



## **MINUTES OF ORDINARY COUNCIL MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 22 JUNE 2010 AT 6:10PM**

### **Present:**

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

Councillor R Belleli (Deputy Chairperson) (South Ward)

North Ward	- Councillors K Smith, P Tracey & M Woodsmith
South Ward	- Councillors C Matthews & A White
East Ward	- Councillors T Bowen, M Matson & B Notley-Smith
West Ward	- Councillor B Hughes
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
Senior Administrative Coordinator	Ms J Hartshorn
Manager Development Assessment	Mr K Kyriacou
Manager Organisational Staff Services	Ms F Calabrese
Manager Technical Services	Mr M Shaw
Manager Corporate & Financial Planning	Ms C Foley

### **Prayer & Acknowledgement of Local Indigenous People**

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

### **Australian Soldiers killed in Afghanistan**

The Mayor acknowledged the three Australian soldiers who were killed when their helicopter went down in Afghanistan on Monday 21 June 2010 and extended his sympathy to their families.

### **Resignation of Manager Technical Services**

The Mayor advised that Council's Manager Technical Services, Mr Mark Shaw, has resigned to take up a position with Canterbury City Council. The Mayor thanked Mr

Shaw for his service to the residents of Randwick City during the past five (5) years and congratulated him on his new appointment.

### **Apologies/Granting of Leave of Absences**

An apology was received from Cr Nash.

**RESOLVED: (Seng/Andrews)** that the apology received from Cr Nash 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 25 MAY 2010**

550/10

**RESOLUTION: (Belleli/Andrews)** that the Minutes of the Ordinary Council Meeting held on Tuesday 25 May 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 CP44/10 as he knows Paul Chilcott through a past association with The Spot Precinct Committee.
- b) Cr Matson declared a non significant non pecuniary interest in Item NM33/10 as the speaker, Sue Doran, is known to him and is a member of The Greens.
- c) Cr Notley-Smith declared a non significant non pecuniary interest in Item CP44/10 as Peter Vessels, Neaf and Jack Ziade, John Deegan and Paul Chilcott are all well known to him in his capacity as a Councillor.
- d) Cr Bowen declared a non significant non pecuniary interest in Item CP44/10 as he has received invitations from the Ritz Cinema to various functions in the past and Mr Ken Murray (Trustee of the AJC) is known to him through the Labor Party.
- e) Cr Bowen declared a non significant non pecuniary interest in Item CP47/10 as some members of his family live two (2) doors away from the subject property and have objected to the development application.
- f) Cr Andrews declared a non significant non pecuniary interest in Item CP44/10 as he has been a guest of the AJC in the past.
- g) Cr Seng declared a non significant non pecuniary interest in Item CP44/10 as he knows Ken Murray, Neaf and Jack Ziade and John Deegan.
- h) Cr Hughes declared a non significant non pecuniary interest in Item NM33/10 as the speaker, Sue Doran, is known to him and is a member of The Greens.
- i) Cr Hughes declared a non significant non pecuniary interest CP44/10 as he has received invitations from the Ritz Cinema to various functions in the past
- j) Cr Smith declared a non significant non pecuniary interest in CP44/10 as he his employer has a business relationship with one of objecting parties.
- k) Cr Smith declared a non significant non pecuniary interest in Item CP53/10 as his employer has a business relationship with two of the businesses referred to in the report.
- l) Cr Tracey declared a non significant non pecuniary interest in Item CP44/10 as Ken Murray, Peter Vessels, Neaf and Jack Ziade, John Deegan and Paul Chilcott are all well known to him in his capacity as a Councillor.
- m) Cr Woodsmith declared a non significant non pecuniary interest in Item CP44/10 as she knows Paul Chilcott.
- n) Cr Woodsmith declared a non significant non pecuniary interest in Item NM33/10

- as the speaker, Sue Doran, is known to her and is a member of The Greens.
- o) Cr Procopiadis declared a non significant non pecuniary interest in Item CP44/10 as he knows Ken Murray, Paul Rosenberg (the applicant) and Jack Ziade.
  - p) Cr Procopiadis declared a non significant non pecuniary interest in Item MM18/10 as his grandsons attend Randwick Boys High School.
  - q) Cr Matthews declared a non significant non pecuniary interest in Item CP44/10 as he knows Ken Murray, Neaf Ziade and John Deegan.
  - r) Cr White declared a non significant non pecuniary interest in Item CP44/10 as he knows Ken Murray, John Deegan and Jack Ziade.
  - s) Cr White declared a non significant non pecuniary interest in Item NM29/10 as he is a member of the Sydney Cricket Ground.
  - t) Cr Matson declared a non pecuniary non significant interest in Item MM18/10 as his daughter attends Randwick Girls High School.
  - u) Cr Stevenson declared a non significant non pecuniary interest in Item CP44/10 as he knows Ken Murray.
  - t) Cr Stevenson declared a non significant non pecuniary interest in Item NM29/10 as he is a member of the Sydney Cricket Ground.

### **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:

CP46/10 38 CLIFFBROOK PARADE, CLOVELLY

**Against** Janice Falconer

**For** Rolf Ockert - Applicant

CP47/10 20 SACKVILLE STREET, MAROUBRA

**Against** Simon Ranson

**For** Gabriella Buomo - Applicant

CP50/10 2-8 WILLIAM STREET, RANDWICK

**For** Michael Khoury

NM24/10 MOTION PURSUANT TO NOTICE FROM CR MATTHEWS - PROPOSED REGISTRATION FEE FOR BICYCLES IN ALL LOCAL GOVERNMENT AREAS

**Against** Michael Gratten

NM28/10 MOTION PURSUANT TO NOTICE FROM CR BOWEN - "KEEP COOGEE A VILLAGE" POSTERS

**For** Maria Bradley

NM30/10 MOTION PURSUANT TO NOTICE FROM CR MATSON - COOGEE COMMUNITY GARDEN: REQUEST FOR COUNCIL CONSENT AND ASSISTANCE

**For** Sue White

NM33/10 MOTION PURSUANT TO NOTICE FROM CR MATSON - REPEAL OF PART 3A OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT

**For** Sue Doran

The meeting was adjourned at 7.10pm and was resumed at 7.32pm.

### **Mayoral Minutes**

#### **MM18/10 Mayoral Minute - Randwick Boys and Girls High Schools - request for financial assistance (F2010/06574)**

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551/10 **RESOLUTION: (Mayor, Cr Procopiadis) that:**

- a) Council donate \$3,000.00 to the Randwick Girls and Boys High Schools for the combined production to be held at NIDA in September 2010 (in the absence of the Rock Eisteddfod competition), such funds to come from the 2010-11 Contingency Fund budget.
- b) the Schools undertake to appropriately and prominently promote Council's sponsorship of the event.

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

#### **MM19/10 Mayoral Minute - Cana Ball - Waiving of Fees for Use of Town Hall (F2010/06574)**

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552/10 **RESOLUTION: (Mayor, Cr Procopiadis) that:**

- a) Council vote \$1,790.00 to cover the fees associated with the use of the Town Hall for the Cana Ball and funds be allocated from the 2010/2011 Council Contingency Fund;
- b) the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and
- c) Councillor Paul Tracey and Mrs Sue Tracey be authorised to attend the ball as Council's representatives and be given the opportunity to address the event on behalf of Council.

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

#### **MM20/10 Mayoral Minute - Development and Management of Bush Tucker Track at La Perouse (F2007/00684)**

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553/10 **RESOLUTION: (Mayor, Cr Procopiadis) that** a Deed of Agreement between the Guriwal Aboriginal Corporation and Randwick City Council to manage and develop the Bush Tucker Track at La Perouse be entered into, subject to the submission of a detailed Business Plan by the Guriwal Aboriginal Corporation.

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

#### **MM21/10 Mayoral Minute - Cancer Council NSW - Annual Eastern Suburbs Relay for Life Event (F2009/00041)**

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554/10 **RESOLUTION: (Mayor, Cr Procopiadis) that** a small reception be provided in the Lodge Room as a show of appreciation for the members of the Relay for Life Committee, staff who participated in the Eastern Suburbs Relay for Life event and the significant sponsors of the Mayor's Team.

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

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**MM22/10 Mayoral Minute - Change of Date for July 2010 Committee Meetings (F2004/06565)**

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555/10 **RESOLUTION: (Mayor, Cr Procopiadis)** that in order to facilitate the attendance of Council's delegation at this year's Australian Sister Cities Conference, the Committee Meetings scheduled for 13 July 2010 be rescheduled to 20 July 2010.

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

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**MM23/10 Mayoral Minute - Passing of former Mayor of Randwick City Council - William (Bill) Blake (F2005/00266)**

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556/10 **RESOLUTION: (Mayor, Cr Procopiadis)** that Council sends its condolences to the Blake family on the passing of former Mayor William (Bill) Blake.

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

**Urgent Business**

Nil

**Director City Planning Reports**

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**CP43/10 Director City Planning Report - 14-16 Ocean Street, Clovelly (DA/971/2009)**

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557/10 **RESOLUTION: (Andrews/Matthews)** that Council, as the consent authority, grant development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/971/2009 for demolition of the existing structures on each site and construction of a pair of 2-storey semi-detached dwellings with detached garages and boundary fencing at 14-16 Ocean Street, Clovelly 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 DA01, DA02 and DA03, dated 31/05/10 and received by Council on 31/5/2010, 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. Fences or retaining walls in front of the Ocean Street building line must be no higher than 1.2m. 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.
9. Open-able windows to a room, corridor, stairway or the like with a floor level more than 4m above the external ground/surface level, must be designed and constructed to reduce the likelihood of a child accessing and falling through the window opening.

Options may include one or more of the following measures:

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

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

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

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

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

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

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

11. In accordance with Council's Section 94A Development Contributions Plan

effective from 2 July 2007, based on the development cost of \$2,108,718 the following applicable monetary levy must be paid to Council: \$21,087

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

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

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

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

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

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

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

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

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

17. 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.

18. 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).

19. **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.*

20. The building works must be inspected by the *Principal Certifying Authority* (or other *certifying authority* if the *Principal Certifying Authority* agrees), in accordance with sections 109 E (3) of the *Environmental Planning &*



*Assessment Act 1979* and clause 162A of the *Environmental Planning & Assessment Regulation 2000*, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.

The *Principal Certifying Authority* must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the *Principal Certifying Authority*, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

21. 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".

22. 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**.

23. 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.*

24. 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.

25. **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.

26. 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:**

27. 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](http://www.randwick.nsw.gov.au) in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.*

28. 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.*

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

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

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

30. 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.

31. 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.

32. 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.

33. 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.

34. 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.

35. 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.

36. 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.

37. Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, 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.

38. 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.

39. 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.

40. 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.

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

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

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

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

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

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

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

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

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

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

44. The following damage/civil works security deposit requirement is to be complied with prior to a construction certificate being issued for the

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

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

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

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

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

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

45. 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 crossings opposite the vehicular entrances to the site in Ocean Lane.
  - b) Construct layback and gutter for the full site frontage in Ocean Lane.
  - c) Carry out a full depth minimum 0.5 metre wide, road construction in front of the layback and gutter along the full site frontage in Ocean Lane.
  - d) Reconstruct 1.8m wide concrete footpath along the full site frontage in Ocean Street.
46. 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.
47. For each of the proposed dwellings the double garage openings shall be widened to 5.2m to allow adequate room for vehicles to manoeuvre into and out of the carspaces. Plans submitted for the construction certificate must demonstrate compliance with this requirement.
48. The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.

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



49. The Council's Development Engineer has inspected the above site and has determined that the design alignment level at the property boundary for driveways, access ramps and pathways or the like, must be
- Ocean Lane frontage
    - 60mm ABOVE the edge of the existing bitumen at all points opposite, along the full site frontage.
  - Ocean Street frontage
    - 60mm ABOVE the top of the existing kerb at all points opposite the kerb along the full site frontage.
50. The design alignment levels issued by Council and their relationship to the roadway/kerb must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.
51. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$670 calculated at \$44.00 (inclusive of GST) per metre of site frontage. This amount is to be paid to Council prior to a construction certificate being issued for the development.

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

52. A public utility impact assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.
53. The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.
54. A Road/Asset Opening Permit must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.

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

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

55. Prior to the issuing of a construction certificate the approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) for Quick Check agent

details and Guidelines for Building Over/Adjacent to Sydney Water Assets.

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

56. Generally all site stormwater from each dwelling shall be piped to a sediment/silt arrester pit that drains to Council's kerb and gutter in Ocean street.

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

**Notes:**

- a. The sediment/silt arrester pit shall be constructed:
- i. within the site at or near the street boundary.
  - ii. with a child proof and corrosion resistant fastening system (e.g. spring loaded jay-bolt).
  - iii. with a minimum of 4 x 90 mm diameter weep holes (preferably located in the walls of the pit at the floor level) and with a suitable geotextile material **with a high filtration rating** located around the weep holes.
  - iv. with the pit floor being a minimum 300mm below the invert level of the outlet pipelines.
  - v. with a **galvanised** heavy duty screen (Lysaght RH3030 Maximesh or similar) located over the outlet pipes draining to the infiltration pit and the kerb. (Similar to a Mascot GRC stormwater discharge control pit, product code DS3SDC).
- b. The overflow pipe/s from any rainwater tank/s shall be directed into the silt arrester pit.
57. As the above site may encounter seepage water any structures in excavated areas are to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard, to the satisfaction of the certifying authority. A copy of the certification is to be forwarded to Council.

**Notes:**

- a) Subsoil drainage must not be collected and discharged to the kerb and gutter or underground drainage system.
  - b) Adequate provision is to be made for the ground water to drain around the development (to ensure that it will not dam or slow the movement of the ground water through the development site).
  - c) Seepage Water must not be drained from the site.
58. Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with the conditions of development consent. The certification must be provided to the

satisfaction of the PCA.

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

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

**The following conditions are applied to satisfy the provisions of Council's environmental plans, policies and codes for subdivision works:**

60. The applicant shall have registered at the Land Titles office a Plan of Survey creating Easements for Support or Party Wall in relation to the centre dividing wall between the two dwellings. The applicant shall also create any other easements as required. A copy of the registered plan shall be forwarded to the certifying authority and Council if Council is not the certifying authority.

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

61. Landscaping at the site shall be installed substantially in accordance with the Landscape Plan & Section by Sue Barnsley Design Landscape Architecture, drawing DA01, revision C, dated 21.12.2009, subject to the following changes being made to an amended plan, which must be submitted to, and be approved by, the PCA, prior to the commencement of any site works:
- a) A construction detail showing that the minimum soil depth of the raised planter on both garage rooftops will be 600mm, and are to be suitably waterproofed and drained to the approved system;
  - b) Given this sites harsh, frontline coastal location, and the fact that some of those rare species which have been nominated for use are from Western Australia or east coast rainforest fringes or open woodlands, their ability to survive here is low, with *Calochlaena dubia* (Rainbow Fern), *Canavalia rosea* (Beach Bean), *Crytomium falcatum* (Japanese Holy Fern) and *Geitonoplesium cymosum* (Scrambling Lily), needing to be replaced with more reliable native species, with relevant information to be included on an amended plant schedule.

**Council's Community Nursery may be contacted on 9399-0933 to discuss the availability of suitable endemic species for this purpose.**

62. The PCA must ensure that the landscaping is installed in accordance with the approved documentation, prior to the issue of a Final Occupation Certificate, with the home owner/s required to maintain this landscaping in a healthy and vigorous state.

**Tree Removals**

63. Approval is granted for removal of the closely planted *Cupaniopsis anacardioides* (Tuckeroo) and *Harpephyllum caffrum* (Kaffir Plum) located in the rear yard of 14 Ocean Street, in its southwest corner, due both to their relatively small size as well as to accommodate the proposed garage as shown, and is subject to full implementation of the approved landscape works.

**Pruning of Neighbouring Trees**

64. Permission is granted for the selective and minimal pruning of only those overhanging branches from the northern aspect of the *Metrosideros excelsa*

(Pohutukawa), which is located in the rear yard of the adjoining property to the south, 18-20 Ocean Street, near the common boundary, only where they need to be pruned in order to avoid damage to the tree, or; to provide the necessary clearance for construction of the proposed garage, rooftop planter and covered walkway as shown.

65. 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.
66. 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.'

### **Advisory Conditions**

**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.**

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

**CP44/10 Director City Planning Report - 77-97 Alison Road, Randwick  
(DA/880/2009)**

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558/10

**RESOLUTION: (Woodsmith/Matson)** that the application be deferred to the Planning Committee Meeting of 20 July 2010 to enable time for the objectors to obtain access to the Applicant's Traffic Study.

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

**CP45/10 Director City Planning Report - 227 Avoca Street, Randwick  
(DA/161/2010)**

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559/10

**RESOLUTION: (Andrews/Matthews) -**

- A. That Council supports the objections under State Environmental Planning Policy No. 1 – Development Standards in respect to non-compliance with Clauses 20E and 20F of Randwick Local Environmental Plan 1998, relating to landscaped area and floor space ratio, on the grounds that the proposed development complies with the objectives of the clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning be advised accordingly.
- B. That Council, as the consent authority, grants Development Consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 to Development Application No. DA/161/2010 for alterations and additions to existing health consulting rooms at 227 Avoca Street, Randwick 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 DA100, DA101, DA102, DA200, DA201, Revision B, dated 28 April 2010 and received by Council 30 April 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. Hours of operation are restricted to 9.00 a.m. to 6.00 p.m., Monday to Friday.
3. Four car-parking spaces having minimum dimensions of 2.5m x 5.5m must be marked out on the pavement in the rear yard. Two of the parking spaces will need to be 'stacked-spaces'.

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

4. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, based on the development cost of \$271,700.00 the following applicable monetary levy must be paid to Council: \$2,717.00

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

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

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

### ***Regulatory***

5. 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.

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

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

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

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

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

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

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

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

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,
  - name, address and telephone number of the *Principal Certifying Authority*,
  - 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.
12. **Prior to the issuing of an interim or final occupation certificate**, a statement is required to be obtained from the Principal Certifying Authority, which confirms that the development is not inconsistent with the development consent and the relevant conditions of development consent have been satisfied.
13. In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of any *residential building work*, a contract of insurance must be obtained, **prior to the commencement of works**, in accordance with the provisions of the Home Building Act 1989. Details of compliance are required to be provided to the Principal Certifying Authority.

14. 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.*

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

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

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

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

### **Fire safety**

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

- a) The following works are to be undertaken in accordance with the specified provisions of the Building Code of Australia (BCA), as applicable:
- 1) Provide portable fire extinguisher/s within the, building, in accordance with clause E1.6 of the BCA,
  - 2) Provide a non-combustible enclosure (i.e. a metal cabinet) with seals to prevent the passage of smoke to electricity meters and switchboard located in corridors, exits and within stairways etc,
  - 3) Balustrades and handrails to stairway/s, balconies, decks or the like are to be designed and constructed to satisfy clause D2.16 & D2.17 of the BCA,
  - 4) Prior to commencing the abovementioned works, a Construction Certificate must be obtained from Council's Building Certification Services or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and *Environmental Planning & Assessment Regulation 2000*.

17. A Fire Safety Certificate must be submitted to Council **prior to the issuing of an Occupation Certificate**, in accordance with the requirements of the



Environmental Planning and Assessment Regulation 2000.

A single and complete *Fire Safety Certificate* must be provided which includes details of all of the fire safety measures contained in the building and as detailed in the *fire safety schedule* attached to the Construction Certificate.

Prior to issuing any Occupation Certificate the Principal Certifying Authority must be satisfied that all of the relevant fire safety measures have been included and are sufficiently detailed within the *Fire safety Certificate*.

A copy of the *fire safety certificate* must be displayed in the building near the entrance and a copy must be forwarded to the NSW Fire Brigades.

### **Structural adequacy**

18. A Certificate prepared by a professional engineer, shall be submitted to the Council **prior to the issuing of a construction certificate**, certifying the structural adequacy of the existing structure to support the proposed works.

### **Building & demolition works**

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

- Occupational Health and Safety Act 2000
- Occupational Health and Safety (Hazardous Substances) Regulation 2001
- Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
- WorkCover NSW Code of Practice and Guidelines
- Australian Standard 2601 (2001) – Demolition of Structures
- The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.
- Randwick City Council Asbestos Policy (adopted 13 September 2005)

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

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

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

- b) A Demolition Work Plan must be developed and implemented in accordance with Australian Standard AS 2601-2001, Demolition of Structures.
- c) A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
- d) Asbestos waste must be disposed of at an approved waste disposal depot (refer to the DEC or Waste Service NSW for details of sites). Copies of all receipts detailing method and location of disposal must be maintained on site and be provided to Council officers upon request, as evidence of correct disposal.

- e) On demolition sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.
  - f) A certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council upon completion of the works (prior to an Occupation Certificate being issued), which confirms that the relevant requirements and conditions of consent, in relation to the safe removal and disposal of asbestos, have been satisfied.
21. Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all building, demolition and associated site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and (except as detailed below) between 8.00am to 5.00pm on Saturdays.
- All building, demolition and associated site works are strictly prohibited on Sundays, Public Holidays and also on Saturdays adjacent to a Public Holiday.
- In addition, the use of any rock excavation machinery or any mechanical pile drivers or the like is restricted to the hours of 8.00am to 5.00pm (maximum) on Monday to Friday only, to minimise the noise levels during construction and loss of amenity to nearby residents.
22. Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the *Protection of the Environment Operations Act 1997* must be satisfied at all times.
23. Public safety and convenience must be maintained at all times during demolition, excavation and construction works.
- a) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.
  - b) A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or footway for services or the like.
  - c) Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
  - 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 & Regulatory Services department.

- e) During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing. Sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction.
- f) Public safety must be maintained at all times and public access to demolition/building works, materials and equipment on the site is to be restricted. If required, a temporary 1.8m high safety fence or hoarding is to be provided to protect the public, located between the work site and the public place. An awning may also be required to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises.

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

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

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

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

**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:**

24. The use and operation of the premises shall not give rise to an environmental health or public nuisance, vibration or, result in an offence under the *Protection of the Environment Operations Act 1997 and Regulations*.
25. The use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997 and Regulations*.

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

Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

### **Access & Facilities**

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

26. Access and facilities for people with disabilities must be provided to new building work in accordance with any relevant provisions of the Building Code of Australia, to the satisfaction of the Certifying Authority and details are to be provided with the Construction Certificate application.

Wherever practicable, existing buildings are to be upgraded to provide reasonable provisions for people with a disability, to the satisfaction of the Certifying Authority (i.e. provision of an entrance ramp having a maximum grade of 1 in 8).

### **ADVISORY MATTERS:**

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

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

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

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

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

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

### **CP46/10 Director City Planning Report - 38 Cliffbrook Parade, Clovelly (DA/862/2009)**

560/10

**RESOLUTION: (Notley-Smith/Smith)** that the application be deferred and referred to mediation.

**MOTION: (Woodsmith/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. 862/2009 for the construction of a part two/part three storey dwelling house with a detached double

garage and an in-ground swimming pool at No. 38 Cliffbrook Parade, Clovelly for the following reasons:

1. The proposed Floor Space Ratio is considered excessive.
2. The proposal will result in the loss of a number of iconic views and will result in very little view sharing.

**AMENDMENT: (Notley-Smith/Smith) CARRIED ON THE CASTING VOTE OF THE MAYOR – SEE RESOLUTION.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Belleli	Councillor Andrews
Councillor Bowen	Councillor Hughes
Councillor Notley-Smith	Councillor Matson
Councillor Procopiadis	Councillor Matthews
Councillor Smith	Councillor Seng
Councillor Tracey	Councillor Stevenson
Councillor Woodsmith	Councillor White
<b>Total (7)</b>	<b>Total (7)</b>

**CP47/10 Director City Planning Report - 20 Sackville Street, Maroubra (DA/20/2009)**

561/10

**RESOLUTION: (Andrews/Matthews)** that Council, as the consent authority, changes its previous determination of Development Application No. 20/2009 under Section 82A(4A) of the Environmental Planning and Assessment Act 1979, as amended, and grants Development Consent under Sections 80 and 80A of the same Act for demolition of existing structures on site and construction of a part 2- and part 3-storey detached dwelling with double garage and associated works, at No. 20 Sackville Street, Maroubra, subject to the following conditions:

**Conditions of Consent**

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

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

<b>Plan Number</b>	<b>Dated</b>	<b>Received</b>	<b>Prepared By</b>
1E	12/03/10	15 April 2010	Bernard Constructions
2E	12/03/10	15 April 2010	
3E	12/03/10	15 April 2010	
5E	12/03/10	15 April 2010	
6E	12/03/10	15 April 2010	
7E	12/03/10	15 April 2010	
8E	12/03/10	15 April 2010	
9E	12/03/10	15 April 2010	
10E	12/03/10	15 April 2010	
11E	12/03/10	15 April 2010	
14E	12/03/10	15 April 2010	
15E	12/03/10	15 April 2010	
16E	12/03/10	15 April 2010	
17E	12/03/10	15 April 2010	

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

2. The colours, materials and finishes of the external surfaces to the building are to be consistent with the submitted "Exterior Colours Selections", undated, prepared by Bernard Constructions Pty. Ltd., and received by Council on 15 April 2010.
3. Metal roof sheeting is to be painted or colour-bonded to minimize reflection and to be sympathetic and compatible with the building and surrounding environment.
4. A minimum of 20% of the site area (or 82m<sup>2</sup>, whichever is the greater) shall be reserved for soft landscaping purposes consisting of grass, shrub and/or tree planting. Details demonstrating compliance shall be incorporated in the Construction Certificate documentation to the satisfaction of the certifying authority.
5. The proposed privacy screen attached to the southern elevation of the first floor rear balcony shall be constructed with 35mm wide timber/metal slats, horizontally positioned, and spaced at a maximum of 35mm, or another appropriate design that restricts cross viewing into the adjoining residential property at No. 22 Sackville Street.

Details demonstrating compliance with the above requirements shall be incorporated in the Construction Certificate documentation to the satisfaction of the certifying authority.

6. The balustrades (not including the privacy screen) of the first floor rear balcony are to be constructed with clear glass to enable improved view sharing with the adjoining property at No. 18 Sackville Street. Details demonstrating compliance are to be incorporated in the Construction Certificate documentation to the satisfaction of the certifying authority.
7. Any proposed fences on the side or rear boundaries of the premises shall not exceed a maximum height of 1800mm, measured above the existing ground levels.

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

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

8. There must be no encroachment of the structure/s or associated articles onto Council's road reserve, footway, nature strip or public place.
9. 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.
10. 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.

11. Eaves, gutters, hoods and similar structures or attachments are required to be setback from the side boundaries of the allotment a minimum distance of 500mm and details of compliance are to be included in the construction certificate details.
12. External lighting to the premises shall be designed so as not to cause a nuisance to nearby residents.
13. 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.
14. Open-able windows to a room, corridor, stairway or the like with a floor level more than 4m above the external ground/surface level, must be designed and constructed to reduce the likelihood of a child accessing and falling through the window opening.

Options may include one or more of the following measures:

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

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

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

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

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

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

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

16. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, based on the development cost of \$421,300, the

following applicable monetary levy must be paid to Council: **\$4,213.00.**

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

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

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

17. 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.
18. 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.

19. 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)
20. In accordance with Clause 154B of the *Environmental Planning & Assessment Regulation 2000*, a Certifying Authority must not issue an Occupation Certificate for this development, unless it is satisfied that each of the required BASIX commitments has been fulfilled.

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

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



21. 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:**

22. 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.

23. 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).

24. **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.*

25. The building works must be inspected by the *Principal Certifying Authority* (or other *certifying authority* if the *Principal Certifying Authority* agrees), in accordance with sections 109 E (3) of the *Environmental Planning & Assessment Act 1979* and clause 162A of the *Environmental Planning & Assessment Regulation 2000*, to monitor compliance with the relevant

standards of construction, Council's development consent and the construction certificate.

The *Principal Certifying Authority* must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the *Principal Certifying Authority*, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

26. 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".
27. 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**.

28. 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.*

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

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

30. **Prior to the issuing of an interim or final occupation certificate**, a statement is required to be obtained from the Principal Certifying Authority 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.
31. 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:**

32. 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](http://www.randwick.nsw.gov.au) in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.*

33. 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.*

34. Any work involving the demolition, storage or disposal of asbestos products

and materials must be carried out in accordance with the following requirements:

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

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

35. 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.

36. 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.

37. 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.

38. 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.

39. 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.

40. 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.

41. 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.
42. 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.

43. 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.

44. 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.

45. 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.

46. 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.

**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:**

47. 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:**

48. 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.

49. 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:**

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

51. 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, including associated works such as rock excavation, retaining walls etc.
- 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.

52. 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.

53. 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:**

54. The Council's Development Engineer has inspected the above site and has determined that the design alignment level at the property boundary for the driveway entrance shall be as follows:

Driveway Entrance Western Edge: RL 43.56

Driveway Entrance Eastern Edge: RL 43.27

(Levels refer to Assumed Datum BM RL 43.45 – Shown on submitted plans)

The design alignment levels (concrete/paved/tiled level) issued by Council must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.

55. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$443.00 calculated at \$44.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.

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

56. 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.
57. 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.
58. 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:**

59. Generally all site stormwater shall be piped to a sediment/silt arrester pit that drains to Council's kerb and gutter.
60. As the above site may be present with groundwater/seepage water the basement garage, storage, plant area and similar structures are to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall

certify the tanking & waterproofed has been carried out to an acceptable standard and a copy of the certification is to be forwarded to Council.

**Notes:-**

- a) Any subsoil drainage is to be disposed of within the site and is not to be charged to Council's kerb & gutter and/or underground drainage system.
- b) Adequate provision is to be made for the ground water to drain around the basement garage (to ensure that the basement will not dam or slow the movement of the ground water through the development site).

Any seepage water must be drained directly into an absorption pit within the site. Seepage water must **not** be drained from the site.

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

61. Landscaping shall be provided to the site to enhance its amenity and reduce the impact of the development upon neighbouring properties. A landscape plan shall be submitted to and approved by the certifying authority, **prior to a construction certificate being issued.**
62. Landscaped areas must contain a predominance of species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.
63. The landscaping shall be installed in accordance with the approved documentation prior to the issue of a final occupation certificate and shall be maintained in accordance with those plans.

**Tree Management**

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

**ADVISORY 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.

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

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

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

**CP48/10 Director City Planning Report - 155-157 Arden Street, Coogee  
(DA/58/2008/A)**

562/10

**RESOLUTION: (Andrews/Matthews)** that Council, as the responsible Consent Authority grant consent under Section 96 of the Environmental Planning and Assessment Act 1979 to modify Development consent No DA/58/2008 for permission to modify the approved development by deleting Condition No. 82 of the original consent relating to underground cabling at 155-157 Arden Street, Coogee in the following manner:

1. Delete condition 82
2. Add the following condition:
  113. The applicant shall meet the full cost for the overhead power lines and telecommunication cables located in the front of the development site to be bundled. The applicant shall liaise directly with the relevant service utility authorities to organise for the wires/cables to be bundled. All wires cables must be bundled to the satisfaction of the relevant service utility authority prior to the issue of an occupation certificate for the development.

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

**CP49/10 Director City Planning Report - 3/1 Mulwarree Avenue, Randwick  
(DA/673/2009)**

563/10

**RESOLUTION: (Andrews/Matthews) -**

- A. That Council supports the objections under State Environmental Planning Policy No. 1 – Development Standards in respect to non-compliance with Clause 32(2) of Randwick Local Environmental Plan 1998, relating to floor space ratio, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning be advised accordingly.

- B. That Council's original determination of Development Application No. 673/2009 dated 10 November 2009 for partial enclosure of the existing balcony to create a new study and replace the windows on the eastern elevation with sliding glass doors, at No. 3/1 Mulwarree Avenue, Randwick be rescinded.
- C. 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. 673/2009 for partial enclosure of the existing balcony to create a new study and replace the windows on the eastern elevation with sliding glass doors, at No. 3/1 Mulwarree Avenue, Randwick 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 934/09, sheet 1 of 1, dated September 2009 and received by Council on 21 September 2009, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:
2. The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.

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

3. There must be no encroachment of the structure/s or associated articles onto Council's road reserve, footway, nature strip or public place.

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

4. 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.

5. All new building work must be carried out in accordance with the provisions of the **Building Code of Australia** (BCA), in accordance with Clause 98 of the *Environmental Planning and Assessment Regulation 2000*.
6. **Prior to the commencement of any building works, a construction certificate** must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.

A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be

made available to the Council officers and all building contractors for assessment.

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

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

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

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

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

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

9. 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".

10. 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 occupation certificate.

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

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

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

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

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

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

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

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

**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:**

13. The demolition of buildings and the removal, storage, handling and disposal of building materials must be carried out in accordance with the following regulations:
- The requirements and Guidelines of Work Cover NSW
  - Occupational Health and Safety Act 2000
  - Australian Standard 2601 (2001) – Demolition of Structures
  - The Protection of the Environment Operations Act 1997
  - Protection of the Environment Operations (Waste) Regulation 1996.
14. Any work involving the demolition, storage and disposal of asbestos products and materials must be carried out in accordance with the following requirements:
- a. Relevant Occupational Health & Safety legislation and WorkCover NSW requirements
  - a. Randwick City Council's Asbestos Policy (adopted 13 September 2005)
  - b. A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
  - c. On sites involving the removal of asbestos, a 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.
  - d. Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996.
  - e. A Clearance Certificate or Statement, prepared by a suitably qualified person (ie an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the Principal certifying authority upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.
- A copy of Council's Asbestos Policy is available on Council's web site at [www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au) in the Building & Development Section or a copy can be obtained from Council's Customer Service Centre.*
15. 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.
16. 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.

17. Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the *Protection of the Environment Operations Act 1997* must be satisfied at all times.

Noise and vibration from any rock excavation machinery and pile drivers (or the like) must be minimised by using appropriate plant and equipment and silencers and a construction noise and vibration minimisation strategy, prepared by a suitably qualified consultant is to be implemented during the works, to the satisfaction of the Principal Certifying Authority.

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

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

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

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

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

19. A Construction Site Management Plan is to be submitted to and approved by the principal certifying authority **prior to the commencement** of demolition, excavation or building works. The site management plan must include the following measures, as applicable to the type of development:

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

- provisions for temporary sanitary facilities;
- location and size of waste containers/bulk bins;
- details of proposed sediment and erosion control measures;
- construction noise and vibration management;
- construction traffic management provisions.

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

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

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

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

21. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:
- a. Building materials, sand, soil, waste materials, construction equipment or other activities must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
  - b. Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line or any public place and the stockpiles must be protected with adequate sediment control measures.
  - c. Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.
  - d. A warning sign for soil and water management must be displayed in a prominent position on the building site, visible to both the public and site workers. The sign must be displayed throughout the construction period. Copies of a suitable warning sign are available at Council's Customer Service Centre for a nominal fee.

- e. Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health Building and Regulatory Services section.
- f. Any part of Council's road, footway or nature strip which is damaged as a result of the work must be repaired or replaced to Council's satisfaction prior to occupation or finalisation of the development.

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

- 22. 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

**ADVISORY MATTERS:**

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

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

- A2 A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:
  - a. Install or erect any site fencing, hoardings or site structures
  - b. Operate a crane or hoist goods or materials over a footpath or road
  - c. Placement of a waste skip or any other container or article.

**MOTION: (Woodsmith/Matson)** that Council's original determination of Development Application No. 673/2009 dated 10 November 2009 for partial enclosure of the existing balcony to create a new study and replace the windows on the eastern elevation with sliding glass doors, at No. 3/1 Mulwarree Avenue, Randwick be confirmed. **LOST.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Woodsmith	Councillor Andrews
	Councillor Belleli
	Councillor Bowen
	Councillor Hughes
	Councillor Matson
	Councillor Matthews
	Councillor Notley-Smith
	Councillor Procopiadis
	Councillor Seng
	Councillor Smith
	Councillor Stevenson

**Total (1)**

Councillor Tracey  
Councillor White  
**Total (13)**

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

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Woodsmith
Councillor Belleli	
Councillor Bowen	
Councillor Hughes	
Councillor Matson	
Councillor Matthews	
Councillor Notley-Smith	
Councillor Procopiadis	
Councillor Seng	
Councillor Smith	
Councillor Stevenson	
Councillor Tracey	
Councillor White	
<b>Total (13)</b>	<b>Total (1)</b>

**CP50/10 Director City Planning Report - 2-8 William Street, Randwick  
(Da/855/2009)**

564/10

**RESOLUTION: (Andrews/Matthews) -**

- A. That Council's original determination of Development Application No. 855/2009 dated 9 March 2010 for construction of a 3-bedroom dwelling on the rooftop level in the rear section of an approved residential flat building, in lieu of an open communal terrace at 2-8 William Street, Randwick, be rescinded.
- B. That Council support the objection under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with Clause 20F and 20G of the Randwick Local Environmental Plan 1998 (Consolidation), relating to maximum floor space ratio and external wall height, on the grounds that the proposed development is consistent with the relevant objectives of the clauses and will not adversely affect the amenity of the surrounding locality and that the Department of Planning be advised accordingly.
- C. That Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No DA/855/2009 for the construction of a 2-bedroom dwelling on the rooftop level in the rear section of an approved residential flat building, in lieu of an open communal terrace at 2-8 William Street, Randwick, subject to the following conditions:
  1. The development must be implemented substantially in accordance with the plans numbered 3C, 4C and 5C dated 08/03/2010 and stamped received by Council on 10 June 2010; and 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:

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

2. The colours, materials and finishes of the external surfaces to the proposed development are to be compatible with adjacent developments to maintain the integrity and amenity of the building and the streetscape. Specifically, the use of natural materials rather than the proposed predominantly painted surface shall be provided.

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. The following amendments to the proposal shall be undertaken:

- *All privacy screens shall be a maximum height of 1.8m measured from the floor level of the adjoining balcony and shall be constructed and articulated in a combination of obscure glass and natural material to improve the aesthetical quality of the screen wall and minimise any visual bulk and scale.*

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

4. The roof ridge of the proposed new dwelling unit shall be no higher than RL 45.8.
5. An amended/additional landscape plan shall be prepared indicating a continuous planting of larger growing plants that will attain 3-4 metres in height along the common boundary of the subject site and No. 21 King Street. To ensure satisfactory maintenance of the landscaped areas, an automatic drip irrigation system shall be installed throughout all planted areas. Details shall be provided showing that the system will be connected to the sites rainwater tanks, with back-up connection to the mains supply, in accordance with all current Sydney Water requirements.
6. The enclosure of balconies is prohibited by this consent.
7. The reflectivity index of glass used in the external façade of the development must not exceed 20 percent.
8. Lighting to the premises shall be designed in accordance with AS4282 – 1997 "Control of the Obtrusive Effects of Outdoor Lighting" so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.
9. In accordance with the provisions of clauses 143A and 154A of the Environmental Planning & Assessment Regulation 2000, a 'Design Verification Certificate' must be provided to the Certifying Authority and the Council, prior to issuing a construction certificate and an occupation certificate, respectively.

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

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

Category	Cost	Applicable levy	S94A levy
Development cost \$100,001 - \$200,000	\$170,500	0.05%	<b>\$8525.00</b>

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

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

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

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

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

12. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997 and Regulations*.

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

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

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

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

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

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

16. **Prior to the commencement of any building works**, the person having the

benefit of the development consent must:

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

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

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

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

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

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

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

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

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

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

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

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

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

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. A Fire Safety Certificate must be submitted to Council **prior to the issuing of an Occupation Certificate**, in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

A single and complete *Fire Safety Certificate* must be provided which includes details of all of the fire safety measures contained in the building and as detailed in the *fire safety schedule* attached to the Construction Certificate.

Prior to issuing any Occupation Certificate the Principal Certifying Authority must be satisfied that all of the relevant fire safety measures have been included and are sufficiently detailed within the *Fire safety Certificate*.

A copy of the *fire safety certificate* must be displayed in the building near the



entrance and a copy must be forwarded to the NSW Fire Brigades.

24. As a minimum, the building is required to be provided with a smoke alarm system complying with Clause 3 of Specification E2.2a of the Building Code of Australia or a smoke detection system complying with Clause 4 of Specification E2.2a of the Building Code of Australia or a combination of a smoke alarm system within the sole-occupancy units and a smoke detection system in areas not within the sole-occupancy units. The smoke detectors located within the stairway, corridors or the like must be interconnected.

Additional requirements regarding the design and installation of the smoke detection and alarm system may be specified in the construction certificate for the development.

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

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

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

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

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

26. Documentary evidence prepared by a suitably qualified *professional geotechnical engineer* shall be submitted to the certifying authority **prior to the issuing of a construction certificate**, certifying the suitability and stability of the site for the proposed building and certifying the suitability and adequacy of the proposed design and construction of the building for the site.

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

**CP51/10 Director City Planning Report - Joint Regional Planning Panel (JRPP) - Recent changes to procedures and proposed delegations (F2009/00256)**

565/10

**RESOLUTION: (Notley-Smith/Hughes) that:**

- a) Council notes the operational changes to the JRPP and endorse the revised "Council procedures for reports/submissions to the JRPP – June 2010";
- b) Council does not delegate to council officers certain regional DA decisions that would otherwise be made by the JRPP, as outlined in this report, and does not wish to provide a written commitment to the Minister for Planning in relation to these proposed delegations.
- c) the previous report in relation this matter (and specifically in relation to JRPP delegates being required to declare interests in matters that have been before the JRPP) be brought back to Council for reconsideration and to enable Council

to formulate a position on the matter.

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

**CP52/10 Director City Planning Report - Community Partnerships Funding Program 2010-11 - Recommended Allocations (F2008/00139)**

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566/10 **RESOLUTION: (Woodsmith/Belleli) that:**

- a) the funds totalling \$64,000 to be allocated to the seven organisations listed in the table attached to the report, be approved.
- b) in relation to the TAFE 'Making the Right Choice' project, the Minister for Education be asked to provide matching funding to extend the proposed program.

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

**CP53/10 Director City Planning Report - Coogee Bay Hotel and Beach Palace Hotel - Lockout to Continue (F2004/07501)**

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567/10 **RESOLUTION: (Hughes/Matson) that the report be received and noted.**

**MOTION: (Andrew/Matthews) that:**

- a) the report be received and noted; and
- b) Council writes to the Coogee Bay Hotel and the Beach Palace Hotel commending them for voluntarily accepting 2.00am lock outs.

**AMENDMENT: (Hughes/Matson) CARRIED – SEE RESOLUTION.**

**CP54/10 Director City Planning Report - Reporting variation to Development Standard under State Environment Planning Policy No. 1 (SEPP1) from 16 April to 31 May 2010 (F2008/00122)**

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568/10 **RESOLUTION: (Andrews/Matthews) that the report be received and noted.**

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

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

**GM17/10 General Manager's Report - Randwick City Council Management Plan 2009-13 and 2010-11 Annual Operational Plan (F2009/00517)**

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569/10 **RESOLUTION: (Andrews/Matthews) that:**

- a) the Recommended 2009-13 Management Plan / 2010-11 Annual Operational Plan be adopted as per Attachment 1, and that the General Manager be authorised to make any minor changes as requested by the Council or the NSW Division of Local Government;
- b) the Recommended Annual Budget 2010-11 be adopted as per Attachment 2;
- c) the Recommended Capital Works Program be adopted for 2010-11 as per Attachment 3;
- d) the Recommended General Fees & Charges be adopted for 2010-11 as per Attachment 4;

- e) Council make and levy the Ordinary Residential Rate for 2010-11, under s494 and s498(1)(a) and (2) of the Local Government Act 1993, as a rate of 0.171240 cents in the dollar on the land value of all rateable land within the City of Randwick being categorised as Residential should the Division of Local Government approve our application for a Special Variation;
- f) Council make and levy the Ordinary Business Rate for 2010-11, under s494 and s498(1)(a) & (2) of the Local Government Act 1993, as a rate of 0.564520 cents in the dollar on the land value of all rateable land within the City of Randwick being categorised as Business should the Division of Local Government approve our application for a Special Variation;
- g) Council make and levy the Special Environmental Rate for 2010-11 under s495 and s498(1)(b) and (2) of the Local Government Act 1993, as a rate of 0.013784 cents in the dollar on the land value of all rateable land within the City of Randwick should the Division of Local Government approve our application for a Special Variation;
- h) Council make and levy the minimum ordinary Residential rate for 2010-11 under s548(1)(a), (2), (4) & (5) of the Local Government Act 1993, as \$578.57 should the Division of Local Government approve our application for a Special Variation;
- i) Council make and levy the minimum ordinary Business rate for 2010-11 under s548(1)(a), (2), (4) & (5) of the Local Government Act 1993, as \$932.34 should the Division of Local Government approve our application for a Special Variation;
- j) Council make and levy the Domestic Waste Management Charge for 2010-11 under S496 of the Local Government Act 1993, as \$410.00;
- k) Council make and levy the Stormwater Management Service Charge for residential properties for 2010-11 under S496A of the Local Government Act 1993, as \$25.00;
- l) Council make and levy the Stormwater Management Service Charge for residential strata properties for 2010-11 under S496A of the Local Government Act 1993, as \$12.50;
- m) Council make and levy the Stormwater Management Service Charge for business properties for 2010-11 under S496A of the Local Government Act 1993, as \$25.00 plus an additional \$25.00 for each 350m<sup>2</sup> or part thereof by which the parcel of land exceeds 350m<sup>2</sup>;
- n) Council make and levy the Ordinary Residential Rate for 2010-11, under s494 and s498(1)(a) and (2) of the Local Government Act 1993, as a rate of 0.16680 cents in the dollar on the land value of all rateable land within the City of Randwick being categorised as Residential should the Division of Local Government not approve our application for a Special Variation in which case Council will apply the maximum rate peg increase of 2.6 per cent;
- o) Council make and levy the Ordinary Business Rate for 2010-11, under s494 and s498(1)(a) & (2) of the Local Government Act 1993, as a rate of 0.54982 cents in the dollar on the land value of all rateable land within the City of Randwick being categorised as Business should the Division of Local Government not approve our application for a Special Variation in which case Council will apply the maximum rate peg increase of 2.6 per cent;
- p) Council make and levy the Special Environmental Rate for 2010-11 under s495 and s498(1)(b) and (2) of the Local Government Act 1993, as a rate of 0.013430 cents in the dollar on the land value of all rateable land within the City

of Randwick should the Division of Local Government not approve our application for a Special Variation in which case Council will apply the maximum rate peg increase of 2.6 per cent;

- q) Council make and levy the minimum ordinary Residential rate for 2010-11 under s548(1)(a), (2), (4) & (5) of the Local Government Act 1993, as \$563.80 should the Division of Local Government not approve our application for a Special Variation in which case Council will apply the maximum rate peg increase of 2.6 per cent;
- r) Council make and levy the minimum ordinary Business rate for 2010-11 under s548(1)(a), (2), (4) & (5) of the Local Government Act 1993, as \$908.55 should the Division of Local Government not approve our application for a Special Variation in which case Council will apply the maximum rate peg increase of 2.6 per cent;
- s) the interest rate on overdue rates for 2010-11 be set at the maximum rate as determined by the Minister for Local Government; under s566(3) of the Local Government Act 1993; and
- t) the responsible financial officer be delegated to make changes as adopted by Council.

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

**GM18/10 General Manager's Report - Affixing of the Council Seal  
(F2004/06336)**

570/10

**RESOLUTION: (Andrews/Matthews)** that the Council's Seal be affixed to the signing of agreements between Council and:

- 1. Gosan Pty Ltd in relation to a lease for office space at 128 Belmore Road, Randwick

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

**GM19/10 General Manager's Report - Use of Coogee Oval Grandstand  
Meeting Room by Randwick Petersham Cricket Club  
(F2005/00868)**

571/10

**RESOLUTION: (Andrews/Matthews)** that Council grants permission to Randwick Petersham Cricket Club to undertake the refurbishment works to the Coogee Oval Grandstand meeting room detailed in their letter dated 24 May 2010, subject to the agreed terms for maintenance, indemnity and make good.

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

**GM20/10 General Manager's Report - Strategic Alliance Opportunity - Joint  
Council Depot Facilities at Randwick City Council Works Depot  
(F2004/07367)**

572/10

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

- a) Council authorise the General Manager to undertake further investigations for the strategic alliance with Waverley Council and the proposed occupancy of the Storey Street Works Depot "top yard".
- b) a further report(s) be presented to Council detailing the due diligence analysis and the negotiations between Waverley and Randwick Councils.
- c) a further report(s) be presented to Council after;

- consultation with the local community; and
- the preparation of a traffic study examining the potential impacts of the proposed use of the site as a Council Works Depot.

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

### **Director City Services Reports**

#### **CS7/10 Director City Services Report - Use of Council Parks, Reserves and Beaches by Commercial Fitness Groups and Personal Trainers (F2010/00079)**

573/10 **RESOLUTION: (Matson/Hughes)** that this matter be deferred to enable all the Precinct Committees and Councillors to better assess the suggested exclusion zones.

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

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

#### **GF25/10 Director Governance & Financial Services Report - Local Government Remuneration Tribunal - 2010 Annual Review (F2004/06576)**

574/10 **RESOLUTION: (Andrews/Matthews)** that a Councillor's Annual Fee of \$20,320 and a Mayor's Annual Allowance of \$53,980 be set for the 2010-11 financial year in accordance with the Remuneration Tribunal's determination of 15 April 2010 (Gazetted on 30 April 2010) and that these fees be effective from 1 July 2010.

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

#### **GF26/10 Director Governance & Financial Services Report - Investment Report - May 2010 (F2004/06527)**

575/10 **RESOLUTION: (Andrews/Matthews)** that the investment report for May 2010 be received and noted.

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

#### **GF27/10 Director Governance & Financial Services Report - Final Adoption of Confidential Documents Policy (F2007/00634)**

576/10 **RESOLUTION: (Andrews/Matthews)** that the Confidential Documents Policy be adopted and measures be implemented accordingly to record the return of confidential documents by Councillors and senior staff.

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

#### **GF28/10 Director Governance & Financial Services Report - Implementation of new Government Information (Public Access) Act 2009 (F2010/00082)**

577/10 **RESOLUTION: (Andrews/Matthews)** that:

- a) the amended Access to Information Policy be adopted for implementation on 1 July 2010; and
- b) in preparation for the implementation of the new Government Information (Public Access) Act on 1 July 2010, the Delegations of Authority be updated as follows;

#### **RC031 - Access to Randwick City Council documents by members of**

**the public**

To approve or refuse applications made under the following legislation for access to Council documents or to personal information held by Council:

- Government Information (Public Access) Act 2009
- Local Government Act 1993
- Privacy and Personal Information Protection Act 1998
- Health Record and Personal Information Protection Act 2002

**RC032 - Government Information (Public Access) Act – Internal Reviews**

To determine applications for internal review made under the Government Information (Public Access) (GIPA) Act 2009

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

**GF29/10 Director Governance & Financial Services Report - Outstanding Receivables - Doubtful Debt Write Off (F2004/06521)**

578/10

**RESOLUTION: (Notley-Smith/Andrews)** that outstanding receivables totalling \$4,619.10 (four thousand, six hundred and nineteen dollars and ten cents) be written off in accordance with the Local Government (General) Regulation 2005.

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

**Petitions**

The Mayor, Cr Procopiadis, tabled the following petitions:

- a) from residents in the vicinity of Writtle Park, Randwick - requesting better pedestrian safety measures in Botany Street.
- b) from residents of Lexington Place - objecting to the opening of a community café in Lexington Place, Maroubra.

**Motion Pursuant to Notice****NM24/10 Motion Pursuant to Notice from Cr Matthews - Proposed registration fee for bicycles in all Local Government areas (F2007/00564)**

**MOTION: (Matthews/Andrews)** that this Council submits a motion to the next Local Government Association Conference requesting all NSW Councils to adopt a state wide approach to introducing registration fees for bicycles in all Local Government areas, such motion to read as follows:

"That all NSW Councils, as part of their respective transport plans, look at ways of introducing a registration fee for pushbikes in their Council area. This fee would be payable to the Council and would ensure that cyclists pay their fair share towards the upkeep of roadways and cycle ways in the Council area." **LOST.**

Councillors Hughes and Matson called for a **DIVISION.**

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

**FOR**

Councillor Andrews  
Councillor Matthews

**AGAINST**

Councillor Belleli  
Councillor Bowen  
Councillor Hughes  
Councillor Matson

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

**Total (2)**

**Total (12)**

**NM25/10 Motion Pursuant to Notice from Cr Belleli - Proposed Environmental/Sustainable pamphlet insert with rate notices (F2006/00658)**

579/10 **RESOLUTION: (Belleli/Andrews)** that Council produces an insert/pamphlet to go with rate notice for either 2010 or 2011 about environmental/sustainable practices for around home/business.

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

**NM26/10 Motion Pursuant to Notice from Cr Stevenson - Constitutional Recognition of Local Government (F2008/00656)**

580/10 **RESOLUTION: (Stevenson/Woodsmith)** that Randwick City Council affirms its support for constitutional recognition of Local Government.

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

**NM27/10 Motion Pursuant to Notice from Cr Bowen – Outdoor Seniors Exercise Area (F2006/00660)**

581/10 **RESOLUTION: (Bowen/Andrews)** that Council prepare a report to investigate the viability of trialling the concept of an outdoor seniors exercise area through the installation of exercise equipment specifically designed for seniors in a suitable location within Randwick City.

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

**NM28/10 Motion Pursuant to Notice from Cr Bowen - "Keep Coogee a Village" posters (F2004/06257)**

582/10 **RESOLUTION: (Bowen/Andrews)** that Council complement the current banner program concerning the Coogee Bay Hotel site with posters stating "Keep Coogee a Village" along with reference to the [www.savecoogee.com](http://www.savecoogee.com) website and the Randwick City Council logo, to be available to be displayed from private property and commercial premises by concerned residents.

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

**NM29/10 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Woodsmith - Transference of Moore Park to the Sydney Cricket and Sports Ground Trust (F2005/00834)**

583/10 **MOTION: (Woodsmith/Tracey)** that Council:

- a) Declares its opposition to the proposed transference of Moore Park land to the Sydney Cricket and Sports Ground Trust; and
- b) Writes urgently to the Premier and local members of Parliament stating its opposition.

**MOTION: (Stevenson/Bowen)** that this matter be deferred to enable a report to be brought back to the next Council Meeting that includes information from both the Centennial and Moore Park Trust and the Sydney Cricket Ground Trust in relation to future proposals for the Moore Park land. **LOST.**

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

Councillors Woodsmith and Matson called for a **DIVISION.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Belleli	Councillor Andrews
Councillor Hughes	Councillor Bowen
Councillor Matson	Councillor Matthews
Councillor Notley-Smith	Councillor Stevenson
Councillor Procopiadis	Councillor White
Councillor Seng	
Councillor Smith	
Councillor Tracey	
Councillor Woodsmith	
<b>Total (9)</b>	<b>Total (5)</b>

**NM30/10 Motion Pursuant to Notice from Cr Matson - Coogee Community Garden: Request for Council Consent and Assistance (F2010/06574)**

584/10

**RESOLUTION: (Matson/Notley-Smith)** that Council respond positively to the proposed establishment of the "Coogee Community Garden" on the corner of Dolphin and Powell Streets, Coogee by:

1. Arranging on-site meeting within the next fortnight between the Coogee Community Garden group, Council's sustainability team and ward Councillors to discuss;
  - a. confirmation that the land tenure for the proposed site would be available;
  - b. using the project as a case study in the preparation of a Council community garden policy;
  - c. the Immediate issue of a number of aerobins for composting preparations;
  - d. initial Council funding of \$800; and
2. Bringing a report forward to the Environment Committee on the outcomes of this meeting.
3. Writing to the Minister for Lands, The Hon Tony Kelly MP, to seek permission to use the land in question for the purpose of a community garden.

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

**NM31/10 Motion Pursuant to Notice from Cr Matson - Potential Delegation of JRPP Decision Making (F2009/00256)**

This matter was dealt with in conjunction with Item CP51/10.

**NM32/10 Motion Pursuant to Notice from Cr Matson - Assessment of Need to Review Street Tree Master Plan (F2004/07359)**

585/10

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



- a) Council assesses the need to review its 'Street Tree Master Plan' by reconvening the Greening Randwick Committee to reconsider the matter and forward a report to the Environmental Committee; and
- b) the General Manager and the Chair of The Environment Committee be delegated authority to invite replacement community representatives to participate in the Greening Randwick Committee should the previous representatives be unavailable.

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

**NM33/10 Motion Pursuant to Notice from Cr Matson - Repeal of Part 3A of the Environmental Planning and Assessment Act (F2009/00555)**

586/10

**RESOLUTION: (Matson/Woodsmith)** that Council adopt a policy point of supporting the repeal of part 3 of the Environmental Planning and Assessment Act to achieve a greater and more direct involvement by local communities via their local Councils in major planning proposals such as that of the Coogee Bay Hotel site.

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

**Confidential reports (closed session)**

That the meeting move into closed session in order to consider confidential items.

**Closed Session**

**GM21/10 Confidential - Recovery of Costs by Randwick City Council from Peta Athens and Athens Holdings Pty Limited (F2004/06770)**

*This matter is considered to be confidential under Section 10A(2) (e) Of the Local Government Act, as it deals with information that would, if disclosed, prejudice the maintenance of law.*

587/10

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

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

**GM22/10 Confidential - Randwick City Council Management Plan 2009-13: 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.*

588/10

**RESOLUTION: (Andrews/Matthews)** that the recommended Confidential Fees and Charges 2010-11 be adopted for the 2010-11 financial year.

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

**GM23/10 Confidential - Employee Assistance Program - SSROC Tender (F2009/00528)**

*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.*

589/10

**RESOLUTION: (Andrews/Matthews)** that Council endorse the change of Employee Assistance Provider from Access Programs Australia to Converge International with

sixty days notice.

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

**GM24/10 Confidential - Organisation Structure (F2004/06916)**

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

590/10

**RESOLUTION: (Andrews/Matthews)** that the report be received and noted and the proposed changes to the organisation structure, as outlined in the report, be adopted.

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

**GM25/10 Confidential - TAB Limited, 22 Silver Street, Randwick - Deed of Surrender of Lease (F2004/06336)**

*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.*

591/10

**RESOLUTION: (Andrews/Matthews)** that the Council's Seal be affixed to the signing of agreements between Council and Tab Limited Pty Ltd in relation to a Surrender of Lease and Settlement and Release Agreement for the termination of the lease at 22 Silver Street, Randwick and Council use part of the settlement funds to attract a replacement commercial tenant.

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

**Open Session**

That the meeting move 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 10.21pm.

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

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**CHAIRPERSON**