

**MINUTES OF ORDINARY COUNCIL MEETING OF THE
COUNCIL OF THE CITY OF RANDWICK HELD ON
TUESDAY, 27 APRIL 2010 AT 6:12PM**

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	-	Councillor C Matthews
East Ward	-	Councillors T Bowen (from 6.26pm), M Matson & B Notley-Smith
West Ward	-	Councillors B Hughes & S Nash
Central Ward	-	Councillors A Andrews, T Seng & G Stevenson

Officers Present:

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoples
Director City Planning	Ms S Truuvert
Director Governance & Financial Services	Mr G Banting
Manager Administrative Services	Mr D Kelly
Manager Development Assessment	Mr K Kyriacou
Manager Strategic Planning	Ms K Armstrong
Manager Organisational Staff Services	Ms F Calabrese
Media Officer	Mr D Crowhurst

Prayer & Acknowledgement of Local Indigenous People

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

Apologies/Granting of Leave of Absences

An apology was received from Cr White.

RESOLVED: (Tracey/Matthews) that the apology received from Cr White be accepted and leave of absence from the meeting be granted.

Confirmation of the Minutes

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

- 484/10 **RESOLUTION: (Andrews/Belleli)** that the Minutes of the Ordinary Council Meeting held on Tuesday 23 March 2010 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

CONFIRMATION OF THE MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON TUESDAY 13 APRIL 2010

- 485/10 **RESOLUTION: (Andrews/Matson)** that the Minutes of the Extraordinary Council Meeting held on Tuesday 13 April 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 Matson declared a non significant non pecuniary interest in item NM15/10 as he lives in the vicinity of the subject area.
- (b) Cr Nash declared a significant non pecuniary interest in item GM13/10 as his employer prepared some of the legal documentation required as part of the process.

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:

CP25/10 75 JERSEY ROAD, MATRAVILLE

For John Dimopoulos

NM15/10 MOTION PURSUANT TO NOTICE FROM CR MATSON - LATE SUBMISSION TO BUILDINGS FOR OUR COMMUNITY PROGRAM AND DRAFT BUDGET SUBMISSIONS

For Ariel Marguin

NM16/10 MOTION PURSUANT TO NOTICE FROM CR MATSON - ADVANCEMENT OF BAKER PARK TOILET BLOCK PROJECT IN SEVEN YEAR BUILDING PROGRAM SUBMISSIONS

For Paul Wood

Mayoral Minutes

MM10/10 Mayoral Minute - Waiving of Fees - Hire of community Bus for the Castellorizian Ladies' Auxiliary (F2004/08381)

- 486/10 **RESOLUTION: (Mayor, Cr J Procopiadis)** that fees of totalling \$306.00 for the hire of the Council bus on 10, 11 and 13 December 2010 to support the Castellorizian Ladies Auxiliary's fundraising Christmas Carols event be waived and that this be funded from the 2009-10 Contingency Fund.

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

MM11/10 Mayoral Minute - "Walk it Off", New Sustainable Transportation Project for Randwick Residents (F2009/00507)

487/10 **RESOLUTION: (Mayor, Cr J Procopiadis)** that Council notes this important initiative for our City.

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

MM12/10 Mayoral Minute - The Leukaemia Foundation of Australia - Request for Donation (F2005/00182)

488/10 **RESOLUTION: (Mayor, Cr J Procopiadis)** that Council make a donation of \$500.00 from the Council Contingency Fund so that a group of local disadvantaged children and their families can attend the 2010 Children's Circus Spectacular being held from 9 through to 11 October, 2010 at Centennial Park, whilst at the same time helping to fund the ongoing work of the Leukaemia Foundation of Australia.

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

MM13/10 Mayoral Minute - Donation of Large Print Books to Prince of Wales Hospital (F2004/08383)

489/10 **RESOLUTION: (Mayor, Cr J Procopiadis)** that Council approve the donation of \$500.00 worth of books to the Prince of Wales Hospital and this be funded from the 2009-10 Contingency Fund.

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

Urgent Business

UB3/10 Legal Advice - Concept Plans for Development of the Coogee Bay Hotel Site (F2009/06104)

490/10 **RESOLUTION: (Matson/Notley-Smith)** that Council request permission from the proponents of the proposed Coogee Bay Hotel site to release copies of the concept plans to the public and, if their response is that the concept plans are not to be released to the public, then Council be provided with the reasons why they should not be released.

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

Councillors Matson and Notley-Smith called for a **DIVISION**.

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

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

Director City Planning Reports**CP21/10 Director City Planning Report - 38 Caley Street, Chifley
(DA/23/2010)**

491/10

RESOLUTION: (Andrews/Matson) that Council, as the consent authority, refuses development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/23/2010 for strata subdivision of an attached dual occupancy at 38 Caley Street, Chifley, for the following reasons:

1. The proposed development is inconsistent with objectives of the 2A zone. In particular it contravenes Clause 10(1)(c) under Randwick Local Environmental Plan 1998 in that the development discourages a mix of housing and housing affordability.
2. The proposed development does not comply with Clause 20B(1) under Randwick Local Environmental Plan 1998 (Consolidation) in that the proposed subdivision is well below the minimum standard and will be inconsistent with the existing and desired future character of the locality.
3. The proposed development will result in a proliferation of strata titled attached dual occupancy developments on substandard lots in the 2A Zone due to the commercial attractiveness of having separate titles for the dual occupancies.
4. The proposed development does not comply with the minimum allotment sizes stipulated under Council's LEP 1998 (Consolidation) and will increase densities in areas that are not accessible to public transport and services.

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

**CP22/10 Director City Planning Report - 387-389 Anzac Parade, Kingsford -
DA/837/2009 (DA/837/2009)**

492/10

RESOLUTION: (Nash/Andrews) 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/837/09 for permission to fit out and sue the existing vacant commercial tenancy for the purposes of Thai Therapeutic massages at No. 4/387 Anzac Parade, Kingsford subject to the following conditions:

1. The development must be implemented substantially in accordance with the plans numbered , pages 1-4, & 4/387, dated 6th November 2009 and received by Council on the 29th December 2009, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:
2. The premises must not to be used for the purposes of a brothel and in this regard, no sexual services are to be provided in association with the massage services.
3. The maximum number of employees operating from the subject premises is restricted to 4, and must have relevant remedial and therapeutic massage qualifications.
4. The hours of operation of the business are restricted to 10.00am to 10.00pm seven days a week.

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

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

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

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

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

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

6. 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.

7. 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).

8. **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.
9. 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).

10. 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".
11. An **Occupation Certificate** must be obtained from the Principal Certifying Authority **prior to any occupation of the building work** encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979*.

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

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

12. The demolition of buildings and the removal, storage, handling and disposal of building materials must be carried out in accordance with the relevant requirements of WorkCover NSW, the NSW Department of Environment & Climate Change (formerly EPA) and Randwick City Council policies, including:
- Occupational Health and Safety Act 2000 & Regulations
 - WorkCover NSW Guidelines & Codes of Practice
 - Australian Standard 2601 (2001) – Demolition of Structures
 - The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 2005
 - Relevant DECC/EPA Guidelines
 - Randwick City Council Asbestos Policy (adopted 13 September 2005)

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

13. 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.
14. 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.
15. 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.

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:

16. The use and operation of the premises shall not give rise to an environmental health or public nuisance.
17. There are to be no emissions or discharges from the premises which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.
18. Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council.

The following conditions have been applied to ensure compliance with Local Government Legislation and Policies of Council:

19. Beauty salons must comply with the *Local Government (General) Regulations 2005* and the premises is to be registered with Council prior to occupation and on an annual basis and the approved registration/inspection fee is to be forwarded to the Council **prior to occupation**.
20. Skin penetration as defined under the Public Health Act 1991 is not permitted.

21. The operation of the premises is to be restricted to Thai massage therapy, oil massage, body scrubs and foot massages.
22. All furniture (e.g. chairs, tables, treatment beds), shelves and fittings must be constructed of, or covered with material that is smooth, impervious to moisture and capable of being easily cleaned.
23. A wash hand basin must be provided in a common area and must be accessible at all times.
24. The wash hand basin must have a supply of soap and disposable towels at all times.
25. A cleaning sink must be provided in a common area for the cleaning and disinfection of equipment.
26. All wash hand basins and cleaning sink/s must have:
 - a supply of hot and cold water from a mixing valve,
 - ceramic tiles provided to a height of 450mm above the wash hand basins and cleaning sink.
27. The floor finish must be rigid, smooth and impervious.

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:

28. 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.

ADVISORY MATTERS:

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

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

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

2. The applicant/owner is advised that this approval does not guarantee compliance with the provisions of the Disability Discrimination Act 1992 and the applicant should therefore consider their liability under the Act. In this

regard, the applicant is advised that compliance with the requirements of the Building Code of Australia and Australian Standard 1428.1 - Design for Access and Mobility does not necessarily satisfy the objectives of the Disability Discrimination Act 1992.

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

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

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

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

CP23/10 Director City Planning Report - 387-389 Anzac Parade, Kingsford - DA/57/2010 (DA/57/2010)

493/10

RESOLUTION: (Nash/Andrews) 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/57/2010 for permission to fit out and use the existing vacant commercial tenancy for the purposes of Thai Therapeutic massages at 4/387 Anzac Parade, Kingsford subject to the following conditions:

1. The development must be implemented substantially in accordance with the plans numbered , pages A001, A003, A004, A005, A006 & A007, dated 01/02/10 and received by Council on the 2nd 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 premises must not to be used for the purposes of a brothel and in this regard, no sexual services are to be provided in association with the massage services.
3. The maximum number of employees operating from the subject premises is restricted to 7, and must have relevant remedial and therapeutic massage qualifications.
4. The hours of operation of the business are restricted to 10.00am to 10.00pm

seven days a week.

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

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

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

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

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

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

6. 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.

7. 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).

8. **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.
9. 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).

10. 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".
11. An **Occupation Certificate** must be obtained from the Principal Certifying Authority **prior to any occupation of the building work** encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979*.

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

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

12. The 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
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 - Australian Standard 2601 (2001) – Demolition of Structures

- The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 2005
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A copy of Council's Asbestos Policy is available on Council's web site at www.randwick.nsw.gov.au in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.

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14. 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.
15. 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.

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:

16. The use and operation of the premises shall not give rise to an environmental health or public nuisance.
17. There are to be no emissions or discharges from the premises which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.
18. Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council.

The following conditions have been applied to ensure compliance with Local Government Legislation and Policies of Council:

19. Beauty salons must comply with the *Local Government (General) Regulations*

2005 and the premises is to be registered with Council prior to occupation and on an annual basis and the approved registration/inspection fee is to be forwarded to the Council **prior to occupation**.

20. Skin penetration as defined under the Public Health Act 1991 is not permitted.
21. The operation of the premises is to be restricted to Thai massage therapy, oil massage, body scrubs and foot massages.
22. All furniture (e.g. chairs, tables, treatment beds), shelves and fittings must be constructed of, or covered with material that is smooth, impervious to moisture and capable of being easily cleaned.
23. A wash hand basin must be provided in a common area and must be accessible at all times.
24. The wash hand basin must have a supply of soap and disposable towels at all times.
25. A cleaning sink must be provided in a common area for the cleaning and disinfection of equipment.
26. All wash hand basins and cleaning sink/s must have:
 - a supply of hot and cold water from a mixing valve,
 - ceramic tiles provided to a height of 450mm above the wash hand basins and cleaning sink.
27. The floor finish must be rigid, smooth and impervious.

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:

28. 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.

ADVISORY MATTERS:

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

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

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

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

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

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

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

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

**CP24/10 Director City Planning Report - 265 Arden Street, Coogee
(DA/116/2010)**

494/10

RESOLUTION: (Smith/Notley-Smith) 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/116/2010 for permission to fit out and use the existing vacant commercial tenancy for the purposes of Thai Therapeutic massage at 265 Arden Street, Coogee subject to the following conditions:

1. The development must be implemented substantially in accordance with the plans received by Council on the 24th 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 premises must not be used for the purposes of a brothel and no sexual services are to be provided in association with the massage services.
3. The maximum number of employees operating from the subject premises is restricted to 4, and must have relevant remedial and therapeutic massage qualifications.

4. The hours of operation of the business are restricted to 10.00am to 10.00pm seven days a week.

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

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

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

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

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

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

6. 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.

7. 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).

8. **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.
9. 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).

10. 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".
11. An **Occupation Certificate** must be obtained from the Principal Certifying Authority **prior to any occupation of the building work** encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979*.

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

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

12. The demolition of buildings and the removal, storage, handling and disposal of building materials must be carried out in accordance with the relevant requirements of WorkCover NSW, the NSW Department of Environment & Climate Change (formerly EPA) and Randwick City Council policies, including:
- Occupational Health and Safety Act 2000 & Regulations
 - WorkCover NSW Guidelines & Codes of Practice

- Australian Standard 2601 (2001) – Demolition of Structures
- The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 2005
- Relevant DECC/EPA Guidelines
- Randwick City Council Asbestos Policy (adopted 13 September 2005)

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

13. 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.
14. 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.
15. 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.

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:

16. The use and operation of the premises shall not give rise to an environmental health or public nuisance.
17. There are to be no emissions or discharges from the premises which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.
18. Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council.

The following conditions have been applied to ensure compliance with Local Government Legislation and Policies of Council:

19. Beauty salons must comply with the *Local Government (General) Regulations 2005* and the premises is to be registered with Council prior to occupation and on an annual basis and the approved registration/inspection fee is to be forwarded to the Council **prior to occupation**.
20. Skin penetration as defined under the Public Health Act 1991 is not permitted.
21. The operation of the premises is to be restricted to Thai massage therapy, oil massage, body scrubs and foot massages.
22. All furniture (e.g. chairs, tables, treatment beds), shelves and fittings must be constructed of, or covered with material that is smooth, impervious to moisture and capable of being easily cleaned.
23. A wash hand basin must be provided in a common area and must be accessible at all times.
24. The wash hand basin must have a supply of soap and disposable towels at all times.
25. A cleaning sink must be provided in a common area for the cleaning and disinfection of equipment.
26. All wash hand basins and cleaning sink/s must have:
 - a supply of hot and cold water from a mixing valve,
 - ceramic tiles provided to a height of 450mm above the wash hand basins and cleaning sink.
27. The floor finish must be rigid, smooth and impervious.

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:

28. 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.

ADVISORY MATTERS:

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

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

You are also advised to ensure that the development is not inconsistent with Council's consent and if necessary consult with Council's Building Certification Services or your accredited certifier prior to submitting your construction

certificate application to enable these matters to be addressed accordingly.

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

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

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

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

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

CP25/10 Director City Planning Report - 75 Jersey Road, Matraville (DA/918/2009)

495/10

RESOLUTION: (Matthews/Andrews) 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/918/2009 for construction of new 2 storey dwelling with garage and associated works at No. 75 Jersey Road, Maroubra, subject to the following conditions:

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

1. The development must be implemented substantially in accordance with the plans numbered DA02, DA03 and DA04, received by Council on 26 March 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, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and

amenity of the building and the streetscape.

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

3. Any fence between the building and a street boundary must be no higher than 1800mm and the upper two thirds must be at least half open. Openings must be distributed evenly over the surface area of the fence. Design details must be shown on the Construction Certificate.
4. There must be no encroachment of the structure/s or associated articles onto Council's road reserve, footway, nature strip or public place.
5. 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.
6. 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.
7. External 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.

The following condition/s are imposed to satisfy the requirements of the Sydney Water Corporation.

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

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

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

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

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

10. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, based on the development cost of \$1,266,237.00 the following applicable monetary levy must be paid to Council: **\$12,662**

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

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

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

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

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

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

13. The following provisions are to be implemented in accordance with the relevant BASIX Certificate and details are to be included in the Construction Certificate documentation (as applicable), to the satisfaction of the Certifying Authority:
 - Stormwater management (i.e. rainwater tanks)
 - Water efficiency (i.e. triple A rated taps and showers, dual flush toilets and water re-use)
 - Landscaping provisions
 - Thermal comfort (i.e. construction materials, glazing and insulation)
 - Energy efficiency (i.e. cooling & heating provisions and hot water systems)
14. In accordance with Clause 154B of the *Environmental Planning & Assessment Regulation 2000*, a Certifying Authority must not issue an Occupation Certificate for this development, unless it is satisfied that each of the required BASIX commitments have been fulfilled.

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

The following 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:

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.

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

19. The building works must be inspected by the *Principal Certifying Authority* (or other *certifying authority* if the *Principal Certifying Authority* agrees), in accordance with sections 109E (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*,
 - 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 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.

24. **Prior to the issuing of an interim or final occupation certificate**, a statement is required to be obtained from the Principal Certifying Authority or other suitably qualified person, which confirms that the development is not inconsistent with the development consent and the relevant conditions of development consent have been satisfied.
25. Smoke alarms must be installed in each Class 1 building or residential dwelling

in accordance with the relevant provisions of Part 3.7.2 of the B.C.A. – Housing Provisions.

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

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

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 and Randwick City Council policies, including:

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

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

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 those 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 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
- On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.
- Asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2005*.
- A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the Principal certifying authority upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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

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

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

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

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

Details of proposed retaining walls, shoring or piling are to be submitted to and approved by the Principal Certifying Authority for the development prior to commencing such excavations or works.

31. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 E of the *Environmental Planning & Assessment Regulation 2000*, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.

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

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

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

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

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

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

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

The survey documentation must be forwarded to the Principal Certifying Authority and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority.

35. 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.

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

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

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

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

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

37. 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.

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

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

39. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:
- a) Building materials, sand, soil, waste materials, construction equipment or 5 other activities must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
 - b) Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line or any public place and the stockpiles must be protected with adequate sediment control measures.
 - c) Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.
 - d) Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health Building and Regulatory Services section.

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

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

40. 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:

41. 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.
42. 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:

43. The following damage/civil works security deposit requirement is to be

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

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

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

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

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

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

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

44. 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 concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.
 - b) Remove the redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.
 - c) Reconstruct 1.3m wide concrete footpath across the full site frontage in Jersey Road, if required
45. 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.
46. 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:

47. 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, shall be:

Jersey Road Frontage

- 20mm ABOVE the back of the existing footpath at all points opposite, along the full site frontage.

Gainford Avenue Frontage

- 100mm ABOVE the top of the kerb at all points opposite the kerb, along the full site frontage.

The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the kerb/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.

48. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$469 calculated at \$44.00 (inclusive of GST) per metre of Jersey Road site frontage. This amount is to be paid prior to a construction certificate being issued for the development.
49. The top of footings of any structures constructed on the boundary alignment in Gainford Avenue must be at least 150mm below the alignment level as specified. This condition has been attached to accommodate future footpath construction at this location.

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

50. A public utility impact assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.
51. The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.
52. 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:

53. Generally all site stormwater shall be piped to a sediment/silt arrester pit that drains to an infiltration area with a minimum 5 m² base area. An overflow pipe shall be provided from the silt arrester pit to drain to Council's kerb and gutter or underground drainage system via a new or existing kerb inlet pit.

The location and details of the proposed internal stormwater pipelines, silt arrester pit and the infiltration area 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.
 - i. with a child proof and corrosion resistant fastening system (e.g. spring loaded jay-bolt).
 - ii. 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.
 - iii. with the pit floor being a minimum 300mm below the invert level of the outlet pipelines.
 - iv. 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).
- b. The infiltration/rubble pit shall:
- i. have a minimum 300 mm of soil cover (600 mm where the pit is located under a garden/landscaping area).
 - i. be located a minimum of 3.0 metres from the dwelling or other structure (closer if a structural engineer certifies that the infiltration area will not adversely affect the structure) and 2.1 metres from the adjacent side or rear boundaries.
 - ii. be constructed with a minimum 200 mm thick layer of 20 mm basalt/blue metal (or similar) that is wrapped in a suitable geotextile material covering with a high filtration rating (Geofabrics Bidim "A" range of filtration fabrics or equivalent). A suitable means of dispersing the stormwater over the area of infiltration is to be constructed.
- Note: other equivalent methods of infiltration may be adopted.
- iii. have a minimum base area of 5.0 square metres (m²).

The outlet from the silt arrester pit to the infiltration area shall be located at least 50 mm below the outlet from the silt arrester pit to the kerb and gutter.

- c. The requirement for an infiltration/rubble pit will not be enforced should the underground soil conditions preclude the construction of the infiltration pit (eg rock is located within 300 mm of the base of the infiltration area). If the infiltration/rubble pit is not constructed then all site stormwater shall be discharged to the kerb and gutter or underground drainage system via a sediment/silt arrester pit (as detailed in note a. above).

All works shall be to the satisfaction of the certifying authority.

- d. The overflow pipe from the rainwater tank shall be directed into the infiltration area.

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

54. Landscaping at the site shall be installed substantially in accordance with the Landscape Plan & Documentation by Anthony Wyer Landscape Design, drawing A, job number 38-09, revision 2, dated 17/3/2010 and stamped 26 March 2010, prior to the PCA issuing a Final Occupation Certificate, and needs to be maintained in accordance with this plan.
55. The nature-strip upon both of Council's footway's 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 Removals

56. Despite being shown for retention on the submitted plans, and consistent with conditions provided for the previous consent for this site (DA/512/2005), Council requires that the *Eucalyptus sideroxylon* (Ironbark), located in the northeast corner of the property be removed due to its existing poor condition, and the impacts that will arise from construction of the driveway and garage.

Pruning of Neighbouring Tree

57. Permission is granted for the selective and minimal pruning of only those lower growing, lower order branches from the western aspect of the large *Eucalyptus botryoides* (Bangalay), located beyond the northeast corner of the subject site, in the front yard of the adjoining property to the east, 77 Jersey Road, close to the common boundary, where they need to be specifically pruned in order to avoid damage to the tree; or, interference with the approved works/scaffolding or similar.
58. This approval does not imply any right of entry onto a neighbouring property nor does it allow pruning beyond a common boundary; however, where such measures are desirable in the best interests of correct pruning procedures, and ultimately, the ongoing health of this tree, the applicant must negotiate with the neighbour/tree owner for access to perform this work.
59. All pruning must be undertaken by an Arborist who holds a minimum of AQF Level III in Arboriculture, and who is also a registered member of a nationally recognised organisation/association, with all pruning to be performed to Australian Standard AS 4373-1996 'Pruning of Amenity Trees.'

Street Tree Management

60. The applicant shall submit a total payment of \$214.50 (including GST) to cover the cost for Council to supply and install 2 x 25 litre street trees, *Cupaniopsis anacardioides* (Tuckeroo's), spaced evenly along the length of the Gainford Avenue frontage at the completion of all works.

The contribution shall be paid into Tree Amenity Income 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 (quoting the receipt number), and giving at least four working weeks notice, to arrange for planting of these street trees upon completion of all site works.

Protection of Council's Street Trees

61. In order to ensure retention of the two small, recently *Hibiscus tiliaceus* (Cottonwoods) located on Council's Jersey Road nature strip, being one just to the east of the proposed vehicle crossing, beyond the eastern site boundary, in front of 77 Jersey Road, and then another to the west, towards the intersection of Gainford Avenue in good health, the following measures are to be undertaken:
- a. All documentation submitted for the construction certificate application must show the retention of both street trees, with the position and diameter of both of their trunks to be clearly shown on all drawings.
 - b. Any new services, pipes, stormwater systems or similar that need to be installed over public property, must be done so against either side of the new crossing so as to minimise root damage.
 - c. Both street trees must be physically protected by installing a total of four star pickets at a setback of **1.0 metre** off both of their trunks, on all four sides, to which safety tape/para-webbing shall be permanently attached, so as to completely enclose each tree for the duration of works.
 - d. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION, DO NOT REMOVE".
 - e. The applicant is not authorised to perform any works to either of these street trees, and shall contact Council's Landscape Development Officer on 9399-0613 should pruning or any similar such work appear necessary, with the applicant required to cover all associated costs with such work, to Council's satisfaction, prior to the issue of a final occupation certificate.
 - f. Within the zone specified in point 'b' above, there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble.
 - g. Any roots encountered during the course of the approved works must be cut cleanly by hand, and the affected area backfilled with clean site soil as soon as practically possible.
 - h. A refundable deposit in the form of cash, credit card or cheque for an amount of **\$500.00** shall also be paid at the Cashier on the Ground Floor of the Administrative Centre, **prior to a construction certificate being issued for the development**, in order to ensure compliance with the conditions listed in this consent, and ultimately, preservation of this street tree.

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

(9399-0613).

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

Protection of Neighbouring Tree

62. In order to ensure retention of the large *Eucalyptus botryoides* (Bangalay), located in the front yard of the adjoining property to the east, 77 Jersey Road, close to the common boundary in good health, the following measures are to be undertaken:
- a. All documentation submitted for the construction certificate application must show its retention, with the position and diameter of both its trunk and canopy to be clearly shown on all drawings.
 - b. The PCA must ensure that a deep soil garden area measuring a minimum width of 1.4m is provided along the eastern boundary, between the front boundary and garage, with any surface treatment proposed along the eastern side setback needing to be porous/permeable in nature, such as stepping stones, decorative gravel or similar.
 - c. All initial excavations associated with the northeast corner of the proposed garage, as well as services or similar, for a distance of **2.5 metres** along both the northern and eastern axis of the garage, must be dug by hand, to a minimum depth of 600mm, where any roots encountered must be cut cleanly by hand, and the affected area backfilled with clean site soil as soon as practically possible.
 - d. Any new services, pipes, stormwater systems or similar that need to be installed around the northeast corner of the site, or along the eastern side setback, must be designed and installed to be as close as practically possible to the proposed dwelling in order to minimise root damage.
 - e. In order to prevent soil, sediment, chemicals, cement or similar being washed towards this neighbouring tree, and over its root system, erosion control measures shall be provided along the eastern edge of the proposed internal driveway.
 - f. The PCA must ensure that throughout the course of the works, 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** of its trunk, measured off its outside edge at ground level, with all Site Management Plans needing to recognise the fact that material storage cannot be located within this area.
- Further information and details on Council's requirements for trees on development sites can be obtained from the recently adopted Tree Technical Manual, which can be downloaded from Council's website at the following link, <http://www.randwick.nsw.gov.au> - Looking after our environment – Trees – Tree Management Technical Manual; which aims to achieve consistency of approach and compliance with appropriate standards and best practice

guidelines.

ADVISORY MATTERS

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

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

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

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

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

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

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

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

A5 The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

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

CP26/10 Director City Planning Report - Reporting Variation to Development Standard Under State Environment Planning Policy No. 1 (SEPP1) from 1 March to 15 April 2010 (F2008/00122)

496/10

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

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

**CP27/10 Director City Planning Report - Special Uses Discussion Paper
(F2007/00577)**

497/10 **RESOLUTION: (Woodsmith/Andrews) that:**

- a) Council endorse the Randwick City Special Uses Discussion Paper (2010) for public consultation and as a basis for drafting the Comprehensive LEP and DCP; and
- b) Council agree that the Director City Planning may make minor modifications to rectify any numerical, typographical, interpretation and formatting errors, as required in preparing the paper for public consultation.

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

**CP28/10 Director City Planning Report - Randwick Landscape Elements/
Retaining Walls and Stairs (F2008/00371)**

498/10 **RESOLUTION: (Andrews/Notley-Smith) that:-**

- (a) Council note and endorse the Randwick Landscape Elements Study and related material for public exhibition and consultation, including notification to adjacent property owners; and
- (b) the proposed heritage listing of the Arden Street retaining wall include both sides of the street.

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

**CP29/10 Director City Planning Report - Reconciliation Week 2010
(F2004/06272)**

499/10 **RESOLUTION: (Smith/Woodsmith) that Council supports the proposed activity to celebrate Reconciliation 2010.**

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

**CP30/10 Director City Planning Report - Proposed Coogee Town Centre
Urban Design and Streetscape Study (F2005/00602)**

500/10 **RESOLUTION: (Andrews/Notley-Smith) that:**

- a) Council agree to establish the Coogee Working Group based on the model used for the Maroubra Beach Working Group;
- b) Council note the proposed study area for the Urban Design and Streetscape Study; and
- c) Council note the proposed consultants and seek quotes from Elton's Consulting and Allen Jack & Cottier to facilitate the Coogee Working Group and to undertake the Urban Design and Streetscape Study for the Coogee Town Centre, subject to suitable quotations.

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

General Manager's Reports**GM9/10 General Manager's Report - Affixing of the Council Seal
(F2004/07367)**

501/10 **RESOLUTION: (Andrews/Matson)** that the Council's Seal be affixed to the signing of agreements between Council and KU Children's Services in relation to a licence for the Peter Pan Kindergarten, 30 Canara Avenue, Phillip Bay.

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

**GM10/10 General Manager's Report - Draft Randwick City Council
Management Plan 2009-13 and 2010-11 Annual Operational Plan
(F2009/00517)**

502/10 **RESOLUTION: (Andrews/Hughes)** that:

- a) the Draft 2009-13 Randwick City Council Management Plan/2010-11 Annual Operational Plan, which includes the 2010-11 Budget and associated Fees and Charges, and attachments as outlined below, be placed on public exhibition for not less than 28 days, from 4 May 2009 to 1 June 2010, inviting submissions from the public;
- b) at the conclusion of the period of public exhibition a meeting of Council is held to consider any submissions made concerning the Draft Plan, and after taking into consideration such matters, as it considers relevant, Council adopt the Management Plan; and
- c) in accordance with the NSW Department of Local Government Code of Accounting Practice and Financial Reporting (June 2009) Note 2(b), in respect to each broad function of council, expenses that can be reliably attributed have been allocated to that function.

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

**GM12/10 General Manager's Report - Invitation to Attend LGMA National
Congress 2010 & International Federation on Ageing 10th Global
Conference (F2004/07399)**

503/10 **RESOLUTION: (Andrews/Woodsmith)** that:

- a) the invitations to attend the LGMA National Congress 2010 and the International Federation on Ageing 10th Global Conference be accepted; and
- b) any interested Councillors advise the General Manager as soon as possible for registration purposes.

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

Director City Services Reports

Nil.

Director Governance & Financial Services Reports**GF14/10 Director Governance & Financial Services Report - Investment
Report - March 2010 (F2004/06527)**

504/10 **RESOLUTION: (Matthews/Andrews)** that the investment report for March 2010 be received and noted.

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

GF15/10 Director Governance & Financial Services Report - Adoption of Confidential Documents Policy (F2007/00634)

505/10 **RESOLUTION: (Tracey/Stevenson) that:-**

- (a) the draft Confidential Documents Policy be deferred for further discussion of more detailed procedures at a Councillor Briefing session; and
- (b) the confidential documents be given a different colour to distinguish them from the non confidential papers issued.

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

Petitions

Nil.

Motion Pursuant to Notice

NM14 / 10 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Notley-Smith - Opposing Redevelopment of the Coogee Bay Hotel (F2009/00555)

506/10 **RESOLUTION: (Notley-Smith/Matson) that Council give its support to the public meeting to protest the proposed redevelopment of the Coogee Bay Hotel under the NSW State Government's Part 3A legislation in the EP&A Act, to be held at a future date at Goldstein Reserve, Coogee and erect banner poles to the General Manager & Mayor's satisfaction stating Council's opposition to this being declared part 3A as well as it being advertised in the mayoral column.**

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

AMENDMENT: (Stevenson/Woodsmith) that Council give its support to the public meeting to protest the proposed redevelopment of the Coogee Bay Hotel under Part 3A legislation in the EP&A Act, to be held at a future date at Goldstein Reserve, Coogee and erect banner poles to the General Manager & Mayor's satisfaction stating Council's opposition to this being declared part 3A as well as it being advertised in the mayoral column. LOST.

NM15/10 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Matson - Late Submission to Buildings for Our Community Program and Draft Budget Submissions (F2010/00044)

507/10 **RESOLUTION: (Matson/Hughes) that Council:**

- a) notes the draft budget submission from Each & All Stronger Together of 29th March, 2010 proposing the two Lexington Place shop based projects "Lexchange - PC Tree" and "Lexpresso" and forwards it to the attention of the General Manager; and
- b) invites Each & All Stronger Together to submit a formal business plan.

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

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

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

AMENDMENT: (Andrews/Matthews) that Council invites Each & All Stronger Together to submit a formal business plan in accordance with Council's Building for Our Communities Program and that the projects be incorporated into the proposed Maroubra Beach Community Centre. **LOST.**

Councillors Andrews and Matthews called for a **DIVISION.**

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

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

NM16/10 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Matson - Advancement of Baker Park Toilet Block Project in Seven Year Building Program (Buildings for Our Community Program) (F2010/00044)

508/10

RESOLUTION: (Matson/Notley-Smith) that Council resolves to move the scheduled Baker Park toilet block project down from year 4 to year 2 of the schedule of works in the adopted Buildings for Our Community Program and to amend the drafting of Council's Management Plan for 2010-11 accordingly.

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

NM17/10 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Matson - Community Services Awards (F2009/00434)

509/10 **RESOLUTION: (Matson/Hughes)** that Council adopt a policy of prohibiting serving Councillors from being recipients of Council issued awards such as the yearly Community Services Awards.

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

Cr Matthews requested that his name be recorded as voting against the above resolution.

NM18/10 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Matthews - Proposed Increase in the Aged Pensioner Council Rebate (F2004/07458)

510/10 **RESOLUTION: (Matthews/Andrews)** that this Council write to the Premier, Kristina Keneally and table a motion at the Local Government Conference, seeking an immediate increase in the Aged Pensioner Councils Rebate from \$250.00 to \$350.00, indexed annually by the rate pegging rate, in order to address the extreme hardship now faced by our aged pensioners as a result of the recent massive increases in their electricity, gas, water and telephone charges, which they are struggling to pay and which are impacting on their quality of life.

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

Confidential Reports (Closed Session)

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

Closed Session

GM11/10 Confidential - Draft Randwick City Council Management Plan 2010-14: Confidential Fees and Charges (F2009/00342)

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.

511/10 **RESOLUTION: (Andrews/Smith)** that the Draft Confidential Fees and Charges 2010-11 be noted.

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

GF16/10 Confidential - SSROC Tender for the Supply and Delivery of Stationery, Toner, Canteen and Childcare Products (F2009/00527)

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

512/10 **RESOLUTION: (Andrews/Smith)** that:

- a) under Regulation 178(1)(a) of the Local Government (General) Regulation 2005, Corporate Express Australia Ltd be accepted as the successful tenderer; and
- b) the General Manager, or delegated representative, be authorised to enter into a

preferred supplier agreement with Corporate Express Australia Ltd. for a period of 3 years, with 2 optional 1 year extensions.

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

GF17/10 Confidential - Insurance Claim - Ms Heyin Tree & Mr Steve Shilin Tree v Randwick City Council (PL2010/01892)

This matter is considered to be confidential under Section 10A(2)(g) of the Local Government Act, as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

513/10 **RESOLUTION: (Smith/Nash)** that the report be received and noted.

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

GF18/10 Confidential - Tender for the Provision of Catering Services - T03/10 (F2009/00551)

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

514/10 **RESOLUTION: (Hughes/Matthews)** that Council:

- a) accepts Gastronomy Australia Pty Ltd as the successful tenderer to provide Catering Services to the Council, subject to completion of a three month trial period to Council's satisfaction;
- b) authorises the General Manager to sign the contract documents on behalf of Council for a three year term with an option to extend for two further terms of twelve months each; and
- c) notifies the unsuccessful tenderers.

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

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

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

GF19/10 Confidential - Tender for the Supply of Outdoor Clothing - T04/10 (F2009/00552)

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

515/10

RESOLUTION: (Andrews/Smith) that Council:

- a) accepts Jiyano Pty Ltd as the successful tenderer to supply Outdoor Clothing to the Council;
- b) authorises the General Manager to sign the contract documents on behalf of Council for a three year term with an option to extend for two further terms of 12 months each; and
- c) notifies the unsuccessful tenderers.

MOTION: (Andrews/Smith) CARRIED UNANIMOUSLY - SEE RESOLUTION.**GM13/10 Confidential - Council's Online (COL) - Progress Report (F2005/00740)**

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

516/10

RESOLUTION: (Andrews/Smith) that the information be received and noted.**MOTION: (Andrews/Smith) CARRIED UNANIMOUSLY - SEE RESOLUTION.****Open Session**

The meeting moved back into open session.

Notice of Rescission Motions

Nil.

There being no further business, His Worship the Mayor, Cr J Procopiadis, declared the meeting closed at 9.21 pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 25 May 2010.

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CHAIRPERSON