



**MINUTES OF ORDINARY COUNCIL MEETING OF THE COUNCIL OF  
THE CITY OF RANDWICK HELD ON TUESDAY, 8 DECEMBER 2009 AT  
6:04 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 (from 6.50pm) & 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
Manager Information Services	Mr G Curley

**Prayer & Acknowledgement of Local Indigenous People**

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

**Apologies/Granting of Leave of Absences**

Nil.

**Confirmation of the Minutes**

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING  
HELD ON TUESDAY 24 NOVEMBER 2009**

**RESOLUTION: (Andrews/White)** that the Minutes of the Ordinary Council Meeting

383/09

held on Tuesday 24 November 2009 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

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

- (a) Cr Belleli declared a non significant non pecuniary interest in items NM78/09 and MM99/09 as supporters of these proposals have been clients of he and his wife's business in the past.
- (b) Cr White declared a pecuniary interest in item GM60/09 as the person nominated is the HR Manager at his place of business and they are currently negotiating a new employment agreement. Cr White will be taking no part in the debate or voting on the matter.
- (c) Cr Matson declared a non significant non pecuniary interest in item NM78/09 as he lives in the vicinity of Lexington Place.
- (d) Cr Matson declared a non significant non pecuniary interest in item NM76/09 as the originator of this idea is a friend of his.
- (e) Cr Smith declared a non significant non pecuniary interest in item CP91/09 as his parents are Directors of a Company that owns an adjacent property at 251 Oberon Street, Coogee.
- (f) Cr Nash declared a non significant non pecuniary interest in item CP91/09 as he has a professional association with the representative of one of the objectors.
- (g) Cr Nash declared a significant non pecuniary interest in item GM60/09 as his cousin's father-in-law is a Trust Member. Cr Nash will be taking no part in the debate or voting on the matter.
- (h) Cr Matthews declared a non significant non pecuniary interest in item CP91/09 as he knows the applicant.
- (i) Cr Belleli declared a pecuniary interest in item MM100/09 as his dance school performed at this event last year. Cr Belleli will be taking no part in the debate or voting on the matter.

### **Address of Council by Members of the Public**

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

MM98/09 SHADE STRUCTURE - SOUTHERN CROSS CLOSE, KINGSFORD

**For** Peter Schick

MM99/09 LEADING WOMEN

**For** Rosita Leoni

CP85/09 92 ALISON ROAD, RANDWICK

**Against** Jenny Buchanan - on behalf of the applicant

**For** Tony Moody - on behalf of the objectors

CP89/09 37 HOUSTON ROAD, KINGSFORD

**Against** Tom Ferguson - on behalf of the applicant

CP90/09 4 CUZCO STREET, SOUTH COOGEE

**Against** Matthew Lawrence - on behalf of the objectors

**For** Kathy Aspres - owner

CP91/09 2 WOLSELEY ROAD, COOGEE

**Against** George Karavanas-on behalf of applicant

**For** Mary-Lyn Taylor - on behalf of objectors

CP93/09 124-124A RAINBOW STREET, RANDWICK

**For** Paul Dos Santos - Applicant

NM76/09 NOTICE OF MOTION FROM CR MATSON - DES RENFORD AQUATIC CENTRE

**For** Steve Thompson

NM78/09 NOTICE OF MOTION FROM CR MATSON - SEVEN YEAR BUILDING PROGRAM - LEXINGTON PLACE SHOP FRONT

**For** John Wright

The meeting was adjourned at 7.22pm and was resumed at 7.43pm.

### Mayoral Minutes

#### **MM95/09 Mayoral Minute - Local Government Chief Officers' Group - Attendance of General Manager at March 2010 Meeting (F2008/00390)**

384/09 **RESOLUTION: (Mayor, Cr J Procopiadis)** that Council note the General Manager's attendance at the next meeting of the Local Government Chief Officers Group in March 2010 in Dunedin, New Zealand.

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

#### **MM96/09 Mayoral Minute - Proposal for a Local Government Workshop on Major Water Saving Projects (F2004/06495)**

385/09 **RESOLUTION: (Mayor, Cr J Procopiadis)** that Council endorses the proposal for a joint workshop to be organised by Randwick on water saving initiatives for local government, subject to the involvement and participation of Sydney Water.

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

#### **MM97/09 Mayoral Minute - Keep Australia Beautiful NSW Clean Beach Challenge 2010 - State Winner, Water Conservation Award and Other Awards (F2006/00234)**

386/09 **RESOLUTION: (Mayor, Cr J Procopiadis)** that Council pass on its congratulations to the staff involved in producing these results and achieving the acknowledgement by Keep Australia Beautiful NSW Clean Beach Challenge 2010.

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

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**MM98/09 Mayoral Minute - Shade Structure - Southern Cross Close, Kingsford (F2004/06751)**

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387/09 **RESOLUTION: (Mayor, Cr J Procopiadis)** that Council consider funding \$12,500.00 to cover the cost of upgrading Southern Cross Close, Kingsford to include a 'sail type' shade structure and landscaping improvements in the 2010-11 budget.

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

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**MM99/09 Mayoral Minute - Leading Women (F2006/00304)**

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388/09 **RESOLUTION: (Mayor, Cr J Procopiadis)** that, in order to continue to demonstrate best practice leadership in local government, Council supports the creation and hosting of the 2010 Leading Women program.

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

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**MM100/09 Mayoral Minute - Eastern Suburbs Relay for Life - Cancer Council NSW (F2008/00153)**

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Note: Having declared an interest in this matter previously, Cr Belleli left the chamber during the debate and voting on this item.

389/09 **RESOLUTION: (Mayor, Cr J Procopiadis)** that Council support the 2010 Cancer Council Eastern Suburbs Relay for Life event by:

- a) providing media and other community information to encourage staff and the community to participate in the event;
- b) inviting Waverly and Woollahra Council's to also support the event;
- c) working with the Cancer Council to promote the event; and
- d) allocating \$1,000.00 from the 2009/10 Contingency Fund towards equipment hire, to ensure community safety at the event.

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

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**MM101/09 Mayoral Minute - Historic International Summit on Climate Change in Copenhagen, Denmark (F2006/00507)**

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390/09 **RESOLUTION: (Mayor, Cr J Procopiadis)** that Council recognises the significance of the United Nation's Climate Change Conference in Copenhagen, Denmark and wishes all delegates every success in their attempt to seal a deal between 192 countries to head off global warming.

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

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**MM102/09 Mayoral Minute - Waiving of Fees - Open Air Theatre (F2009/08285)**

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391/09 **RESOLUTION: (Mayor, Cr J Procopiadis)** that:

- (a) subject to a satisfactory outcome of the consultation with the Clovelly Precinct Committee and the Clovelly Surf Club, an "in principle" approval be given for this event and the subsequent waiving of all associated fees to the value of \$3,760.00, such funds to come from the 2009-2010 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's representative shall be given the opportunity to address the event

on behalf of Council.

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

### **Urgent Business**

Nil.

### **Director City Planning Reports**

#### **CP85/09 Director City Planning Report - 92 Alison Road, Randwick (DA/392/2008)**

392/09

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

- A. That Council as the responsible authority confirm its original decision under Section 82A of the Environmental Planning and Assessment Act 1979 (as amended) to refuse development consent to Development Application No. 392/2008 for demolition of the existing dwelling and construction of 5 storey multi unit housing building at 92 Alison Road, Randwick, for the following reasons:
1. The proposed development does not comply with Clause 33 of the Randwick Local Environmental Plan 1998 which prescribes the maximum building height standard, and the SEPP No.1 Objection submitted in relation to this standard is not well founded as the proposed development will have an excessive height, bulk and scale that detracts from existing predominant character of the development in the local area; adversely affects the visual amenity of the streetscape due to the non-compliant and excessive wall height; and results in a development that will adversely affect the amenity of adjoining and surrounding residential uses including loss of views and privacy.
  2. The proposed development is inconsistent with Clause 12 of the Randwick Local Environmental Plan 1998 in that the apartment mix of the proposed development represents a lack of variety in the type and size of dwellings proposed contrary to the objective 1 (a) of the Residential C zoning under Clause 12.
  3. The proposed development does not comply with Clause 31(3) – Landscaping of the Randwick Local Environmental Plan 1998. The non – compliance cannot be considered as it is without a SEPP 1 Objection.
  4. The proposed development does not meet the objectives, and performance criteria/controls contained in the Development Control Plan – Multi-unit Housing as the proposal fails to comply with the requirements of the DCP in relation to: Site Planning (Part 3.1), Height (Part 3.2), Building Setbacks (Part 3.3), Privacy (Part 4.2), View Sharing (Part 4.3).
  5. The proposed development is unacceptable and unreasonable in that the proposed height, bulk, scale, built form and design will have an adverse impact on the amenity of neighbouring residents in terms of loss of iconic and valuable views contrary to the Planning Principles established in the case of Tenacity Consulting v Warringah [2004] NSWLEC 140 in relation to the assessment of view loss.
  6. The proposed development is unacceptable and unreasonable in that the proposed height, bulk, scale, built form and design will have an adverse impact on the amenity of neighbouring residents in terms loss of visual and acoustic privacy, and overbearing height, bulk and scale, and in that regard is not compatible with the scale of residential development in the locality.

7. The proposed height, bulk and scale of the proposed development is unsuitable for the subject site; detracts from the existing predominant character of the local area and is inconsistent with the impacts that may be reasonably expected under the planning controls applicable to the site as provided for in the Planning Principles established in the case of *Veloshin v Randwick Council* [2007] NSWLEC 428 in relation to the assessment of height, bulk and scale.
8. The proposed development is unacceptable and should be refused in so far as it will set an undesirable precedent for similar inappropriate development in the area and in that regard is not in the public interest.

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

**CP86/09 Director City Planning Report - 1R Marine Parade, Maroubra  
(DA/798/2009)**

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393/09

**RESOLUTION: (Andrews/Belleli)**

- A. That Council waive the requirement for a masterplan under Clause 40A of the Randwick LEP 1998 because the proposed development is both minor and ancillary to the current use of the land.
- B. That Council as the responsible authority grant its development consent under Section 80(1) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No DA/798/2009 for partial enclosure of existing outdoor area (western side) and shade cover over existing northern terrace to South Maroubra SLSC at 1R Marine Parade, Maroubra, subject to the following conditions:

**Referenced plans:**

1. The development must be implemented substantially in accordance with the plans numbered DA-01 dated October 2009 and received by Council on 5/11/08, 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:
2. Colours and building materials must match or be compatible with the existing 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***

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. 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*.
5. **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.

6. **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.

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 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.

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,
  - name, address and telephone number of the *Principal Certifying Authority*,
  - a statement stating that "unauthorised entry to the work site is prohibited".
9. 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.
10. 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.
11. **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.

12. 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.*

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

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

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

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

### **Fire safety**



14. 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**:

The fire safety upgrading works specified in the BCA Compliance Assessment, Reference J29235HH, dated 4 November 2009 and prepared by Hayden Howse from Trevor R Howse and Associates in relation to the subject premises are to be implemented prior to the issuing of an occupation certificate.

15. The following works are to be undertaken in accordance with the specified provisions of the Building Code of Australia (BCA):
- 1) Provide a compliant fire hose reel system to the building in accordance with clause E1.4 of the BCA,
  - 2) Provide compliant fire hydrant coverage throughout the entire premises to comply with clause E1.3 of the BCA
  - 3) Balustrades and handrails to all stairways, balconies, decks or the like are to be designed and constructed to satisfy clause D2.16 & D2.17 of the BCA,
  - 4) The FRL's for all new works must comply with the relevant provisions of Specification C1.1 of the BCA and be specified in the documentation for a construction certificate.
  - 5) Provide non-slip finishes or strips to all stairways to satisfy clause D2.13 of the BCA to the satisfaction of the certifying authority.

16. 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***

17. 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 new works and balustrading to the external decks/balconies or the like.

### ***Construction site management***

18. 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)
19. 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](http://www.randwick.nsw.gov.au) in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.*
  - b) A 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 10m<sup>2</sup> of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
  - d) 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.
20. 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.

21. 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.

22. 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 satisfy the relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to the locality:**

23. The use and operation of the premises shall not give rise to an environmental health or public nuisance, vibration or, result in an offence under the *Protection of the Environment Operations Act 1997 and Regulations*.
24. 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*.

**The following conditions are applied to maintain reasonable levels of health and amenity in the neighbourhood:-**

25. The maximum number of patrons permitted in the top floor area is 120.
26. Seating in the premises must allow for permanent, unobstructed access to exits from all areas at all times.
27. 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.
28. Egress doors shall not be locked or otherwise obstructed at anytime while the premises are occupied.
29. Trading hours and functions shall be in accordance with the Liquor Licence and relevant conditions of Development Consent.
30. The L10 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.
31. 28. The L10 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.
32. 29. The use and operation of the premises shall not give rise to an environmental health or public nuisance.
33. 30. A plan of management shall be submitted to and approved by Council within 1 month of this determination for the use of the top floor area, which details the measures to be implemented to ensure compliance with the relevant conditions of approval and:
  - minimise the potential impact of the operation of the premises upon nearby residents.
  - effectively minimise and manage-anti-social behaviour,
  - minimise noise emissions and associated nuisances,
  - effectively manage and respond to resident complaints,
  - ensure responsible service of alcohol and harm minimisation

**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, including:

- a) Part B1 - Structural provisions
- b) Part C1 - Fire resistance and stability
- c) Part E1 - Fire fighting equipment
- d) Part E2 - Smoke Hazard Management
- e) Part E4 - Emergency lighting, exit signs & warning systems
- f) Part F1 - Damp and weatherproofing
- g) Section J - Energy efficiency

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

You are 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.

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

**CP87/09 Director City Planning Report - 45 Military Road, Matraville - Eastern Suburbs Memorial Park (DA/1101/2006/b)**

394/09

**RESOLUTION: (Andrews/Belleli)**

That Council as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No DA/1101/2006/B to alter crypts at the southwest end of the Eastern Suburbs Memorial Park to family vaults and addition of canopies between crypts at 45 Military Road, Matraville, in the following manner:

**Amend Condition 1 to read:**

The development must be implemented substantially in accordance with the plans numbered DA01 to DA10 received by Council on 18 December 2006, the application form and on any supporting information received with the application, as amended by the **Section 96 plans received by Council 11 September 2009, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application**, except as may be amended by the

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

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

**CP88/09 Director City Planning Report - 164 Brook Street, Coogee  
(DA/702/2009)**

395/09

**RESOLUTION: (Smith/Andrews)**

- A. That Council support the objections under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with Clauses 31(3) and 32(2) of the Randwick Local Environmental Plan 1988, relating to landscaped areas over podiums and 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/702/2009 for permission to demolish the existing dwelling and construct a new part two, part three storey building with lower level garaging and storage containing two units with roof terraces at 164 Brook Street, Coogee, subject to the following conditions:
  1. The development must be implemented substantially in accordance with the plans numbered DA/01 through to DA/06, all Issue A, dated 23.09.09 and received by Council on 29 September 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:

**ENVIRONMENTAL AMENITY:**

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

2. The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.

Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the *Environmental Planning and Assessment Act 1979* prior to a construction certificate being issued for the relevant building works.
3. A revised and updated Geotechnical Investigation Report shall be submitted to the satisfaction of Council's Development Engineers prior to the issue of a construction certificate for the proposed multi unit development dwelling.
4. 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.
5. Street and unit numbering must be provided to the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council, **prior to an occupation certificate being issued** for the development.

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.**

6. Power supply and telecommunications cabling to the development shall be underground.
7. 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.
8. The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.
9. The reflectivity index of external glazing for windows of the proposed development is to be no greater than 20%. Written confirmation of the reflectivity index of glazing materials is to be submitted with the Construction Certificate application.

(Note: The reflectivity index of glazing can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement.)

10. There must be no encroachment of the structure/s onto Council's road reserve, footway or public place, unless written permission has been obtained from the Council beforehand.
11. 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 the requirements of the Sydney Water Corporation.**

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

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

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

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

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

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



**Certificate** application for this development.

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

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

**The following condition/s are applied to meet additional demands for public facilities;**

14. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, based on the development cost of \$2,840,423, the following applicable monetary levy must be paid to Council: \$28404.25.

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

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

**The following conditions are applied to 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. 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*.

17. **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.

18. **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.*

19. 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.

20. 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".

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

An Occupation Certificate must not be issued for the development if the development is inconsistent with the development consent. The 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.

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

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

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

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

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

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

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

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

24. 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.*

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

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

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

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

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

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

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

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

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

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

be maintained on site and be made available to Council officers upon request.

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

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

- a. Relevant Occupational Health & Safety legislation and WorkCover NSW requirements
- b. Randwick City Council's Asbestos Policy (adopted 13 September 2005)
- c. A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation).  
Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
- d. On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.
- e. Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996.
- f. A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the Principal certifying authority upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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

29. 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.

30. 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).*

31. 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.

32. 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.

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

- a) Prior to construction of the footings or first completed floor slab (prior to the pouring of concrete), showing the area of the land, building and boundary setbacks and levels of the building.
  - b) On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.
34. 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.
35. Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.

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.

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

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

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

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

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

38. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:
- a. Building materials, sand, soil, waste materials, construction equipment or 5 other activities must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
  - b. Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line or any public place and the stockpiles must be protected with adequate sediment control measures.
  - c. Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.
  - d. A warning sign for soil and water management must be displayed in a prominent position on the building site, visible to both the public and site workers. The sign must be displayed throughout the construction period. Copies of a suitable warning sign are available at Council's Customer Service Centre for a nominal fee.
  - e. Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health Building and Regulatory Services section.



- f. Any part of Council's road, footway or nature strip which is damaged as a result of the work must be repaired or replaced to Council's satisfaction prior to occupation or finalisation of the development.

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

39. 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.

40. 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.

41. 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:**

42. 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.

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

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

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

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

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

44. 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.

45. Prior to the issuing of a construction certificate the applicant will be required to submit a full dilapidation survey including a photographic record to Council, which documents the existing condition of the public footpath, steps, handrail and sandstone retaining wall located within the road reserve which immediately adjoins the southern site boundary, and will also include details of any works proposed in this area of the subject site such as excavations, changes to existing levels, construction methods, etc

**NOTE:**

Council's Development Engineer must provide written confirmation that this information is satisfactory, prior to the PCA issuing a Construction Certificate, with works in this area of the site to be performed in accordance with Council's requirements so as to avoid disturbance to this public area.

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

46. 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 new concrete vehicular crossings and laybacks at kerb opposite the vehicular entrances 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) Construct a new concrete footpath along the full site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.
  - d) Re-construct concrete kerb and gutter for the full site frontage except opposite the vehicular entrance and exit points.
  - e) Carry out a minimum 1.00 metre wide, road reknit in front of the kerb and gutter along the full site frontage.
47. 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.
48. The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.

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

49. The Council's Development Engineer has inspected the above site and has determined that the design alignment level at the property boundary for driveways, access ramps and pathways or the like, must be as follows:

**Brook Street Frontage:**

Garage Entrance Unit 1 - RL 49.80 Northern Edge  
RL 50.35 Southern Edge

Garage Entrance Unit 2 - RL 50.50 Northern Edge  
RL 51.05 Southern Edge

Pedestrian Entrance Unit 1 - RL 49.60

**Bay Street Frontage:**

Pedestrian Entrance Unit 2 - Match the existing Council footpath levels.

50. The design alignment levels issued by Council must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.
51. The above alignment levels and the site inspection by Council's Development

Engineering Section have been issued at a prescribed fee of \$805.00 calculated at \$44.00 (inclusive of GST) per metre of site frontage. This amount is to be paid to Council prior to a construction certificate being issued for the development.

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

52. 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.
53. 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.
54. 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.

55. The applicant shall meet the full cost for the overhead power lines/cables that run from the Power Pole in Bay Street adjacent to the southern side boundary of the development to the Power Pole on the eastern side of Brook Street (across the Brook St carriageway) to be relocated underground. These power lines/cables are to be located underground to the satisfaction of the relevant service utility authority prior to the issuing of any form of occupation certificate.

Note: It is recommended that the applicant liaise with the relevant service utility authority in regards to the indicative costing and scope of works prior to the issuing of a construction certificate.

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

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

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

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

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

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

57. Stormwater drainage plans have not been approved as part of this development consent. Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:
- a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
  - b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system. This may involve either connection to the Council's street gutter, or into a Council stormwater pit. Note: All proposals should indicate the location of the closest Council stormwater pit and line regardless of the point of discharge. This information can be obtained by a visual inspection of the area and perusing Council's drainage plans.
  - c) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e.. above the 1 in 20 year storm) to the proposed drainage system.
  - d) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
    - i. Roof areas
    - ii. Paved areas
    - iii. Grassed areas
    - iv. Garden areas
  - e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
  - f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
  - g) The details of any special features that will affect the drainage design e.g. the nature of the soil in the site and/or the presence of rock etc.
58. 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.

59. All site stormwater must be discharged (by gravity) to either:
- a) The kerb and gutter or drainage system at the front of the property; OR
  - b) A suitably sized infiltration system.
60. Should stormwater be discharged to Council's street drainage system, on-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a 1 in 10 year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by the Director of City Planning. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.

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

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

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

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

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

62. Any Infiltration systems/Absorption Trenches must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.
63. The detention area/infiltration system must be regularly cleaned and maintained to ensure it functions as required by the design.
64. The maximum depth of ponding in above ground detention areas (and/or infiltration systems with above ground storage) shall be as follows:
- a) 150mm in uncovered carparking areas (with an isolated maximum depth of 200mm permissible at the low point pit within the detention area).
  - b) 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)
  - c) 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10.
  - d) 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 car parks or in any area which may be used for storage of goods.

" Mulch/bark must not be used in onsite detention areas.

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

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

67. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
68. A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention/infiltration area.
69. 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.

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

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

- The base of the pit located a minimum 300mm under the invert level of the outlet pipe.
- The pit constructed from cast in-situ concrete, precast concrete or double brick.
- A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.
- A galvanised heavy-duty screen located over the outlet pipe/s (Mascot GMS multipurpose filter screen or equivalent).

- The grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system.
- A child proof and corrosion resistant fastening system provided for the access grate.
- A sign adjacent to the pit stating:

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

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

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

Notes:

- a. The "restriction as to user" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
  - b. The linen plans shall indicate the location and dimensions of the detention/infiltration areas.
  - c. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.
72. Prior to the issuing of an occupation certificate, the applicant shall submit to Council, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:
- a) The location of the detention basin with finished surface levels;
  - b) Finished site contours at 0.2 metre intervals;
  - c) Volume of storage available in the detention areas;
  - d) The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
  - e) The orifice size(s) (if applicable);
  - f) Details of any infiltration/absorption systems; and
  - g) Details of any pumping systems installed (including wet well volumes).
73. Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with the conditions of development consent. The certification must be provided to the satisfaction of the PCA.

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

74. Prior to the credited certifier issuing an occupation certificate for the proposed



development the applicant is to contact Council's Manager of Waste in regards to meeting Council's requirements for waste services to the multi unit development.

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

75. The applicant will be required to retain the existing sandstone blocks that currently comprise the existing garages and southern boundary retaining walls, and must be re-used and incorporated into the landscape works. A Site Management Plan detailing how this will be achieved is to be submitted to the PCA, prior to the commencement of any site works, and must also provide details of the qualified stone mason that will be used.
76. The Landscape Plan submitted by John O'Brien, drawing number LD-CC1, job number 311, dated 1-12-03 is insufficient for a development of this scale in terms of the level of detail that is provided and the quality of the treatment that will result.
77. Prior to the commencement of ANY site works, a revised landscape plan, which has been prepared by a qualified professional in the Landscape/Horticultural industry (must be a registered member of either AILD or AILA) must be submitted to, and be approved by, the PCA, and must include the following:
  - a. A modern and contemporary planting scheme which will complement the appearance and architectural style of the building and materials, as well as minimise impacts on neighbours and the streetscape, while also considering the amenity needs of future occupants (refer to the digitally created images shown on the S.O.E.E).
  - b. In order to soften and improve presentation of the garages to the street, as well as to maintain amenity on the Lower Ground Floor terraces, feature/accent species must be used within the raised planter proposed along the eastern boundary, with spill over ground covers that will cascade over the edge of this planter to be incorporated.
  - c. Further details showing how the fencing proposed along the southern site boundary will follow the levels of the adjoining public footpath as close as practically possible, with raised planters and suitable species to be incorporated into this area, within the site.
  - d. Either advanced (100 litre bag size at the time of planting) native palms (Livistona, Howea, Archontophoenix); or; compact, upright native evergreen trees (Syzygium leuhmannii, Elaeocarpus reticulatus or E. eumundii), shall be incorporated into raised planters in the northeast and southeast corners of the site, as well as along the western boundary, with a minimum of 1 palm and 1 evergreen tree from this shortlist to be provided within the site.
  - e. In order to maintain reasonable levels of environmental amenity for future occupants, more substantial screen planting than what is currently proposed will need to be incorporated into the raised planter along the western boundary, and must select species which will attain a minimum height of 3 metres at maturity.
  - f. A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.

- g. Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.
  - h. Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.
  - i. Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.
  - j. All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm, with suitable construction details to be provided.
  - k. The plan shall respect the prevailing coastal influences and the coast's special design considerations and requirements, and shall be designed accordingly, with species selection to focus on local indigenous, coastal species, which require minimal watering once established, or, species with water needs that match rainfall and drainage conditions.
  - l. 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.
  - m. 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.
  - n. 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.
78. The PCA will be required to confirm that the landscaping has been installed in accordance with the approved documentation, prior to the issue of a Final Occupation Certificate.

### **Tree Management**

79. 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, on Council's Brook Street nature strip, in line with the southern boundary, 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 of all works.

80. Approval is granted for removal of the two *Angophora costata* (Sydney Red Gums) located along the southern site boundary, being one within the front setback, near the southeast corner of the site, and then another one on higher ground to the west, towards the southwest corner of the site, as it would not be physically possible to retain either tree during the course of the works, and

is subject to full implementation of the approved landscape plans.

81. 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 the subject tree/s.

**ADVISORY MATTERS:**

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

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

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

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

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

**MOTION: (Matson/Woodsmith)** that this application be refused due to non compliance with the FSR and the setbacks. **LOST.**

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

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

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

**CP89/09 Director City Planning Report - 37 Houston Road, Kingsford  
(DA/622/2009)**

396/09

**RESOLUTION: (Andrews/Belleli)** that this application be deferred to allow the applicant to address issues in order to satisfy the SEPP 1 objection

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

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

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

**CP90/09 Director City Planning Report - 4 Cuzco Street, South Coogee  
(DA/581/2009)**

397/09

**RESOLUTION: (Bowen/Matson)** that this matter be deferred for mediation and that delegated authority be given to the Director, City Planning to determine this application.

**MOTION: (Andrews/White)** that Council grant development consent to this application subject to the deletion of conditions 12, 13, 14 and 15 and the amendment of condition 11 to insert a setback of 1.5 metres from the midpoint of the stairwell itself.

**AMENDMENT: (Bowen/Matson). CARRIED UNANIMOUSLY AND BECAME THE MOTION. MOTION CARRIED UNANIMOUSLY – SEE RESOLUTION.**

**CP91/09 Director City Planning Report - 2 Wolseley Road, Coogee  
(DA/12/2009)**

398/09

**RESOLUTION: (Andrews/Belleli)**

**A. THAT** Council, as the consent authority, refuse development consent under

Section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. DA/12/2009 for permission to demolish the existing dwelling and construct a new residential flat building at 2 Wolseley Road, Coogee for the following reasons:-

1. The proposed development is inconsistent with the aims and objectives of the Randwick Local Environmental Plan 1998.
2. The proposal fails to meet aim (g) of the Randwick Local Environmental Plan 1998 in that the proposal does not seek to promote, protect and enhance the environmental qualities of the City.
3. The proposed development is contrary to the purpose and numerical requirements of Clause 33(2) and 33(4) of the Randwick Local Environmental Plan 1998 relating to the height of the development.
4. The proposed development is contrary to the purpose and numerical requirements of Clause 32(3) of the Randwick Local Environmental Plan 1998 relating to the floor space ratio of the development.
5. The proposal fails to comply with Clause 3.2 – Height of Development Control Plan Multi-unit Housing in that the height of walls will result in substantial adverse impacts in respect of overshadowing.
6. The proposal fails to comply with Clause 3.3 – Building Setbacks of Development Control Plan Multi-unit Housing in that the rear setbacks fail to maintain reasonable levels of solar access.
7. The proposal fails to comply with Clause 3.4 – Density of Development Control Plan Multi-unit Housing in that the building bulk is not compatible with surrounding built forms and does not minimize the impact on nearby buildings or the streetscape.
8. The proposal fails to comply with Clause 4.3 – View Sharing of Development Control Plan Multi-unit Housing in that it fails to demonstrate acceptable levels of view sharing to neighbouring properties.
9. The proposal fails to comply with Clause 4.4 – Solar Access and Energy Efficiency, Performance Requirement P1.2 of Development Control Plan Multi-unit Housing in that living areas of neighbouring dwellings would have access to sunlight reduced to less than 3 hours per day.
10. The proposal is not in the public interest.

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

**CP92/09 Director City Planning Report - 88 Beach Street, Coogee  
(DA/912/2003/C)**

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399/09

**RESOLUTION: (Andrews/Belleli)**

That Council, as the responsible Consent Authority grant consent under Section 96AA of the Environmental Planning and Assessment Act 1979 to modify Development Consent No DA/912/2003 for permission to modify approved development by amending openings, internal layout of units, landscaping, balconies, finishes and fences at 88 Beach Street, Coogee in the following manner:

- **Amend Condition No 1 as follows**

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

plans numbered DA01, dated 01.04.04 and received by Council on 12 August 2004, and plans numbered DA 02 – DA 10, dated 09.06.2004 and received by Council on 12 August 2004, and as amended by the plans numbered DA 01-DA05 and DA 07-DA10 dated 19 August 2005 and received by Council on 24 August 2005, 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, **and as previously amended by approval to Section 96AA modification application No. DA/912/2003/A and DA/912/2003/B and as amended by the Section 96 plans numbered S96-2-01A, S96-3-02A, S96-3-03A, S96-3-04A, S96-3-05A and Schedule of Finishes numbered S96-3-06A & S96-3-06A, all dated August 2009, and unnumbered and undated sample board, all received by Council 23 October 2008 and plan numbered S96-02, dated August 2008 and received by Council 20 November 2009 only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application.**

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

**CP93/09 Director City Planning Report - 124-124A Rainbow Street, Randwick (DA/510/2009)**

400/09

**RESOLUTION: (Andrews/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/510/2009 for the construction of new rooms with WC's above existing garages at the rear of the site for 124-124A Rainbow Street, Randwick 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 plan marked in red by Council Officer on 26 November 2009 numbered DA-01, dated 17 November 2009 and received by Council on 18 November 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 south-facing windows and glass louvres to the new rooms above the existing garages must be constructed using opaque/obscure glazing.
3. The colours, materials and finishes of the external surfaces to the addition to the existing building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.

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

4. Metal roof sheeting is to be pre-painted (e.g. colourbond) and form part of the colour scheme and external finishes for the development.
5. There must be no encroachment of the structure/s or associated articles onto Council's road reserve, footway, nature strip or public place.

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

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

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

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

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

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

7. 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.

8. 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.

9. 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:**

10. 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.

If required, 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:**

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

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

12. 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).

13. **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.

14. 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).

15. 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".
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*, 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**.

17. 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.*

18. 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:**

19. A Certificate of Adequacy must be supplied by a *professional engineer* and 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 upper floor addition.
20. 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](http://www.randwick.nsw.gov.au) in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.*

21. 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 also 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.*

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

- 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.

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

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.

24. Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant 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*, is required to be developed and implemented throughout the works, to the satisfaction of the Council. A copy of the strategy must be provided to the Principal Certifying Authority and Council **prior to the commencement of site works**.

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

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

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

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

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

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

The site management measures are to be implemented prior to the commencement of any site works and be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity to the satisfaction of Council.

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

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.

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

**The following conditions have been applied to ensure that adequate security provisions are made for vehicular access, parking and public infrastructure:**

28. 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.

29. 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.

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

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**CP94/09 Director City Planning Report - DA 806/2009 - Solar Research Facility, UNSW, Kensington - Council submission to the JRPP (f2009/00257)**

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401/09 **RESOLUTION: (Andrews/Belleli)** that Council endorse the attached submission to the joint regional Planning Panel.

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

**General Manager's Reports**

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**GM58/09 General Manager's Report - Affixing of the Council Seal (F2004/07367)**

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402/09 **RESOLUTION: (Belleli/Andrews)** that the Council's Seal be affixed to the signing of the agreement between Council and Tenservs Management & Coaching in relation to a licence for the Latham Park Tennis Centre, Henning Avenue, South Coogee.

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

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**GM59/09 General Manager's Report - Invitation to Attend National Sister Cities Annual Conference 2010 (F2007/00072)**

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403/09 **RESOLUTION: (Belleli/Andrews)** that:

- (a) the invitation from the Mayor of Rockhampton City Council to attend the 2010 ASCA national conference be accepted; and
- (b) any interested councillors advise the General Manager for registration purposes.

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

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**GM60/09 General Manager's Report - Wylies Baths Trust - Request for New Trust Member (F2004/06336)**

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Note: Having previously declared an interest in this matter, Crs Nash and White left the chamber and took no part in the debate or voting on the matter.

404/09 **RESOLUTION: (Andrews/Hughes)** that Council endorse the appointment of Ms Janice Morris as a community representative on the Wylies Baths Trust effective immediately and advise the Trust accordingly.

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

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**GM61/09 General Manager's Report - Proposed Building Program and Levy (F2007/00367)**

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405/09 **RESOLUTION: (Nash/Woodsmith)** that:

- (a) the prioritised building program be accepted;
- (b) community consultation on the proposed building program and the proposed variation to rates be undertaken until the end of February 2010; and
- (c) a report on the outcomes of this consultation be brought back to Council in March 2010 prior to the submission of the application to the Department of Local Government on 31 March, 2010.

**MOTION: (Stevenson/Bowen)** that Council does not proceed with the rates increase or the proposed consultation process as it's currently framed. **LOST.**

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

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

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

**GM63/09 General Manager's Report - Coogee Late Night Transport (Pumpkin Bus) (F2006/00382)**

406/09

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

- a) Council continue to underwrite the operation of the 2 night per week pumpkin bus service for the 2009/2010 summer period until the Office of Liquor, Gaming and Racing, determines the outcome of the Section 136 application; and
- b) Council officers report back on the outcome of its request to the Office of Liquor, Gaming and Racing, on the Section 136 application.

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

Cr Matthews requested that his name be recorded as opposed to the resolution.

**Director City Services Reports**

**CS24/09 Director City Services Report - SLAM Volleyball Tournament - 16 January 2009 at Maroubra Beach (F2009/08302)**

407/09

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

- a) the applicant be advised that Council gives its "in principle approval" to the organisers of the SLAM Beach Volleyball event at Maroubra Beach on 16 January 2010, with set up on Friday 15 January 2010 subject to the applicant complying with any conditions of approval that may be imposed once the event is processed;
- b) the applicant be advised that this event be held and promoted as an alcohol-free event with security provided at the organiser's expense; and
- c) an acoustic consultant shall monitor the event and ensure that the conditions of consent provided by the Health, Building and Regulatory Services and the acoustic recommendations are complied with at all times.

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

**Director Governance & Financial Services Reports****GF59/09 Director Governance & Financial Services Report - Review of Code of Meeting Practice (F2004/06570)**

408/09 **RESOLUTION: (Matson/Smith)** that the proposed amendments to Council's Code of Meeting Practice be adopted, subject to the retention of the words "rises or" in Clause 20 of the Code.

**MOTION: (Matson/Smith) CARRIED – SEE RESOLUTION.**

**GF60/09 Director Governance & Financial Services Report - Combined (Councillor/Staff) Code of Conduct (F2004/06569)**

409/09 **RESOLUTION: (Belleli/Andrews)** that the combined Councillors/Staff Code of Conduct be adopted.

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

**GF61/09 Director Governance & Financial Services Report - Implementation of the Government Information (Public Access) Act 2009 (F2009/06104)**

410/09 **RESOLUTION: (Belleli/Andrews)** that the report be received and noted.

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

**GF62/09 Director Governance & Financial Services Report - Council Libraries - Operating Hours for the 2009-10 Christmas/New Year period (F2004/06565)**

411/09 **RESOLUTION: (Belleli/Andrews)** that Council adopt the proposed 2009-10 Christmas and New Year opening hours for the Administration Building, Depot and Randwick City Library Service.

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

**Petitions**

Nil.

**Motion Pursuant to Notice****NM75/09 Motion Pursuant to Notice - Notice of Motion from Cr Notley-Smith - Stay Safe Personal Safety Program (F2004/07676)**

412/09 **RESOLUTION: (Notley-Smith/Belleli)** that Randwick City Council provides \$10,000.00 in sponsorship to the Bravehearts Organisation to educate our school children with the successful "Stay Safe Personal Safety Program" with such funds to come from the Council Contingency Fund.

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

**NM76/09 Motion Pursuant to Notice - Notice of Motion from Cr Matson - Des Renford Aquatic Centre (F2005/00920)**

413/09 **RESOLUTION: (Matson/Andrews)** that Council consider extending the number of months of the year that the outdoor swimming areas of the Des Renford Aquatic Centre are open for use, with a report to come back to Council.

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



**NM77/09 Motion Pursuant to Notice - Notice of Motion from Cr Matson - Fitness Trainers (F2008/00329)**

414/09

**RESOLUTION: (Matson/Woodsmith)** that Council consider reviewing the policy on the degree to which professional fitness trainers will be allowed to use the roads, parks, beaches and reserves of the Council area, with the precinct committees to be notified of this proposed review in order to seek their feedback, and a report to be brought back to Council.

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

**NM78/09 Motion Pursuant to Notice - Notice of Motion from Cr Matson - Seven Year Building Program - Lexington Place Shop Front (F2009/00217)**

**MOTION: (Matson/Woodsmith)** that:-

- (a) Council add a separate discussion point along with the list of projects proposed under the special seven year building program, namely the purchase of a shop front property in the Lexington Place shopping strip for the use of the local community under the control of Council, and
- (b) such purchase to be conditional upon the drafting of a Council policy and amendment of the Council Plan of Management, following input from the Councillors, community, government and non-government stakeholders with the intended objective of achieving the positive social change in the Lexington Place area. **LOST.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Bowen	Councillor Andrews
Councillor Hughes	Councillor Belleli
Councillor Matson	Councillor Matthews
Councillor Stevenson	Councillor Nash
Councillor Tracey	Councillor Notley-Smith
Councillor Woodsmith	Councillor Procopiadis
	Councillor Seng
	Councillor Smith
	Councillor White
<b>Total (6)</b>	<b>Total (9)</b>

**NM79/09 Motion Pursuant to Notice - Notice of Motion from Cr Matson - Ku-Ring-Gai Council Wild Things Program (F2004/08272)**

415/09

**RESOLUTION: (Matson/Belleli)** that Council assess Ku-ring-gai Council's "Wild Things Program" for its potential value if adopted in the Randwick City Council area, with an assessment and report to come back to Council.

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

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Belleli	Councillor Andrews
Councillor Bowen	Councillor Matthews
Councillor Hughes	
Councillor Matson	

Councillor Nash  
 Councillor Notley-Smith  
 Councillor Procopiadis  
 Councillor Seng  
 Councillor Smith  
 Councillor Stevenson  
 Councillor Tracey  
 Councillor White  
 Councillor Woodsmith

**Total (13)**

**Total (2)**

**NM80/09 Motion Pursuant to Notice - Notice of Motion from Cr Notley-Smith - Title Transfer in Public Housing at Wauchope Crescent, South Coogee (F2009/00210)**

416/09

**RESOLUTION: (Notley-Smith/Nash)** that this Council write immediately to the NSW Minister for Housing requesting that he inform this Council on the current status of the public housing units in Wauchope Crescent, South Coogee which are being transferred to a private housing provider and revoke all transfers of leases, at the request of occupants, undertaken to-date.

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

**Confidential Reports**

**GM62/09 Confidential - Tender for Workers Compensation T9/09 (F2009/00153)**

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

417/09

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

- a) accepts Allianz Aust Ltd as the successful tenderer to provide Workers Compensation insurance for the Council;
- b) authorises the General Manager to sign the contract documents on behalf of Council for a three (3) year term with an option to extend for two (2) further terms of 12 months each; and
- c) notifies the unsuccessful tenderers.

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

**CS25/09 Confidential - Tender for Bushland Regeneration Works - T11/09 (F2009/00383)**

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

418/09

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

- a) accepts the tenders submitted by – Toolijooa Pty Ltd; Waratah Eco Works Pty Ltd; Total Earth Care Pty Ltd; Ecohort Pty Ltd; Sydney Bush Regeneration Company; and Bush Habitat Pty Ltd;
- b) authorises the General Manager to sign the contract documents on behalf of

Council for a three (3) year term with an option to extend for two (2) further terms of 12 months each; and

- c) notifies the unsuccessful tenderers.

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

**GF63/09 Confidential - Tender for the Replacement of Core Business Applications - T12/09 (F2009/00399)**

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

419/09

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

- a) Council accepts the tender for T12/09 Replacement of Core Business Applications submitted by Technology One Ltd for the provision of:
- the "Low Risk Bundle Option" (Financials, Supply Chain, Works & Projects, Human Resources, and Payroll) for a one-off cost of \$733,450.00 and ongoing annual costs of \$63,000.00, and
  - the "options" of Purchasing Quotations, Invoice Scanning, and Contracts for a one-off cost of \$75,500.00 and ongoing annual costs of \$7,537.50;
- b) the General Manager be authorised to negotiate with Technology One on behalf of Council to investigate the feasibility of purchasing additional components of the Works & Assets module for a one-off cost of up to \$337,000.00 and ongoing annual costs of \$33,075.00;
- c) the General Manager be authorised to negotiate on behalf of Council for the novation of licences and migration costs for the applications that may be retained and transferred from the Councils Online environment to Randwick City Council. This includes applications from Asset Lifecycle Management (Assets), Kronos (Time and Attendance), Infor (Pathway), OCLC (Amlib), and InfoMaster (DA tracking);
- d) the General Manager be authorised to sign and affix Council's Common Seal on the contract documents on behalf of Council; and
- e) the unsuccessful tenderers be notified.

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

**Notice of Rescission Motions**

Nil.

There being no further business, His Worship the Mayor, Cr J Procopiadis, declared the meeting closed at 9.26 pm.

**The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 23 February 2010.**

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**CHAIRPERSON**