



**MINUTES OF ORDINARY COUNCIL MEETING OF THE COUNCIL OF  
THE CITY OF RANDWICK HELD ON  
TUESDAY, 23 MARCH 2010 AT 6:08PM**

**Present:**

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

Councillor R Belleli (Deputy Chairperson) (South Ward)

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

**Officers Present:**

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

**Prayer & Acknowledgement of Local Indigenous People**

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

**Apologies/Granting of Leave of Absences**

An apology was received from Cr Seng.

**RESOLVED: (Andrews/Matson)** that the apology received from Cr Seng be accepted and leave of absence from the meeting be granted.

Note: The Mayor thanked the staff and Councillors for their support for the orphans of Haiti. Council has raised over \$11,000.00 for the orphans which will be handed over to Rotary for the purchase and delivery of shelter boxes, containing vital supplies, directly to Haiti.

## Confirmation of the Minutes

### CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY 23 FEBRUARY 2010

459/10

**RESOLUTION: (Belleli/Andrews)** that the Minutes of the Ordinary Council Meeting held on Tuesday 23 February 2010 (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 Smith declared a non significant non pecuniary interest in Item NM11/10 as his employer has a business relationship with the subject premises.
- (b) Cr Matthews declared a non significant non pecuniary interest in Item CP14/10 as he knows the objector.

**RESOLVED: (PROCEDURAL MOTION) (Smith/Nash)** that the address to Council by members of the public, the debate and the voting on the Motion Pursuant to Notice by Cr Matson on the Adherence to the Twelve Metre Height Limit on the Coogee Bay Hotel Site, be brought forward and considered at this point in the meeting.

### 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:

CP14/10 22 ARALUEN STREET, KINGSFORD

**Against** David Gow

**For** Rodney Cox

CP17/10 4 CUZCO STREET SOUTH COOGEE

**Against** Harvey Sanders (Planner on behalf of objectors)

**For** Nicholas Aspres

GM04/10 THE 20 YEAR RANDWICK CITY PLAN

**For** John Buchanan

NM11/10 MOTION PURSUANT TO NOTICE FROM CR MATSON - ADHERENCE TO THE TWELVE (12) METRE HIGH HEIGHT LIMIT ON THE COOGEE BAY HOTEL SITE

**For** Caroline Tate

NM12/10 MOTION PURSUANT TO NOTICE FROM CR MATSON – SUPPORT A LOCAL RESIDENTS’ CALL FOR A PROTEST AGAINST THE NSW LABOR GOVERNMENT’S PROPOSAL TO ALLOW LOGGING OF RIVER RED GUMS

**For** Stephanie Poleson

The meeting was adjourned at 7.20pm and was resumed at 7.36pm.

**Mayoral Minutes****MM6/10 Mayoral Minute - Donation of Quad Bike to Surf Life Saving Sydney Inc. (F2010/06574)**

460/10 **RESOLUTION: (Mayor, Cr J Procopiadis)** that Council make a one off donation of the quad bike with an estimated value of \$3,000.00 to Surf Life Saving Sydney Inc in acknowledgement of its valuable contribution to our community, such funds to come from the Council Contingency Fund..

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

**MM7/10 Mayoral Minute - Sydney Children's Hospital - Request for Council Support for Gold Week 2010 (F2004/06540)**

461/10 **RESOLUTION: (Mayor, Cr J Procopiadis)** that Council supports the Sydney Children's Hospital in promoting their annual Gold Week 2010 Campaign by:

- (a) displaying their banner advertising Gold Week at four different locations throughout the City from 24 May through to 7 June 2010 with costs to come from the Council Contingency Fund;
- (b) raising donations at staff functions;
- (c) selling Gold Week merchandise at various Council locations; and
- (d) promoting the event on Council's website.

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

**MM8/10 Mayoral Minute - Year of Women in Local Government (F2006/00304)**

462/10 **RESOLUTION: (Mayor, Cr J Procopiadis)** that Council supports the proposal to hold a development event for the female staff of Randwick City Council.

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

**MM9/10 Mayoral Minute - 2010 International Women's Day Art Competition Purchase (F2004/06282)**

463/10 **RESOLUTION: (Mayor, Cr J Procopiadis)** that:

- (a) Council purchase the painting titled "The Avenue - Randwick", by Diana Wallwork to be hung in one of Council's buildings; and
- (b) the Mayor write to Ms Wallwork and congratulate her for her artistic talent reflected in her painting of "The Avenue - Randwick".

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

**Urgent Business****UB1/10 Cr Bruce Notley-Smith - Preparation of Comprehensive Urban Design and Streetscape Study of Coogee Town Centre (F2005/00602)**

A rescission motion on this matter was submitted in accordance with Council's Code of Meeting Practice and will be tabled at the next available meeting.

464/10 **RESOLUTION: (Notley-Smith/Andrews)** that Council resolves to appropriately fund and prepare without delay a comprehensive urban design (and streetscape)

study of the Coogee Centre, extending to include built areas forming the backdrop to the beach and Goldstein Reserve. Further, that in order to guide the study, it establishes a working group consisting of Council representatives, representatives of the business community including the Chamber of Commerce, and those representing community interests, including the Coogee Precinct Committee.

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

## **Director City Planning Reports**

### **CP14/10 Director City Planning Report - 22 Araluen Street, Kingsford (DA/713/2009)**

465/10

#### **RESOLUTION: (Nash/Matson)**

That Council, as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/713/2009 for demolition of the existing outbuilding, alterations and ground level additions to the rear of the existing semi-detached dwelling, construction of a new first floor level, a new in-ground swimming pool at the rear and construction of a front fencing at 22 Araluen Street, Kingsford subject to the following conditions:

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

1. The development must be implemented substantially in accordance with the plans numbered DA-05 (Revision A), dated 31/08/2009 and received by Council on 2 October 2009, amended plans DA-02, DA-03, DA-06 & DA-07 (Revision B), dated 3/01/2010 and received by Council on 15 February 2010, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:
2. The colours and finishes of the development shall be in accordance with the documentation prepared by Rodney Cox and Lisa Colenso, dated 31/08/2009 and received by Council on 2 October 2009.
3. The fence on the street alignment is to be a maximum height of 1200mm, to maintain reasonable levels of amenity to the adjoining residential development and the streetscape. The plans submitted for the Construction Certificate shall demonstrate compliance with this requirement.
4. Specific details of the location of the proposed works 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.
5. Metal roof sheeting is to be pre-painted (e.g. colourbond).
6. 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.**

7. 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 condition/s are applied to meet additional demands for public facilities;**

8. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, based on the development cost of \$242,550 the following applicable monetary levy must be paid to Council: \$2,425.50.

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 imposed to promote ecologically sustainable development and energy efficiency.**

9. In accordance with Section 80A (11) of the *Environmental Planning and Assessment Act 1979* and Clause 97A of the *Environmental Planning and Assessment Regulation 2000*, it is a prescribed condition that all of the required commitments listed in the relevant BASIX Certificate for this development are fulfilled.
10. 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.

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

- Stormwater management (i.e. rainwater tanks)
  - Water efficiency (i.e. triple A rated taps and showers, dual flush toilets and water re-use)
  - Landscaping provisions
  - Thermal comfort (i.e. construction materials, glazing and insulation)
  - Energy efficiency (i.e. cooling & heating provisions and hot water systems)
12. In accordance with Clause 154B of the Environmental Planning & Assessment Regulation 2000, a Certifying Authority must not issue an Occupation Certificate for this development, unless it is satisfied that each of the required BASIX commitments have been fulfilled.

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

13. Prior to the issue of a Construction Certificate, the BASIX Certificate shall be amended to reflect the amended plans received by Council on the 15 February 2010, which show the deletion of window W4.

**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:**

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

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

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

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

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

16. 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.

17. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, 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).

18. **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.

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 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).

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*; and
- a statement stating that "unauthorised entry to the work site is prohibited".

21. 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.**

22. 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.

23. 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.

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

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

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

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

25. Certificate of Adequacy supplied by a *professional engineer* shall be submitted to the certifying authority (*and the Council, if the Council is not the certifying authority*) **prior to a construction certificate being issued** for the development, certifying the structural adequacy of the existing structure to support the upper floor addition.
26. The demolition of buildings and the removal, storage, handling and disposal of building materials must be carried out in accordance with the relevant requirements of WorkCover NSW, the NSW Department of Environment & Climate Change (formerly EPA) and Randwick City Council policies, including:
- Occupational Health and Safety Act 2000 & Regulations
  - WorkCover NSW Guidelines & Codes of Practice
  - Australian Standard 2601 (2001) – Demolition of Structures
  - The Protection of the Environment Operations Act 1997 and Protection of



the Environment Operations (Waste) Regulation 2005

- Relevant DECC/EPA Guidelines
- Randwick City Council Asbestos Policy (adopted 13 September 2005)

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

27. 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.*

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

- Relevant Occupational Health & Safety legislation and WorkCover NSW requirements
- Randwick City Council's Asbestos Policy (adopted 13 September 2005)
- A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 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.
- On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.
- Asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2005*.

- A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the principal certifying authority immediately upon completion of the asbestos related works, which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

*A copy of Council's Asbestos Policy is available on Council's web site at [www.randwick.nsw.gov.au](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. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 E of the *Environmental Planning & Assessment Regulation 2000*, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.

- a) If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development must, at the person's own expense:

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

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

31. 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.

32. 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.

33. 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.

34. 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.

35. 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.

36. 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 are applied to ensure compliance with the Swimming Pools Act 1992 and to maintain public safety and amenity:**

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

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

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

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

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

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

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

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

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

40. Written notification must be provided to Council advising of the installation and completion of the Swimming Pool (or Spa Pool), to satisfy the requirements of the *Swimming Pools Act 1992*, **prior to issuing an Occupation Certificate.**

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

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

41. 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.

42. 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 provide adequate provisions for access, transport and infrastructure:**

43. 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.

44. 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 consideration for service authority assets:**

45. 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.
46. The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.

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

47. That part of the nature-strip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant's expense prior to the issue of a final Occupation Certificate.
48. In order to ensure retention of the recently planted *Eucalyptus species* (Gum Tree), located on Council's Araluen Street frontage, to the east of the existing vehicle crossing, as well as the *Photinia glabra* (Photinia) located in the front yard, in the southeast corner of the site, as has been shown as part of this proposal, the following measures will need to be adhered to during the course of works:
  - a) Any new services, pipes, stormwater systems or similar that are needed must be installed along the western site boundary, at the maximum distance away from both trees as practically possible;
  - a) There shall be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble within 2 metres of either of their trunks, with all Site Management Plans needing to acknowledge these requirements.
49. Approval is granted for removal of the *Cupressus sempervirens* (Italian Cypress), located in the rear yard, halfway across the rear (northern) boundary, due both to its poor health and condition, as well as to accommodate the proposed works as shown.
50. In order to ensure retention of the *Liquidambar styraciflua* (Liquidambar) located beyond the northeast corner of the subject site, in the rear yard of the adjoining property to the east, 24 Araluen Street, near the common boundary in good health, the following measures are to be undertaken:
  - a. The Certifying Authority (CA) must ensure that all documentation

submitted for the Construction Certificate application shows the retention of this neighbouring tree, with the position and diameter of both its trunk and canopy to be clearly and accurately represented.

- b. Prior to a Construction Certificate being issued, the CA must also ensure that the plans comply with the following requirements:
  - i. The 1800mm deep end of the proposed pool is to be located at the southern end, closest to the dwelling, in order to minimise the amount of bulk excavations and earthworks near this tree;
  - ii. Existing ground levels between the northern and eastern edges of the proposed pool and respective site boundaries are retained, with a porous/permeable treatment to be provided in these areas;
  - iii. A construction method which does not require any further excavations, shoring or any other associated works beyond the 1100mm northern setback and 900mm eastern setback must be used for the northern and eastern edges of the pool, for a distance of 2 metres along both axis.
- c. Any new services, pipes, stormwater systems or similar that are required, must be installed to the west of the pool, and be directed along the western site boundary so as to minimise root damage.
- d. All excavations associated with the northeast corner of the proposed pool, for a distance of **2 metres** along both its northern and eastern axis, must be initially dug by hand, to a minimum depth of **600mm**, whereupon **Council's Landscape Development Officer (9399-0613)**, must be contacted to inspect this trench, where any roots found to be in direct conflict with the proposed works are to be cut cleanly by hand, and the affected area backfilled with clean site soil as soon as practically possible.
- e. The root system of this neighbouring tree must be protected by installing evenly spaced star pickets at a setback of 900mm off the eastern boundary, extending a distance of 4.0 metres from the northern boundary, to which safety tape/para-webbing shall be permanently attached so as to completely exclude this area for the duration of the works.
- f. This fencing shall be installed following demolition, and prior to the commencement of construction works, and shall remain in place until such time as the pool surrounds is being installed, with signage containing the following words to be clearly displayed and permanently attached: "TREE PROTECTION ZONE, DO NOT REMOVE".
- g. There is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble within a radius of **3 metres** from the northeast corner of the site.

#### **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 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.

A4 The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

**MOTION: (Matthews/Andrews)** that Council, as the consent authority, refuse development consent to Development Application No. DA/713/2009 at 22 Araluen Street, Kingsford for reasons including the loss of ventilation, overshadowing, loss of natural light and loss of amenity to the neighbours. **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 Andrews	Councillor Belleli
Councillor Matthews	Councillor Bowen
	Councillor Hughes
	Councillor Matson
	Councillor Nash
	Councillor Notley-Smith
	Councillor Procopiadis
	Councillor Smith
	Councillor Stevenson
	Councillor Tracey
	Councillor White
	Councillor Woodsmith
<b>Total (2)</b>	<b>Total (12)</b>

**MOTION: (Nash/Matson) 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 Smith	
Councillor Stevenson	
Councillor Tracey	
Councillor White	
Councillor Woodsmith	
<b>Total (12)</b>	<b>Total (2)</b>

**CP15/10 Director City Planning Report - 35 Napier Street, Malabar  
(DA/795/2009)**

466/10 **RESOLUTION: (Matthews/White)** that this development application be deferred to the next ordinary meeting of Council to allow consideration of a further objection and a detailed analysis of the view impacts of the proposal by the planning consultant.

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

**CP16/10 Director City Planning Report - 315 Bunnerong Road, Maroubra  
(DA/727/2009)**

467/10 **RESOLUTION: (White/Matthews)**

- A** That Council support the objections under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with Clause 32 (3) for maximum floor space ratio and Clause 33 (5) for maximum overall building height of the Randwick Local Environmental Plan 1988, 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, grants development consent as a **"Deferred Commencement"** under Section 80 (3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/727/2009 for permission to demolish the existing building and construction of part 4, part 3 storey mixed use development comprising one retail tenancy, 10 residential units, carparking for 11 vehicles accessed from Wild Lane (SEPP1 objections to floor space ratio and maximum building height controls) at 315 Bunnerong Road, Maroubra, subject to the following conditions:-

**Deferred Commencement Conditions**

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

1. A translucent roof cover is to be provided to the external stairs located within the internal courtyard.
2. The balconies to units 9 and 10 facing into the internal courtyard are to have solid, translucent or operable pergola roofs.

3. Living areas and bedrooms of all residential units are to have ceiling fans.

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

### **DEVELOPMENT CONSENT CONDITIONS**

#### **REFERENCED PLANS:**

1. The development must be implemented substantially in accordance with the plans numbered DA01 rev D - DA05 rev D , dated 5/3/10 and received by Council on 9/3/10 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. All balcony balustrades facing Wild Lane must be constructed of solid material or obscure glass to minimise overlooking toward the residential properties to the east of the site. Details of compliance are to be demonstrated in construction certificate plans.
3. 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.

4. Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.

In this regard, prior to occupation of the building, an application must be submitted to and approved by Council's Director of City Planning, together with the required fee, for the allocation of an appropriate street number/s to the development.

5. Power supply and telecommunications cabling to the development shall be underground.
6. A single common television aerial, and/or satellite dish (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.
7. 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.
8. Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.

9. In accordance with the provisions of clauses 143A and 154A of the Environmental Planning & Assessment Regulation 2000, a 'Design Verification Certificate' must be provided to the Certifying Authority and the Council, **prior to issuing a construction certificate** and an **occupation certificate**, respectively.

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

10. 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 is applied to promote occupant safety in the building.**

11. Openable windows to a room, corridor, stairway or the like with a floor level more than 4m above the external ground/surface level, must be designed and constructed to reduce the likelihood of a child accessing and falling through the window opening.

Options may include one or more of the following measures:

- The window having a minimum sill height of 1.5m above the internal floor level,
- Providing a window locking device at least 1.5m above the internal floor level,
- Fixing or securing the window (e.g. by screws or a window locking device) to restrict or to be able to secure the extent of the opening to a maximum width of 125mm,
- Installing a fixed heavy-duty gauge metal screen over the opening (e.g. A metal security screen or metal security mesh and frame system, but not standard fly-screen material),
- Other appropriate effective safety measures or barrier.

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

12. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, based on the development cost of \$1,685,750, the following applicable monetary levy must be paid to Council: \$1,685.50.

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:**

13. 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.

14. All 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*.

15. **Prior to the commencement of any building works, a construction certificate must be obtained** from Council's Building Certification Services or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.

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.

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

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

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

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

The *Principal Certifying Authority* must specify the relevant stages of construction to be inspected in accordance with section 81A (2) (b1) (ii) of the

Environmental Planning & Assessment Regulation 2000 and a satisfactory inspection must be carried out, to the satisfaction of the *Principal Certifying Authority*, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

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

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

18. 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".

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

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

20. **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.

21. 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.

22. 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.

23. 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**.

24. 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.

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

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

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

26. A Certificate prepared by a *professional engineer* shall be submitted to the certifying authority (*and the Council, if the Council is not the certifying authority*) **prior to issuing an occupation certificate**, which certifies that the building works satisfy the relevant structural design requirements of the Building Code of Australia.

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

27. 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.

28. 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).
29. 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.
30. A Registered Surveyor's check survey certificate or *compliance certificate* is to be forwarded to the principal certifying authority (*and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority*), detailing compliance with Council's approval at the following stage/s of construction:
- a) Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being construction at the approved levels.
  - b) On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.
31. 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

32. 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.

33. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:
- a) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.
  - b) Building materials, sand, soil, waste materials, construction equipment or other materials or articles must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
  - c) Bulk bins, waste containers or other articles must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container or other articles in a public place can be made to Council's Health, Building & Regulatory Services department.
  - d) 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.
  - e) A temporary timber, asphalt or concrete crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council, unless access is via an existing concrete crossover.
  - f) The applicant/builder is required to hold Public Liability Insurance, with a minimum liability of \$10 million and a copy of the Insurance cover is to be provided to Council.
  - g) A 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 or nature strip or

in any public place:-

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

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

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

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

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

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

Dust control measures and practices may include:-

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

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

Department of Housing.

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

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

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

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.

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.

37. 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.

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site. Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.

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

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

The public place adjacent to the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place and any such hoarding, fence or awning is to be removed upon completion of the work.

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

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

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

38. A 'B Class' overhead type hoarding is required is be provided to protect the public, located adjacent to the development, prior to the commencement of any works on the site which comprise:-

- any works or hoisting of materials over a public footway or adjoining premises, or
- any building or demolition works on buildings which are over 7.5m in height and located within 3.6 metres of the street alignment.

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 hoardings, site fencing or amenities upon a footpath 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.

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

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

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

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

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

- Other relevant details, measures and requirements to be implemented as identified in the Asbestos Survey
- Date the demolition and removal of asbestos will commence

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

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

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

A copy of Council's Asbestos Policy is available on Council's web site at [www.randwick.nsw.gov.au](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 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.

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

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

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

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

42. The use and operation of the premises shall not give rise to an environmental health or public nuisance, vibration to other premises or, result in an offence

under the *Protection of the Environment Operations Act 1997 and Regulations*.

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

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

44. A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council **prior to an occupation certificate being issued** for the development, which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager of Health, Building & Regulatory Services.
45. Sanitary facilities, plus wash hand basin and paper towel dispenser or hand dryer and appropriate signage, must be provided to the satisfaction of the Certifying Authority and details are to be provided in the **Construction Certificate** Application.
46. A separate development application and construction certificate or a complying development certificate (as applicable) must be obtained if the premises is to be used at any time for any of the purposes detailed below:
- All food businesses (including premises used for the sale, storage, preparation and distribution of food and drinks)
  - Hairdressing salons, Beauty salons, Businesses involving Skin Penetration & Piercing, Massage businesses
  - Licensed premises, places of public entertainment and hotels
  - Places of Shared Accommodation (including Boarding / Lodging Houses, Bed & Breakfast businesses, Backpackers, Residential Hotels or the like)
  - Premises which have a Cooling Tower or Warm Water System
  - Business providing any form of sexual service (i.e. brothel or the like).

Business premises which are used for these purposes must comply with relevant public health and safety legislation and requirements and they must be registered with Council prior to an Occupation Certificate being issued for the development. The relevant registration and inspection fee is also required to be paid to Council in accordance with Council's adopted Pricing Policy.

**Waste Management** (unless otherwise specified by City Services or Development Engineer)

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

47. **Prior to the issuing of a construction certificate** for the proposed development, a Waste Management Plan detailing the waste and recycling storage and removal strategy for all of the development, is required to be submitted to and approved by Council's Director of City Services.

The Waste Management plan is required to be prepared in accordance with Council's Waste Management Guidelines for Proposed Development and must include the following details (as applicable):

- The use of the premises and the number and size of occupancies.
- The type and quantity of waste to be generated by the development.
- Demolition and construction waste, including materials to be re-used or recycled.
- Details of the proposed recycling and waste disposal contractors.
- Waste storage facilities and equipment.
- Access and traffic arrangements.
- The procedures and arrangements for on-going waste management including collection, storage and removal of waste and recycling of materials.
- Cleaning arrangements, hygiene, safety and amenity.

Further details of Council's requirements and guidelines, including pro-forma Waste Management plan forms can be obtained from Council's Waste Management Officer on 9399 0520.

#### **Security Deposit Conditions**

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

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

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

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

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

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

#### **Traffic Conditions/Civil Works Conditions**

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

49. The applicant must meet the full cost for Council or a Council approved contractor to:
- a) Construct a full width concrete heavy duty vehicular crossing and layback at kerb opposite the vehicular entrance to the site in Wild Lane.



- b) Remove any redundant vehicular crossings and layback along the Wild Lane site frontage and construct new kerb and gutter as required. It is noted that this may necessitate 600mm road reconstruction along the site frontage and either re-turfing of the Council verge or concreting behind the kerb.
  - c) Remove the existing concrete footpath in Bunnerong Road and construct a new full width concrete footpath along the Bunnerong Road site frontage to Council's specification.
  - d) Replace the Council's drainage lintel located over the gully grated gully pit in Wild Lane
  - e) Clean out Council's Drainage pits in Wild Lane to Council's satisfaction.
50. 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.
51. The applicant shall meet the full cost for the design and construction of traffic controlling/speed slowing devices in Wild Lane to improve safety for vehicles entering and exiting the site. The required traffic calming measures shall be determined by the Randwick Traffic Committee and may include (but not necessarily be limited to) road narrowing, warning signage, sighting mirrors and/or raised threshold/s.
- The traffic controlling/speed slowing devices shall be installed prior to the issuing of an occupation certificate. The applicant must liaise with Council's Development Engineer Coordinator regarding this matter.
52. 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.
53. To improve pedestrian and vehicular vision at the site entrance/exit point, all new walls/structures/planting adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level (for at least the first 1.5 metres) or splayed a minimum 1.5 metre by 1.5 metres. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.
54. Clear 'stop' signage and line marking shall be provided along the site boundary at the exit point from the site. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.
55. The vehicular access and basement carpark (including, but not limited to, the ramp grades, carpark layout and height clearances) are to be in accordance with the requirements of AS2890.1:2004. The Construction Certificate plans must demonstrate compliance with this requirement particular attention should be given to the design gradients and to the circulation paths for carspaces 1 and 11.

56. A work zone is to be provided in Bunnerong Road for the duration of the construction works. The 'work zone' shall be provided to the satisfaction of the Randwick Traffic Committee and shall have a minimum length of 12 metres. The prescribed fee for the work zone must be paid to Council at least four (4) weeks prior to the commencement of work on the site.
57. Prior to the issue of a construction certificate, the applicant shall submit for approval and have approved by Council's Traffic Engineer a detailed construction traffic management plan. The plan shall demonstrate how construction and delivery vehicles will access the development site during the demolition and construction phase of the development.
- All traffic associated with the subject development shall comply with the terms of the approved construction traffic management plan.
58. The minimum clear distance from the existing footpath in Bunnerong Road to the underside of any proposed awning shall be 3.0 metres. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.
59. The minimum clear distance from the existing footpath in Bunnerong Road to the underside of any proposed under awning sign shall be 2.6 metres. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.
60. All new awnings shall be set back a minimum of 600mm from the face of kerb. The plans submitted for the construction certificate shall demonstrate compliance with this requirement. Upon completion of the construction of any awning, certification of the structural adequacy of the awning must be provided to the Council.

#### **Alignment Level Conditions**

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

61. The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) shall be as follows:
- Wild Lane** property boundary for the driveway shall be 130 mm above the invert of the existing gutter at all points opposite the gutter along the full width of the driveway.
- Bunnerong Road** property boundary shall match the back of the existing footpath along the full site frontage.
- Any enquiries regarding this matter should be directed to Council's Development Engineer on 9399 0923.
62. The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the invert gutter/footpath must be indicated on the building plans for the construction certificate.
63. The above alignment levels and the site inspection by Council's Development Engineer has been issued at a prescribed fee of \$1103.00 calculated at \$44.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.

**Service Authority Conditions****The following conditions are applied to provide adequate consideration of service authority assets:**

64. 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.
65. 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.
66. Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied, must be submitted to the certifying authority prior to a construction certificate being issued for the development.
67. A Road / Asset Opening Permit must be obtained from Council prior to carrying out any public utility service works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.

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

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

68. Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant must liaise with Energy Australia prior to lodging the construction certificate to determine whether or not an electricity substation is required for the development.
69. The applicant shall meet the full cost of the overhead power lines and telecommunication cables located in the vicinity of the development site to be relocated underground and all redundant power poles to be removed. The applicant shall liaise directly with the relevant service utility authorities to organise for the wires/cables to be relocated. All wires cables must be relocated underground to the satisfaction of the relevant service utility authority prior to the issuing of an occupation certificate for the development.
70. A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92.

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

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

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

### **Drainage Conditions**

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

#### *Protection from flooding*

71. The floor level of all habitable and storage areas shall be at a minimum RL of 22.30 metres (AHD) or suitably waterproofed up to this same level.
72. The proposed internal driveway must be designed with a high point at least 200 mm above determined 1 in 100 year flood level, (i.e. at least RL 22.20 metres AHD), and in such a manner as to minimize the potential for stormwater to enter the basement carpark. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.
73. All windows, vents and other openings into the basement carpark (excluding the driveway opening) must be located at least 300 mm above the determined 1 in 100 year flood level, (i.e. at least RL 22.30 metres AHD). The plans submitted for the construction certificate shall demonstrate compliance with this requirement.
74. All components of the disabled access platform constructed below RL 23.30 (AHD) shall be fully water proofed. Any components that may be adversely affected by stormwater inundation shall be located above RL 23.30 (AHD). Full details and specifications of the low rise lift showing compliance with the above requirement shall be submitted to the certifying authority prior to the issuing of a construction certificate.
75. All structural walls on the ground floor level shall be designed to **structurally** withstand hydrostatic pressure/stormwater inundation from floodwater during the probable maximum flood (PMF) event as defined in the Floodplain Development Manual (New South Wales Government, April 2005). Structural Engineering certification confirming that this condition has been complied with shall be submitted to the certifying authority prior to the issuing of a construction certificate.

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

#### *Internal Drainage*

76. **Stormwater drainage plans have not been approved as part of this development consent.** Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:
  - a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an

- accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
- b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
  - c) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage system.
  - d) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
    - i. Roof areas
    - ii. Paved areas
    - iii. Grassed areas
    - iv. Garden areas
  - e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
  - f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
  - g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.
77. 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.
78. All site stormwater must be discharged (by gravity) to either:
- a) The underground drainage system in Bunnerong Road, via a new kerb inlet pit; OR
  - b) The underground drainage system in Wild Lane, via the existing kerb inlet pit.

Notes:

- a. All new kerb inlet pits shall be constructed in general accordance with Council's standard drawing SD7a.
- b. With the exception of the site discharge pipe, all new pipelines constructed within council's road reserve shall be minimum 375 mm diameter, spigot and socket rubber ringed jointed, steel reinforced concrete pipeline (RRRCP). Prior to backfilling, all pipelines in council's road reserve shall be inspected and approved by the Hydraulic Engineer certifying the works and Council.

79. 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 Council. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.

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

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

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

80. 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.**

81. 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.
82. The detention area/infiltration system must be regularly cleaned and maintained to ensure it functions as required by the design.
83. **Any onsite detention system shall be located in areas accessible by residents of** all units.
84. The maximum depth of ponding in above ground detention areas (and/or infiltration systems with above ground storage) shall be as follows:
- 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)
  - 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10.
  - 1200mm in landscaped areas where a childproof fence is provided around the outside of the detention area

Notes:

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

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

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

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

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

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

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

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

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

- A child proof and corrosion resistant fastening system provided for the access grate (e.g. spring loaded j-bolts or similar).
- A sign adjacent to the pit stating:  
"This sediment/silt arrester pit shall be regularly inspected and cleaned."

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

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

Notes:

- a. The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
  - a. If new linen plans are being prepared for the site, the plans shall indicate the location and dimensions of the detention/infiltration areas.
  - b. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.
93. Prior to the issuing of an occupation certificate, the applicant shall submit to Council, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:
- 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).
94. Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with the conditions of development consent. The certification must be provided following inspection/s of the site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the PCA.
95. As the above site may encounter groundwater within the depth of the basement excavation and or be present within a fluctuating water table, the basement carpark or similar structures are to be suitably tanked and



waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard, to the satisfaction of the certifying authority. A copy of the certification is to be forwarded to Council.

**Notes:**

- a) Any subsoil drainage (from planter boxes etc) is to be disposed of within the site and is not to be discharged to Council's kerb & gutter and/or underground drainage system.
  - b) Adequate provision is to be made for the ground water to drain around the basement carpark (to ensure that the basement will not dam or slow the movement of the ground water through the development site).
96. Any seepage water must be drained directly into an absorption pit within the site. Seepage water must **not** be drained from the site.
97. If any temporary dewatering of the site is required to facilitate construction of any part of the basement car park and/or detention tank a licence under Part V of the Water Act 1912 will be required. The licence must be obtained from the NSW Department of Water and Energy prior to installation of the works. A copy of the license agreement must be forwarded to Council prior to any dewatering being undertaken.
98. A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of Section 138 of the Roads Act 1993.

**Waste Management Conditions**

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

99. The garbage room areas will have to be designed so as to be able to contain a total of 10 x 240 litre bins (10 garbage bins & 10 recycle bins) whilst providing satisfactory access to these bins. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.
100. The waste storage area/s are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.
101. The waste storage areas shall be clearly signposted.
102. Prior to the Certifying Authority 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 additional residence/dual occupancy.
103. An additional garbage area will have to be constructed for the proposed shop. The applicant is to liaise with Council's Manager of Waste regarding the required size of this garbage area. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.
104. Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste Services, a Waste Management Plan detailing waste and recycling storage and disposal for the development site.

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

### **Landscape Conditions**

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

105. A landscape plan prepared by a professional who holds formal qualifications in Landscape/Horticulture (must also be a registered member of either AILD, LCA, AILA) for all landscaped areas on the site must be submitted to, and be approved by, the Principal Certifying Authority (PCA), prior to the commencement of any site works, with this plan needing to incorporate the following requirements:
  - a. A planting plan at a scale of 1:100 or 1:200 indicating the location of all landscaping either within those raised planters proposed in the Central Courtyard on Level 2, or; at ground level, at the northeast corner of the site, fronting Wild Lane, with all species to be drawn at their mature size.
  - b. The plan must ensure that species which will not encroach onto the Wild Lane roadway and obstruct the line of sight, create a maintenance issue or restrict vehicle or pedestrian movements are selected for the planting shown at ground level, at the northeast corner of the property.
  - c. The Level 2 Central Courtyard must be a design that will cater to the future amenity needs of occupants, while also providing screening and privacy between the two parts of the development at the eastern and western ends of the site, as well as reducing overlooking from those buildings and courtyards on adjoining sites.
  - d. Semi-advanced to advanced species that can grow in such a restricted environment, but will also be able to achieve a minimum height at maturity of 5 metres (such as native palms and tree ferns or similar) shall be incorporated into the raised planters on the Level 2 Central Courtyard.
  - e. A planting schedule listing all plants by botanic & common names, plant quantities, spacings/densities, accent/feature species, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking or maintenance methods where applicable.
  - f. 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.
  - g. Sectional elevations through the site showing the relationship between proposed finished levels, buildings and mature height of the proposed planting.
  - h. All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm, with a suitable construction detail to be provided.
  - i. 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.

- j. 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.
106. The landscaping shall be installed in accordance with the approved documentation, prior to the PCA issuing a Final Occupation Certificate, with the body corporate needing to establish a regime of maintenance to ensure the landscaping is maintained for the life of the development.
  107. Prior to the PCA issuing a Final Occupation Certificate, certification from a suitably qualified professional in the Landscape/Horticulture industry (must be a registered member of either AILDM, LCA or AILA) shall be submitted to the PCA, and must confirm that all landscape works have been completed in accordance with the approved landscaping plans and conditions of development consent.
  108. Any substation required shall be screened from view (subject to satisfying Energy Australia's requirements), with the proposed location, elevation and screening method to be shown.

#### **ADVISORY MATTERS:**

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

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

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

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

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

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

**MOTION: (Andrews/Matson)** that this development application be deferred to the next Planning Committee meeting to allow the applicant to address the carparking issues. **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 Andrews	Councillor Belleli
Councillor Hughes	Councillor Bowen
Councillor Matson	Councillor Matthews
Councillor Nash	Councillor Notley-Smith
Councillor Smith	Councillor Procopiadis
	Councillor Stevenson
	Councillor Tracey
	Councillor White
	Councillor Woodsmith
<b>Total (5)</b>	<b>Total (9)</b>

**MOTION: (White/Matthews) 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 Andrews	Councillor Hughes
Councillor Belleli	Councillor Tracey
Councillor Bowen	Councillor Woodsmith
Councillor Matson	
Councillor Matthews	
Councillor Nash	
Councillor Notley-Smith	
Councillor Procopiadis	
Councillor Smith	
Councillor Stevenson	
Councillor White	
<b>Total (11)</b>	<b>Total (3)</b>

**CP17/10 Director City Planning Report - 4 Cuzco Street, South Coogee  
(DA/581/2009)**

468/10

**RESOLUTION: (Andrews/Nash)**

That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/581/2009 for demolition of the existing dwelling and construction of a new 2 storey dwelling with basement level double garage, at No. 4 Cuzco Street, Coogee, subject to the following conditions:

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

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

Plan Number	Dated	Received	Prepared By
02 Rev B	undated	20 November 2009	Con Harris Architects
03 Rev B	undated	20 November 2009	
04 Rev B	undated	20 November 2009	

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

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

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

3. There must be no encroachment of the structure/s onto Council's road reserve, footway or public place, unless written permission has been obtained from the Council beforehand.
4. Street numbering must be provided to the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council, **prior to an occupation certificate being issued** for the development.
5. The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of approved paving or the like on the ground) without the written consent of Council.
6. Eaves, gutters, hoods and similar structures or attachments are required to be setback from the side boundaries of the allotment a minimum distance of 500mm and details of compliance are to be included in the construction certificate details.
7. Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents.
8. No cooking facilities or sanitary fittings other than those indicated on the approved plans are to be installed in the premises without the prior written consent of the Council.
9. Metal roof sheeting is to be painted or colour bonded to minimize reflection and to be sympathetic and compatible with the building and surrounding environment.
10. Any gate opening shall be constructed so that the gate, when hung, will be fitted in such a manner that it will not open over the footway on Cuzco Street or a public place.
11. The proposed glazed wall to the stairwell in the west elevation shall be setback 1.5m from the western boundary and shall be reduced in extent and treated to limit any light spill from this stairwell to adjoining properties. Details shall be

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

12. The north-facing glazed openings for bedrooms 1 and 4 in the first floor shall be obscure glazing up to 1.5m high. Details shall be submitted to and approved by Council's Director City Planning prior to a Construction Certificate being issued for the development in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
13. The north-facing common balcony adjoining bedrooms 1 and 4 shall be reduced to a maximum 1m width; and shall be installed with obscure glazing along the whole length of the glass balustrade; and shall be installed with a 1.8m privacy screen along the eastern edge. Details shall be submitted to and approved by Council's Director City Planning prior to a Construction Certificate being issued for the development in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
14. The east-facing window to bedroom 1 on the east elevation at the first floor level shall be of fixed and obscure glazing below 1.5m from the finished floor level. Details shall be submitted to and approved by Council's Director City Planning prior to a Construction Certificate being issued for the development in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
15. The south-facing balcony to bedroom 2 on the first floor shall be installed with a 1.8m privacy screen along the eastern edge to protect the privacy of the adjoining eastern property. Details shall be submitted to and approved by Council's Director City Planning prior to a Construction Certificate being issued for the development in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.

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

16. 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 condition is applied to meet additional demands for public facilities:**

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

Category	Cost	Applicable Levy	S94A Levy
Development cost more than \$200,000	\$1,000,000	1.0%	<b>\$10,000.00</b>

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 imposed to promote ecologically sustainable development and energy efficiency.**

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

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

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

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

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

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

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

BASIX commitments has been fulfilled.

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

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

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

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

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

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

24. All new building work must be carried out in accordance with the provisions of the **Building Code of Australia** (BCA), in accordance with Clause 98 of the *Environmental Planning and Assessment Regulation 2000*.

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

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

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

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

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



Building Act 1989.

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

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

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

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

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

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

satisfied.

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

31. In accordance with clause 98 of the Environmental Planning 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.

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

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

33. 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:**

34. 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 WorkCover 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.

35. 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.

36. 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.

37. All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and supported to prevent them from being dangerous to life, property or buildings.

Retaining walls, shoring or piling must be provided to support land which is excavated in association with the erection or demolition of a building, to prevent the movement of soil and to support the adjacent land and buildings, if the soil conditions require it. Adequate provisions are also to be made for drainage.

Retaining walls, shoring, or piling must be designed and installed in accordance with appropriate professional standards and the relevant requirements of the Building Code of Australia and Australian Standards. Details of proposed retaining walls, shoring or piling are to be submitted to and approved by the Principal Certifying Authority for the development prior to commencing such excavations or works.

38. A dilapidation report prepared by a professional engineer, accredited building surveyor or other suitably qualified person must be submitted to the satisfaction of the Principal Certifying Authority **prior to commencement** of any demolition, excavation or building works, in the following cases:
  - new dwellings or additions to dwellings sited up to the property boundaries (including additions to a semi-detached dwelling),
  - excavations for new dwellings, additions to dwellings, swimming pools or the like which are proposed to be located within the zone of influence of the footings of any dwelling, associated garage or other substantial structure located upon an adjoining premises,
  - excavations for new dwellings, additions to dwellings, swimming pools or the like which are within rock and may result in vibration and or potential

- damage to any dwelling, associated garage or other substantial structure located upon an adjoining premises,
- as otherwise required by the Principal Certifying Authority.

The report (including photographs) is to detail the current condition and status of any dwelling, associated garage or other substantial structure located upon the adjoining premises, which may be affected by the subject works.

39. 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).
40. 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.

41. 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.

42. 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.
43. 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.
44. 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.

45. 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.

46. 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.

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

48. 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:**

49. 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.
50. 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:**

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

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

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

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

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

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

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

52. Prior to the issuing of an occupation certificate the applicant must meet the full cost for Council or a Council approved contractor to:

- a) Construct a new concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.
- b) Remove any redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.

53. 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.

54. 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:**

55. The Council's Development Engineer has inspected the above site and has determined that the design alignment level at the property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage.
56. The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.
57. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$617.00 calculated at \$44.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.

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

58. 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.
59. 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.
60. A Road/Asset Opening Permit must be obtained from Council prior to carrying out any public utility service works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.

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

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

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

61. Generally all site stormwater shall be piped to a sediment/silt arrester pit that drains to Council's kerb and gutter.

The location and details of the proposed internal stormwater pipelines and silt arrester pit shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the plans shall be forwarded to Council, prior to a construction certificate being issued, if Council is not the certifying authority.

Notes:

- a. The sediment/silt arrester pit shall be constructed:-
- i. within the site at or near the street boundary.
  - ii. with a child proof and corrosion resistant fastening system (e.g. spring loaded jay-bolt).
  - iii. with a minimum of 4 x 90 mm diameter weep holes (preferably located in the walls of the pit at the floor level) and with a suitable geotextile material **with a high filtration rating** located around the weep holes.
  - iv. with the pit floor being a minimum 300mm below the invert level of the outlet pipelines.
  - v. with a **galvanised** heavy duty screen (Lysaght RH3030 Maximesh or similar) located over the outlet pipes draining to the infiltration pit and the kerb. (Similar to a Mascot GRC stormwater discharge control pit, product code DS3SDC).
62. Any stormwater runoff which cannot be directed to the kerb and gutter at the front of the property shall be discharged either:
- c) Through private drainage easements to Council's kerb and gutter (or underground drainage system); OR
  - d) To a suitably sized infiltration area. As a guide, infiltration areas which do not have an overflow to the street shall be sized based on a minimum requirement of 1 m<sup>2</sup> of infiltration area (together with 1 m<sup>3</sup> of storage volume) for every 20 m<sup>2</sup> of roof/impervious area draining to the infiltration area.

Prior to the use of infiltration in areas where there is no formal overland escape route to Council's kerb and gutter/street drainage system, a geotechnical investigation will be required to determine whether the ground is suitable for infiltration. Should rock and/or a water table be encountered within two metres of the proposed base of the infiltration pit, or the ground conditions comprise low permeability soils such as clay, infiltration may not be appropriate.

63. Should a charged system be required to drain any portion of the site, the charged system must be designed with suitable clear-outs/inspection points at pipe bends and junctions.
64. Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the required discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.

The pump system must also be designed and installed strictly in accordance with Randwick City Council's Stormwater Code.

65. All pump out water must pass through a stilling pit prior to being discharged by gravity to the kerb and gutter.
66. As the above site may encounter groundwater/seepage water within the depth of the basement excavation, the basement garage and/or similar structures are to be suitably tanked and/or waterproofed. A Structural Engineer/Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard, to the satisfaction of the certifying authority. A copy of the certification is to be forwarded to Council.

**Notes:**

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

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

68. A landscape plan prepared by a qualified professional in the Landscape/Horticultural industry (must be a registered member of either AILDM or AILA) shall be submitted to, and be approved by, the Certifying Authority, prior to the issue of a construction certificate (with a copy of the approved plan to be forwarded to Council prior to the commencement of site works if not the CA) and must detail the following:
- a) A Planting Plan & Plant Schedule which includes proposed species, botanic and common names, pot size at the time of planting, quantity, location, dimensions at maturity, maintenance practices (hedging, shaping etc), as well as any other landscape details to describe the proposed works;
  - b) A predominance of species that can withstand poor quality sandy soils and salt laden winds which are prevalent at this site;
  - c) A total number of 2 x 25 litre (pot size at the time of planting) trees within the site, comprising one each within both the front and rear yards, selecting those species which will attain a minimum height of between 4-7 metres at maturity;
  - d) The perimeter planting nominated along the southern, western and northern boundaries, which should achieve a height at maturity which is similar to that of the common boundary fencing in these respective areas.
  - e) In addition to the c) and d) above, details of mature planting to be installed along the northern boundary of the subject site capable of screening overlooking into the rear yard of the adjoining property at No 79 Denning Street.
69. The PCA will be responsible for ensuring that the site landscaping is installed in accordance with the approved plan, prior to a Final Occupation Certificate being issued, with the applicant responsible for ensuring that the landscaping

is maintained in accordance with these plans.

70. The nature-strip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.

### **Tree Management**

71. The applicant shall submit a total payment of \$107.25 (including GST) to Council, being to cover the cost for Council to supply and install 1 x 25 litre street tree, *Grevillea 'Moonlight'* (*Grevillea*) on the Cuzco Street nature strip, to the west of the vehicle crossing.

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 shall contact Council's Landscape Development Officer on 9399-0613, giving at least four working weeks notice, to arrange for the replacement street tree upon completion of all site works.

72. Approval is granted for the removal of all existing vegetation throughout the site in order to accommodate the proposed works as shown, as all were observed to be insignificant, and too small for the provisions of Council's Tree Preservation Order (TPO), but is subject to full implementation of the approved landscaping.
73. The applicant shall be required to ensure the retention and long term health of all trees located on adjoining properties adjacent to the proposed development. As a general guide there shall be minimal excavation or root pruning within the dripline/s of the subject tree/s.

### **Advisory Conditions**

- A1. The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

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

#### **CP18/10 Director City Planning Report - Cultural Community Grants Program March 2010 Assessment Round - Recommended Allocations (F2009/00182)**

- 469/10 **RESOLUTION: (Woodsmith/Andrews)** that Council approve funds totalling \$45,940.60 to be allocated to the organisations listed in the table in Attachment 1 of this report.

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

#### **CP19/10 Director City Planning Report - Draft Social Inclusion Plan (F2004/08006)**

- 470/10 **RESOLUTION: (Woodsmith/Hughes)** that Council:
- a) endorse the final social inclusion plan entitled *An Inclusive Randwick City*, and
  - b) authorise the Director City Planning to make any necessary editorial

amendments to the document in preparation for publication.

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

**CP20/10 Director City Planning Report - SEPP (Exempt and Complying Development Codes) 2008 - Local Exclusion Nomination (F2004/08242)**

---

471/10 **RESOLUTION: (Andrews/Nash)** that the report be received and noted.

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

### **General Manager's Reports**

**GM4/10 General Manager's Report - The 20 year Randwick City Plan (F2009/00426)**

---

472/10 **RESOLUTION: (Andrews/ Matson)** that:

- a) Council adopt the updated 20 year Randwick City Plan;
- b) as per the *Planning and Reporting Guidelines for local government in NSW (2010)*, a copy of the Plan be provided to the Director General of the NSW Division of Local Government, Department of Premier and Cabinet within 28 days of it being endorsed by Council; and
- c) the General Manager be authorised to make any minor changes as requested by the Council or the NSW Division of Local Government.

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

**GM5/10 General Manager's Report - Affixing of the Council Seal (F2004/07367)**

---

473/10 **RESOLUTION: (Andrews/Nash)** that authority is granted for the Council's Common Seal to be affixed to the 'Withdrawal of Caveat' form relating to the property at 128 Broome Street, Maroubra.

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

### **Director City Services Reports**

Nil.

### **Director Governance & Financial Services Reports**

**GF7/10 Director Governance & Financial Services Report - Investment Report - February 2010 (F2004/06527)**

---

474/10 **RESOLUTION: (Andrews/Nash)** that the investment report for February 2010 be received and noted.

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

**GF8/10 Director Governance & Financial Services Report - Internal Reporting System - Protected Disclosures Act (F2005/00303)**

---

475/10 **RESOLUTION: (Andrews/Nash)** that the annual report on Council's Internal Reporting System and Policy in relation to the Protected Disclosures Act be received and noted.

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

**GF9/10 Director Governance & Financial Services Report - Affixing of the Council Seal (F2004/07367)**

476/10 **RESOLUTION: (Andrews/Nash)** that the Council's Seal be affixed to the signing of agreements between Council and Meinrad John Pischetorieder, in relation to a Withdrawal of Caveat over the property located at Lots 1 & 8, 65 Broome Street, Maroubra.

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

**Petitions**

Nil.

**Motion Pursuant to Notice**

**NM9/10 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Belleli - Proposal for Billy Cart Race & Family Picnic Day in South Ward (PROJ/10374/2009)**

477/10 **RESOLUTION: (Belleli/Andrews)** that Council brings back a report on the setting up and running of the first billy cart race and family picnic day in South Ward, and if it is successful, look at holding it in different wards each year rotating it or leaving it in South Ward each year. Also listing possible locations and format.

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

**NM10/10 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Belleli - Proposed Increased Police Patrol in the Little Bay & La Perouse Areas (F2004/07501)**

478/10 **RESOLUTION: (Belleli/Andrews)** that due to the ongoing damage to Council land and trees, for public safety as well as the ongoing disturbance to residents' peace and quiet at all hours of the night in Little Bay, La Perouse, Chifley and Matraville as a result of car hoons (Anzac Parade, Little Bay; The Loop; Endeavour Avenue and the Prince Henry Development), Council writes to the Police Minister and local Member for Maroubra, Mr Michael Daley MP, to:-

- (a) increase police patrols/police resources for quicker response times to act as a deterrent; and
- (b) reinstate and fully staff Malabar Police Station and increase the numbers at the Eastern Beaches Local Area Command to minimise antisocial behaviour.

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

**NM11/10 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Matson - Adherence to the Twelve (12) Metre High Height Limit on the Coogee Bay Hotel Site (F2009/00555)**

479/10 **RESOLUTION: (Matson/Woodsmith)** that, in any discussion or negotiations with developers, Parliamentarians or the State Government concerning the proposed redevelopment of the Coogee Bay Hotel site, Council will affirm that the present twelve (12) metre height limit should be adhered to. Carried unanimously.

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

---

**NM12/10 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Matson - Support a Local Residents' Call for a Protest Against the NSW Labor Government's Proposal to Allow Logging of River Red Gums (PROJ/10353/2007)**

---

480/10

**RESOLUTION: (Matson/Woodsmith)** that Council:

- (a) resolves to support local resident Mr Bob Carr's call for a national protest against the NSW Labor Government's proposal to allow logging of the giant River Red Gums, in southwest NSW, until 2015;
- (b) write to local MP's noting Council's support for Mr Carr's protest call; and
- (c) invite Premier Ms Kristina Keneally, in her capacity as a local MP, to write to Council clarifying the State Government's logging schedule and how this State policy will benefit her local residents as NSW citizens, paying particular attention to the issue of the Murray River Red Gums.

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

Note: Cr Andrews requested that his name be recorded as being opposed to the resolution.

---

**NM13/10 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Woodsmith - Anti-Social Behaviour Restrictions at Coogee Hotels. (F2005/00515)**

---

481/10

**RESOLUTION: (Woodsmith/Matson)** that Council write to the State Government to advise:-

- a) that the measures put into place by Mr Rees aiming to curb the anti social behaviour of the top 48 most violent pubs (two of which were identified as the Coogee Bay Hotel and the Beach Palace Hotel both in Coogee) have gone a long way towards ensuring a safer and vandal free summer for the residents; and
- b) to remove the restrictions, without putting into place a lockout at 1am as suggested by the police, will once again give our streets back to the anarchy that prevailed before.

**MOTION: (Woodsmith/Matson) CARRIED - SEE RESOLUTION.****Confidential Reports****CS5/10 Confidential - Tender for Roads Surfacing and Line Marking (T01/10) (F2009/00214)**

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

---

482/10

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

- (a) accepts the tenders offered by Downer EDI Works Pty Ltd, Clearwater Assets Services Pty Ltd, D & M Excavations & Asphaltting Pty Ltd, Boral Asphalt, Bernipave Pty Ltd, Borthwick & Pengilly Asphalts Pty Ltd, PCK Line Marking Pty Ltd, Statewide Civil Pty Ltd, Roadworx Surfacing Pty Ltd, Fulton Hogan Pty Ltd and Guidance Road Management for the schedules as stipulated in the Evaluation Committees recommendation; and



- (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 twelve (12) months each;
- (c) notifies the unsuccessful tenderers.

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

**GM6/10 Confidential - Councils Online (COL) - Contract Settlement (F2005/00740)**

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

---

483/10

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

- (a) The General Manager be authorised to finalise settlement of the Council's Online (COL) contract for \$3.2m; and
- (b) Council enter into a tripartite Deed of Release between CapGemini, Randwick City Council and the Vendors (for applications that are to be retained and transferred from the Councils Online environment to Randwick City Council).

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

**Notice of Rescission Motion**

Note: A rescission motion in relation to item UB1/10 (Cr Bruce Notley-Smith - Preparation of Comprehensive Urban Design and Streetscape Study of Coogee Town Centre) was submitted (on 25 March 2010) by Councillors Hughes, Matson and Woodsmith and will be considered at the Ordinary Council Meeting to be held on 27 April 2010.

There being no further business, His Worship the Mayor, Cr J Procopiadis, declared the meeting closed at 9.10 pm.

**The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 27 April 2010.**

.....  
**CHAIRPERSON**