted by Advanced Catering Service for the Licence of the Yarra Bay Kiosk;
- b) authorises the General Manager to sign and affix the Council Seal to the licence documents on behalf of Council for a 2 year term with an option to extend for a further terms of 2 years; and
- c) notifies the unsuccessful tenderers.

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

**GF58/09 Confidential - Lease to Kensington Bowling Club, 1 Day Lane,
Kensington (F2004/07367)**

This matter is considered to be confidential under Section 10A(2) (d) Of the Local Government Act, as it deals with commercial information of a confidential nature that

would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.

381/09 **RESOLUTION: (Andrews/ Smith)** that Council approves the execution of a new five (5) year lease agreement with Kensington Bowling Club in accordance with the Community Facilities Management Policy, including requirements for the upgrade of the kitchen facilities, and that the Council Seal be affixed to the signing of the lease agreement.

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

MM94/09 Confidential - Special Mayor's Australia Day Award (F2009/00265)

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

382/09 **RESOLUTION: (Mayor, Cr J Procopiadis)** that Julie Dunsmore AM be awarded a special Mayor's Australia Day Community Service Award, as part of Council's Community Services Awards on 26 January 2010.

MOTION: (Mayor, Cr J Procopiadis) CARRIED - SEE RESOLUTION.

Notice of Rescission Motions

NR7/09 Notice of Rescission Motion - Notice of Rescission Motion from Councillors Stevenson, Bowen and Tracey - Proposed Building Program 2010-2017 (F2007/00367)

MOTION: (Stevenson/Bowen) that the resolution passed at the Ordinary Council meeting held on Tuesday 20 October 2009 reading as follows:

RESOLUTION: (Matson/Hughes) that:

- a) Council supports, in principle, a building levy to fund a seven year building maintenance and construction program for community facilities and endorses commencing the preparation of a submission to the Department of Local Government, subject to Councillors finalising a detailed building and maintenance program at the Councillors' Workshop in November and its subsequent adoption by Council in December (the workshop to include discussion/consideration of pensioner concessions); and
- b) the final percentage increase be decided by the full Council after public consultation of Council's resolution of December and in exhibiting the detailed program, Council should survey residents as to whether they;
 - A. agree that the building maintenance and construction program is necessary and that they are willing to support a building levy; or
 - B. agree that a building maintenance and construction program is necessary but should be funded from other sources, such as self-funding from entrepreneurial initiatives; or
 - C. do not agree that a building maintenance and construction program is necessary at all.

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

Notices of Rescission Motions

Nil.

There being no further business, His Worship the Mayor, Cr J Procopiadis, declared the meeting closed at 10.10 pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 8 December 2009.

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CHAIRPERSON