

**MINUTES OF ORDINARY COUNCIL MEETING OF THE
COUNCIL OF THE CITY OF RANDWICK HELD ON
TUESDAY, 14 DECEMBER 2010 AT 6:04PM**

Present:

The Mayor, Councillor M Matson (Chairperson) (East Ward)

Councillor K Smith (Deputy Chairperson) (North Ward)

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

Officers Present:

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoples
Director City Planning	Ms S Truuvert
Director Governance & Financial Services	Mr G Banting
Manager Administrative Services	Mr D Kelly
Manager Development Assessment	Mr K Kyriacou
Manager Organisational Staff Services	Ms F Calabrese
Acting Communications Manager	Mr M Ryman

Prayer & Acknowledgement of Local Indigenous People

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

Apologies/Granting of Leave of Absences

Nil.

Confirmation of the Minutes

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

767/10

RESOLUTION: (Belleli/Andrews) that the Minutes of the Ordinary Council Meeting held on Tuesday 23 November 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) His Worship the Mayor, Cr Matson declared a non significant non pecuniary interest in Item CP115/10 as he knows a member of the Greens Party who has put in a submission on this matter.
- (b) Cr Bowen declared a non significant non pecuniary interest in Item CP113/10 as he used to reside at this address between 1998 and 2007 and still knows many of the owners in this building.
- (c) Cr Matthews declared a non significant non pecuniary interest in Item NR9/10 as he knows one of the residents addressing Council on this matter.
- (d) Cr Tracey declared a non significant non pecuniary interest in Item CP113/10 as he knows a former Councillor who resides at this address.
- (e) Cr Andrews declared a non significant non pecuniary interest in Item CP113/10 as he knows a former Councillor who resides at this address.
- (f) Cr Matthews declared a non significant non pecuniary interest in Item CP113/10 as he knows a former Councillor who resides at this address.
- (g) Cr White declared a non significant non pecuniary interest in Item CP113/10 as he knows a former Councillor who resides at this address.
- (h) Cr Procopiadis declared a non significant non pecuniary interest in Item CP113/10 as he knows a former Councillor who resides at this address.
- (i) Cr Seng declared a non significant non pecuniary interest in Item CP113/10 as he knows a former Councillor who resides at this address.
- (j) Cr Smith declared a significant non pecuniary interest in Item CP115/10 as his employer has a business relationship with the applicant. Cr Smith will not be taking part in the debate or voting on the matter.
- (k) Cr Smith declared significant non pecuniary interests in Items NM54/10 and MM80/10 as he works in the liquor industry. Cr Smith will not be taking part in the debate or voting on the matters.
- (l) Cr Hughes declared a non significant non pecuniary interest in Item CP115/10 as he knows a member of the Greens Party who has put in a submission on this matter.
- (m) Cr Matthews declared a non significant non pecuniary interest in Item CP115/10 as he knows one of the residents who made a submission on the matter.
- (n) His Worship the Mayor, Cr Matson declared a non significant non pecuniary interest in Item CP115/10 as he knows one of the residents who made a submission on the matter.
- (o) Cr Andrews declared significant non pecuniary interests in Items NM54/10 and MM80/10 as he is a former employee of the Police Association and will not be taking part in the debate or voting on the matters.
- (p) Cr Belleli declared a significant pecuniary interest in Item MM82/10 as his wife's dance school will be performing free of charge at this event and will not be taking part in the debate or voting on the matter.
- (q) Cr Nash declared a non significant non pecuniary interest in Item CP115/10 as this matter has gone to the court of appeal and he is professionally associated with barristers acting for both parties in this matter.

RESOLVED: (PROCEDURAL MOTION) (Andrews/Notley-Smith) that Council hear the applicable addresses to Council and deal with NR9/10 immediately. **CARRIED.**

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:

NR9/10 NOTICE OF RESCISSION MOTION FROM COUNCILLORS ANDREWS, MATTHEWS, PROCOPIADIS AND WHITE - COOGEE DOLPHINS - MOVE FROM BARDEN PARK TO GRANT RESERVE

Against Trudy Wiederman on behalf of the objectors

Against Neil Clugston on behalf of the objectors

For Albert Talarico on behalf of Coogee Dolphins

For Jeffery Sayle on behalf of Randwick Rugby Club

MM84/10 PROFUNDO REPORT INTO BANKING INVESTMENTS IN COAL

For Jaan Boersma

CP114/10 66-70 BORONIA STREET, KENSINGTON

Against Brian Curran

For Genevieve Slattery

CP115/10 169-181 DOLPHIN STREET, COOGEE (GROUND LEVEL)

For Vinod Saujani - For the refusal

CP117/10 1-51R YORKTOWN PARADE, MAROUBRA (CORAL SEA PARK)

For George Phillips

CP118/10 128 MARINE PARADE, MAROUBRA

Against Fabian Conrad

For Mark Swain on behalf of applicant

NM54/10 & MM80/10 SUPPORT FOR THE EMERGENCY SERVICE WORKERS CAMPAIGN "LAST DRINKS"

For Rona Wade

Mayoral Minutes**MM76/10 Mayoral Minute - International Women's Day Art Competition & Award Presentation (F2006/00216)**

768/10

RESOLUTION: (Mayor, Cr M Matson) that Council notes this report and endorses the changes in prize money to be awarded to the International Women's Day Art competition winners.

MOTION: (Mayor, Cr M Matson) CARRIED - SEE RESOLUTION.

MM77/10 Mayoral Minute - Commendation Award by Planning Institute of Australia for Integrated Planning Framework - Suite of Community Plans (F2005/00519)

769/10

RESOLUTION: (Mayor, Cr M Matson) that Council notes the recognition by the Planning Institute of Australia of Randwick City Council's suite of Community Plans and the efforts of the Council officers involved.

MOTION: (Mayor, Cr M Matson) CARRIED - SEE RESOLUTION.

MM78/10 Mayoral Minute - Waiving of Fees - Surfing Competition, Maroubra Beach (F2009/08302)

770/10

RESOLUTION: (Mayor, Cr M Matson) that:

- a) Council vote \$1,731.00 from the Council Contingency fund to cover the costs associated with Council's contribution towards running of the "Arnette Roulette" surfing competition.
- b) Council advise the organisers of the surfing competition that Council be given adequate and appropriate acknowledgement for its contribution towards this event. Such acknowledgement to include Council's logo for inclusion on promotional literature and Council's banner be displayed at the event.

MOTION: (Mayor, Cr M Matson) CARRIED - SEE RESOLUTION.

MM79/10 Mayoral Minute - Mayors for Peace 2020 Vision Campaign - Ongoing Membership and Financial Contribution (F2004/06638)

771/10

RESOLUTION: (Mayor, Cr M Matson) that Council strengthen its membership of the Mayors for Peace 2020 Vision Campaign by making an annual contribution to support the Cities of Hiroshima and Nagasaki in striving to ban nuclear weapons worldwide by the year 2020.

MOTION: (Mayor, Cr M Matson) CARRIED - SEE RESOLUTION.

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

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Bowen	Councillor Matthews
Councillor Hughes	
Councillor Matson	
Councillor Nash	
Councillor Notley-Smith	
Councillor Procopiadis	
Councillor Seng	
Councillor Smith	
Councillor Stevenson	
Councillor Tracey	
Councillor White	
Councillor Woodsmith	
Total (13)	Total (2)

MM80/10 Mayoral Minute - Last Drinks Campaign (F2004/07767)

Note: Having previously declared an interest in this matter, Councillors Andrews and Smith left the chamber, taking no part in the debate or voting on the item.

772/10

RESOLUTION: (Mayor, Cr M Matson) that:

- (a) Randwick City Council writes to the Coalition of Concerned Emergency Services Workers to offer support for the *Last Drinks* campaign;
- (b) Council inform the State Government that it intends to make petition under the *The Liquor Act 2007* to seek the imposition of 1am lock outs on the Coogee Beach Palace hotel and the Coogee Bay Hotel in accordance with *Last Drinks* campaign objectives;
- (c) commence the drafting of a DCP for late night trading reflecting the objectives of the *Last Drinks* Campaign; and
- (d) an interim report to come back to the February ordinary Council meeting to discuss the proposed draft DCP for late night trading.

MOTION: (Mayor, Cr M Matson) CARRIED - SEE RESOLUTION.

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

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

FOR	AGAINST
Councillor Belleli	Councillor Matthews
Councillor Bowen	
Councillor Hughes	
Councillor Matson	
Councillor Nash	
Councillor Notley-Smith	
Councillor Procopiadis	
Councillor Seng	
Councillor Stevenson	
Councillor Tracey	
Councillor White	
Councillor Woodsmith	
Total (12)	Total (1)

MM81/10 Mayoral Minute - 2011 Eastern Suburbs Relay For Life - Cancer Council NSW (F2008/00153)

773/10

RESOLUTION: (Mayor, Cr M Matson) that Council support the 2011 Cancer Council Eastern Suburbs Relay for Life event by:

- a) providing media and other community information to encourage staff and the community to participate in the event;
- b) inviting Waverly and Woollahra Council's to also support the event;
- c) working with the Cancer Council to promote the event; and
- d) allocating \$1,000.00 from the 2010-11 Contingency Fund, towards equipment

hire, to ensure community safety at the event.

MOTION: (Mayor, Cr M Matson) CARRIED - SEE RESOLUTION.

**MM82/10 Mayoral Minute - Cancer Council NSW - Sun Sound Program
(F2008/00153)**

Note: Having previously declared an interest in this matter, Cr Belleli left the chamber taking no part in the debate or voting on this item.

774/10 **RESOLUTION: (Mayor, Cr M Matson)** that Council:

- a) approve the NSW Cancer Council's 'Sun Sound' program at Coogee and Maroubra beaches for the 2010-11 summer season; and
- b) endorse the participation of Randwick City Council in the NSW Cancer Council's 'Sun Sound' program.

MOTION: (Mayor, Cr M Matson) CARRIED - SEE RESOLUTION.

**MM83/10 Mayoral Minute - Waiving of Fees - Tamarama to Clovelly Ocean
Swim (F2010/00096)**

775/10 **RESOLUTION: (Mayor, Cr M Matson)** that

- a) Council vote \$669.60 to cover the fees associated with the holding of the Tamarama Beach to Clovelly Beach Ocean Swim on 6th March 2011 and that the funds be allocated from the 2010-11 Contingency Fund;
- b) the organiser of the event undertake to appropriately and prominently acknowledge and promote Council's contribution to the swim; and
- c) the Mayor or his representative to be given the opportunity to address the ocean swim on behalf of Council.

MOTION: (Mayor, Cr M Matson) CARRIED - SEE RESOLUTION.

**MM84/10 Mayoral Minute - Profundo Report into Banking Investments in
Coal (F2004/08411)**

MOTION: (Mayor, Cr M Matson) that Council notes that according to a recent Greenpeace commissioned report Australia's big four banks ANZ, Commonwealth, NAB and Westpac have invested over \$5 billion of investors' money in coal over the last 5 years. Accordingly Council will write to those banks it currently invests with:

- a) seeking clarification on the amount of money the banks currently invest in coal and renewables;
- b) asking those banks to adopt a policy of not providing finance to new coal power stations in Australia;
- c) seeking to meet with each to discuss the bank's current investments in coal and renewables and the extent to which ratepayers' money is being used to finance new coal power stations; and
- d) reports back to Council on the outcome of any such meetings and related correspondence. **LOST.**

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

FOR	AGAINST
Councillor Hughes	Councillor Andrews
Councillor Matson	Councillor Belleli
Councillor Tracey	Councillor Bowen
Councillor Woodsmith	Councillor Matthews
	Councillor Nash
	Councillor Notley-Smith
	Councillor Procopiadis
	Councillor Seng
	Councillor Smith
	Councillor Stevenson
	Councillor White
Total (4)	Total (11)

MM85/10 Mayoral Minute - La Perouse Day Celebrations - Request for Financial Assistance (F2004/07739)

776/10

RESOLUTION: (Mayor, Cr M Matson) that:

- (a) Council contribute \$900.00 from the 2010-11 Contingency Fund towards the La Perouse Day activities;
- (b) the organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event;
- (c) the Mayor or his representative be given the opportunity to address the event on behalf of Council; and
- (d) the organisers be requested to invite representatives from the Local Aboriginal Land Council.

MOTION: (Mayor, Cr M Matson) CARRIED - SEE RESOLUTION.

MM86/10 Mayoral Minute - Local Government Chief Officers' Group - Attendance of General Manager at February 2011 Meeting (F2008/00390)

777/10

RESOLUTION: (Mayor, Cr M Matson) that Council note the General Manager's attendance at the next meeting of the Local Government Chief Officers Group in February 2011 in Mandurah, Western Australia.

MOTION: (Mayor, Cr M Matson) CARRIED - SEE RESOLUTION.

Urgent Business

Nil.

Director City Planning Reports

CP113/10 Director City Planning Report - 159 Arden Street, Coogee (DA/970/2010)

778/10

RESOLUTION: (Andrews/Procopiadis) -

- A. That Council supports the objections under State Environmental Planning Policy

No. 1 – Development Standards in respect to non-compliance with Clause 20E of Randwick Local Environmental Plan 1998, relating to landscape area respectively, 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, 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. 159 for 2010, at No. 159 Arden Street, Coogee, subject to the following conditions:

REFERENCED PLANS:

1. The development must be implemented substantially in accordance with the plans numbered DA04, dated 2 November 2010 and received by Council on 2 November 2010 and amended plans numbered DA01A, DA02A, DA03A and LP01A, dated 30 November 2010 and received by Council on 1 December 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:

ENVIRONMENTAL AMENITY:

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

2. The colours, materials and finishes of the external surfaces to the car parking and terrace structure are to be compatible with the existing building 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. Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.
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 or fire safety 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 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 or fire safety 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.

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* 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,
 - 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 requirements of the Environmental Planning & Assessment Act 1979 and conditions of development consent must be satisfied prior to the issuing of an occupation certificate.

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

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

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

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

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

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

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

14. In accordance with Council’s Section 94A Development Contributions Plan effective from 2 July 2007, based on the development cost of \$ 165,000, the following applicable monetary levy must be paid to Council: \$825.

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.

Construction site management

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

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

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

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

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

17. The adjoining land and buildings located upon the adjoining land must be adequately supported at all times.

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of any building located on an adjoining allotment of land, the person causing the excavation must:

- preserve and protect the building /s on the adjoining land from damage; and
- effectively support the excavation and building; and
- at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land (including a public road or public place), give notice of the intention and particulars of the works to the owner of the adjoining land.

Notes

- *This consent and condition does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning,*

shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the principal contractor or owner-builder must obtain:

- a) *the consent of the owners of such adjoining or supported land to trespass or encroach, or*
- b) *an access order under the Access to Neighbouring Land Act 2000, or*
- c) *an easement under section 88K of the Conveyancing Act 1919, or*
- d) *an easement under section 40 of the Land & Environment Court Act 1979, as appropriate.*

- *Section 177 of the Conveyancing Act 1919 creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).*

18. Building, demolition and associated site works must be carried out in accordance with the following requirements:

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> • Monday to Friday - 7.00am to 5.00pm • Saturday - 8.00am to 5.00pm • Sunday & public holidays - No work permitted
Excavating of rock, use of jack-hammers, pile-drivers or the like	<ul style="list-style-type: none"> • Monday to Friday - 8.00am to 5.00pm • Saturday - No work permitted • Sunday & public holidays - No work permitted
Additional requirements for all development, except for single residential dwellings	<ul style="list-style-type: none"> • Saturdays and Sundays before or after a public holiday - No work permitted

An application to vary the abovementioned hours may be submitted to Council's Manager Health, Building & Regulatory Services for consideration and approval to vary the specified hours may be granted in exceptional circumstances and for limited occasions (e.g. for public safety, traffic management or road safety reasons). Any applications are to be made on the standard application form and include payment of the relevant fees and supporting information. Applications must be made at least 10 days prior to the date of the proposed work and the prior written approval of Council must be obtained to vary the standard permitted working hours.

19. 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.

20. 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 access to demolition/building works, materials and equipment on the site is to be restricted and 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 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 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.

- g) 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.
- h) 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.
- i) A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the

following activities upon any part of the footpath, road, 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, container or other article.

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

21. 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.
22. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:
 - a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
 - b) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a *Pre-paid Works Application Form*, prior to issuing an occupation certificate, together with payment of the relevant fees.
 - c) If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.
 - d) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.

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

23. 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.
24. 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 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:

25. Detailed drainage plans shall be submitted to and approved by the certifying authority prior to the issue of a construction certificate. The drainage plans shall demonstrate compliance with the conditions of this development approval.
26. Stormwater runoff from the site shall be discharged either:
 1. To the kerb and gutter along the site frontage by gravity (preferably without the use of a charged system); OR
 2. Through a private drainage easement(s) to Council's kerb and gutter (or underground drainage system); OR
 3. To a suitably sized infiltration area. As a guide the infiltration area shall be sized based on a minimum requirement of 1 m² of infiltration area (together with 1 m³ of storage volume) for every 20 m² of roof/impervious area on the site.

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

NOTE: Should the applicant be unable to obtain a private drainage easement over properties to the rear of the development site (to facilitate stormwater discharge in accordance with option b)); and ground conditions preclude the use of infiltration (Option c), consideration may be given to the use of a charged system or a pump out system to drain that portion of the site that cannot be drained by gravity to the kerb and gutter at the front of the property.

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

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

29. All pump out water must pass through a stilling pit prior to being discharged by gravity to the kerb and gutter.

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

30. Approval is granted for the removal of the Canary Island Date Palm located on

the southern side boundary towards the rear of the site as well as the adjoining tree.

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.

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

CP114/10 Director City Planning Report - 66-70 Boronia Street, Kensington (DA/572/2010)

779/10

RESOLUTION: (Hughes/Procopiadis)

A. That Council support the objection under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with Clauses 20F and 20 G of the Randwick Local Environmental Plan 1998 (as amended), 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.

and

B. 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/572/2010 for the alterations and additions to approved multi unit building including change to front, rear and side setbacks, alteration to side elevations, alteration to landscaping, reconfiguration of storm water detention tank, relocation of fire stairs, garbage room, bicycle storage, provision of rain water tanks, alteration to parking, internal alteration and addition of two units and third level and changes to materials and finishes at 66-70 Boronia Street, Kensington, subject to the following conditions:

1. The development must be implemented substantially in accordance with the plans numbered
 - DA02 Issue B dated 28 October 2010, and DA03 Issue E, dated 9 June 2010 and stamped received by Council on 4 November 2010, and
 - DA04 and DA05, both Issue D, dated 2 August 2010 and stamped received by Council on 6 September 2010; and
 - DA06 Issue E, dated 28 October 2010, and DA07, Issues F dated 24 November 2010; and DA08 Issue D dated 28 October 2010, and DA09, Issue E dated 24 November 2010, DA 10.2 Issue D dated 24 November 2010, and stamped received by Council on 26 November 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.

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. Details of bicycle storage as required in the Development Control Plan – Parking shall be submitted to and approved by Council's Director City Planning Council 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. Appropriate fencing between the ground floor western terrace of the proposed Unit 3 and the designated common property area shall be installed to ensure the privacy and security of Unit 3. The adjoining landscaped area at the rear shall be designated as communal landscaped area and common property for the proposed development. Pedestrian access to this portion of communal landscaped area shall be provided and maintained via the central entry, lobby and corridor of the proposed development through an extension/opening of the proposed central corridor into the rear communal open spaces. 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.
5. All balconies in the proposed Units No. 13 shall be installed with a 1.8m privacy screen along their southern edge to ensure the privacy of adjoining properties. Details shall be submitted to and approved by Council's Director City Planning prior to a Construction Certificate being issued for the development in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
6. A 2m high solid masonry fence shall be erected along the whole length of the common southern boundary. Additionally, the section of the required masonry fence along the common southern boundary to No. 9A Duke Street shall be 2.3m high. Details shall be submitted to and approved by Council's Director City Planning prior to a Construction Certificate being issued for the development in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
7. The proposed door openings to bedrooms 1 and 2 of Unit 2 and bedroom 1 of Unit 1 shall be deleted and replaced with window openings. 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.
8. All bathroom windows in the proposed development shall be opaque glazing and all other windows on levels 2 and 3 shall have obscure glass to a height of 1.5 metres above floor level to maintain privacy. 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.
9. Street numbering must be provided to the premises in a prominent position, to

the satisfaction of Council.

10. The reflectivity index of glass used in the external façade of the development must not exceed 20 percent.
11. 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.
12. 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.
13. Public access to the visitor's carparking spaces is to be maintained at all times and an intercom system is to be provided adjacent to the vehicular entrance to the carpark, together with appropriate signage providing instructions for use.
14. 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.
15. 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.

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

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

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

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

Category	Cost	Applicable Levy	S94A Levy
Development Cost more than \$200,000	\$3,737,316	1%	\$37,373.16

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

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

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

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

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

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

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

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

20. 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) \$10,000.00 - Damage/Civil Works Security Deposit

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

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

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

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

Traffic conditions/Civil Works Conditions

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

21. Prior to the issuing of an Occupation Certificate the applicant must meet the full cost for Council or a Council approved contractor to:
 - a) Construct a full width heavy duty concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.
 - b) Remove the redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.
 - c) Re-construct a kerb and gutter for the full site frontage except opposite the vehicular entrance and exit points.
 - d) Carry out a minimum 1.00 metre wide, road reknit in front of the kerb and gutter along the full site frontage.
 - e) Reconstruct the existing Council double grated gully pit to allow for construction of a full width concrete layback and crossing.
 - f) Construct a new double grated gully pit upstream from the new vehicular crossing with lintel sized to the requirements of Council's Drainage Assets Engineer.
 - g) Construct a concrete footpath along the full site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.
22. 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.
23. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:
 - a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
 - b) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a *Pre-paid Works Application Form*, prior to issuing an occupation certificate, together with payment of the relevant fees.
 - c) If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.
 - d) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction

documentation, prior to occupation of the development, or as otherwise approved by Council in writing.

24. All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.
25. The driveway opening at the Boronia Street frontage must be 5.50 metres wide.
26. The internal driveway must be a minimum 5.50m wide (clear width) for the first 4 metres inside the property so as to allow entering & exiting vehicles to pass within the site. Should the driveway narrow after this point it is then to be designed with a minimum 1.5m x 1.5m splay to allow the passing to work.
27. Prior to the issuing of a Construction Certificate the applicant is to amend the internal driveway grades to show an internal driveway grade of 1:20 for the first 6.00m inside the site and a grade of 1:8 thereafter.

Note: Should the applicant provide a steeper grade than 1:8 to the basement carpark then a 1:10 transition over 2.50 metres is required prior to meeting the basement garage level.

28. The internal driveway is to be constructed in accordance with the approved plans submitted for the Construction Certificate.
29. Prior to the issuing of a Construction Certificate the applicant is to amend the plans to show that Carspace No 17 fully complies with AS/NZS 2890.1:2004 for an enclosed space (minimum width 2.70m).

Note: This may require amending the design/location of the proposed garbage room.

30. Prior to the issuing of any form of Occupation Certificate the Certifying Authority is to ensure the manoeuvring bay at the northern end of the basement carpark is clearly signposted and line marked.
31. The proposed tandem car spaces are to be allocated to the 3 bedroom units.
32. A Works Zone is to be provided in Boronia Street for the duration of the construction works. The 'Works Zone' shall be provided to the satisfaction of the Randwick Traffic Committee and shall have a minimum length of 12 metres. The prescribed fee for the Works Zone must be paid to Council at least four (4) weeks prior to the commencement of work on the site.

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

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

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

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

34. The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, shall be:
 - **100mm above the top of the kerb at all points opposite the kerb, along the full site frontage.**
35. The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the kerb must be indicated on the building plans for the construction certificate.
36. The above alignment levels and the site inspection by Council's Development Engineer has been issued at a prescribed fee of \$1237.00 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 of service authority assets:

37. 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.
38. 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.
39. Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied, must be submitted to the certifying authority prior to a construction certificate being issued for the development.
40. 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.

41. Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant must liaise with Energy Australia prior to lodging the construction certificate to determine whether or not an

electricity substation is required for the development.

42. A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.

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

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

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the plan of subdivision.

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

43. **Stormwater drainage plans have not been approved as part of this development consent.** Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:
- a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
 - b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
 - c) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (ie. above the 1 in 20 year storm) to the proposed drainage system.
 - d) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
 - i. Roof areas
 - ii. Paved areas
 - iii. Grassed areas
 - iv. Garden areas
 - e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the

lower roof.

- f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
 - g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.
44. All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.
45. All site stormwater must be discharged (by gravity) to either:
- a) The kerb and gutter or drainage system at the front of the property; OR
 - b) A suitably sized infiltration system (subject to geotechnical investigation confirming that the ground conditions are suitable for an infiltration system).
46. Should stormwater be discharged to Council's street drainage system, on-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a **1 in 10** year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by Council. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.

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

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

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

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

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

48. Any Infiltration systems/Absorption Trenches must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.
49. The detention area/infiltration system must be regularly cleaned and maintained to ensure it functions as required by the design.
50. Any onsite detention/infiltration systems shall be located in areas to be dedicated as common property.

51. The maximum depth of ponding in above ground detention areas (and/or infiltration systems with above ground storage) shall be as follows:
- a) 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)
 - b) 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10.
 - c) 1200mm in landscaped areas where a childproof fence is provided around the outside of the detention area

Notes:

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

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

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

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

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

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

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

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

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

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

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

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

Notes:

- a. The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
 - b. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.
60. **One** covered car washing bay shall be provided for this development.
- a) The car washing bay must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to an occupation certificate being issued for the proposed development.
 - b) The car washing bay must be located outside any required/approved stormwater detention system.

- c) The car washing bay may be located within the visitor parking spaces provided they are signposted with '*Exclusive Carwash Bay Use Sat 2:00pm – 5:00pm and Sunday 10:00am – 2:00pm, Visitor parking at other times*'
 - d) The car washing bay must be constructed with a minimum 20mm bund around the perimeter of the car washing bay/s (or equivalent)
 - e) A water tap shall be located adjacent to the car washing bay.
61. Prior to the issuing of an occupation certificate, the applicant shall submit to Council, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:
- a) The location of the detention basin with finished surface levels;
 - b) Finished site contours at 0.2 metre intervals;
 - c) Volume of storage available in the detention areas;
 - d) The location, diameter, gradient and material (i.e PVC, RC etc) of all stormwater pipes;
 - e) The orifice size(s) (if applicable);
 - f) Details of any infiltration/absorption systems; and
 - g) Details of any pumping systems installed (including wet well volumes).
62. Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with the conditions of development consent. The certification must be provided following inspection/s of the site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the PCA.
63. As the above site may encounter groundwater/seepage water within the depth of the basement excavation, the basement carpark or similar structures are to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard, to the satisfaction of the certifying authority. A copy of the certification is to be forwarded to Council.

Notes:-

- a) Any subsoil drainage (from planter boxes etc) is to be disposed of within the site and is not to be discharged to Council's kerb & gutter and/or underground drainage system.
 - b) Adequate provision is to be made for the ground water to drain around the basement carpark (to ensure that the basement will not dam or slow the movement of the ground water through the development site).
64. Seepage water **must not** be collected and discharged from the site.
65. If any temporary dewatering of the site is required to facilitate construction of any part of the basement car park and/or detention tank a licence under Part V of the Water Act 1912 will be required. The licence must be obtained from the NSW Department of Water and Energy prior to installation of the works. A copy of the license agreement must be forwarded to Council prior to any dewatering being undertaken.
66. A separate written approval from Council is required to be obtained in relation

to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of Section 138 of the Roads Act 1993.

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

67. The garbage room areas will have to be designed so as to be able to contain a total of 14 x 240 litre bins (7 garbage bins & 7 recycle bins) whilst providing satisfactory access to these bins. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.
68. The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.
69. The waste storage areas shall be clearly signposted.
70. Prior to the Certifying Authority issuing an occupation certificate for the proposed development the applicant is to contact Council's Manager of Waste in regards to meeting Council's requirements for waste services to the development.

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

71. The applicant shall create suitable right of carriageway, easements for access, services and internal stormwater lines, as required. The applicant shall be advised that the minimum easement width for any internal stormwater line is 0.9 metres.
72. All conditions of development consent must be satisfied and all public roads and reserves must be satisfactorily restored prior to endorsement of the subdivision plans.
73. The applicant shall provide Council with a survey plan of the property prior to endorsement of the subdivision plans.

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

74. Landscaping at the site shall be installed substantially in accordance with the Landscape levels & Surfaces Plan, Planting Plan & Existing Tree Plan by Zenith Landscape Designs, drawing numbers 10-2304, sheets 1-3, dated may 2010, subject to the following additional requirements being shown on an amended plan, which must be submitted to, and be approved by, the PCA, prior to the issue of a construction certificate:
 - a. Deletion of the *Melaleuca quinquinervia* (Broad Leafed Paperbark) shown for planting within the Boronia Street footpath, near the northern site boundary.
 - b. 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.
 - c. The position of existing and proposed site services including water, gas,

electricity, sewer, stormwater, etc.

- d. All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm, with lawn areas to have a minimum of 300mm. They shall be suitably water-proofed and drained to the approved system.
 - e. In order to reduce the amount of storm-water generated by the site, as well as to recharge groundwater supplies, porous/permeable paving shall be used in all hard surfacing not on podium or over slab.
 - f. All detention tanks and below ground stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping.
 - g. Location of easements within the site and upon adjacent sites (if any).
 - h. Any substation required shall be screened from view. The proposed location, elevation and screening method shall be shown on all detailed landscape drawings and specifications.
75. A qualified professional in the landscape industry must provide certification that the landscaping has been installed in accordance with the approved documentation and relevant conditions of consent, and must be submitted to, and be approved by, the PCA, prior to the issue of a Final Occupation Certificate, with suitable strategies to be implemented to ensure the landscaping is maintained in a healthy and vigorous state until maturity, for the life of the development.

Tree Removals

76. With the exception of the existing Cooks Pine located towards the northeast corner of the site which is to be retained as part of this development (refer Tree Protection Measures) all other vegetation within the site can be removed in order to accommodate the proposed works and new landscape scheme as shown, as they were observed to be insignificant, and too small for the provisions of Council's Tree Preservation Order (TPO).

Pruning of neighbouring trees

77. Permission is granted for the selective and minimal pruning of only those lower growing branches from the following trees, where they overhang the common boundary into the subject site and need to be specifically pruned in order to avoid damage to the trees; or; interference either during the course of the works or upon completion:
- ii) From the eastern aspect of the *Eucalyptus scoparia* (White Gum) which is growing on higher ground to the west, within 25-27 Kensington Road, so as to avoid conflict with the upper levels of the most western portion of the proposed building;
 - iii) From the northern aspect of the *Eucalyptus racemosa* (Scribbly Gum) which is growing in the rear yard of the adjoining property to the south, within 11 Duke Street, close to the common boundary, to accommodate the southern elevation of the proposed building or associated machinery.
78. 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 these trees, the applicant must negotiate with the neighbour/tree owner for access to perform this work.

79. All pruning must be undertaken by an Arborist who holds a minimum of AQF Level V in Arboriculture, and who is also a registered member of a nationally recognised organisation/association, with all pruning to be performed to Australian Standard AS 4373-1996 'Pruning of Amenity Trees.'

Street Tree Protection

80. In order to ensure retention of the two *Lophostemon confertus* (Brush Box) trees located on Council's Boronia Street footpath, being one at the back of the kerb, centrally across the width of 66 Boronia Street, and then to its south, in front 68 Boronia Street, which is setback awkwardly off the back of the kerb, roughly in the centre of the footpath in good health, the following measures are to be undertaken:
- a. All documentation submitted for the Construction Certificate application must show their retention, with the position and diameter of both of their trunks and canopies to be clearly shown on all drawings.
 - b. The Construction Certificate plans must show that the **northern edge of the proposed vehicle crossing will be setback a minimum distance of 3.4 metres from the trunk of the southern most street tree** (measured off its outside edge at ground level), as is currently shown.
 - c. Given the awkward location of the southern most street tree centrally across the width of the footpath, **the applicant must liaise with and obtain Council approval for the most appropriate arrangement of the new footpath and verge in terms of a tree square/cut-out and finished grades/levels**, prior to the commencement of any works on public property.
 - d. Should any roots from either tree be encountered during removal of the existing bitumen surface, or, placement of the new concrete footpath and nature strip, **Council's Landscape Development Officer** must be contacted on **9399-0613**, to arrange an inspection of the affected roots and the appropriate course of action, with any instructions to be fully complied with.
 - e. The applicant will be responsible for preserving any major structural roots, with any minor roots which are given permission to be pruned to be cut cleanly by hand, and the affected area backfilled with clean site soil as soon as practically possible.
 - f. Any new services, pipes, stormwater systems or similar that need to be installed over public property, must be done so along either of the sites side boundaries; or, against either side of the new crossing, so as to minimise root damage.
 - g. Prior to the commencement of any site works, the trunk of each tree is to be physically protected by geo-textile, underfelt or layers of Hessian, to which, 2m lengths of 50mm x 100mm hardwood timbers, spaced at 150mm centres shall be placed, and are to be secured by 8 gauge wires or steel strapping at 300mm spacing. (*No nailing to the trunk*).
 - h. Both street trees must be physically protected by installing a total of four star pickets at a setback of **2.5 metres** to their north and south (measured off the outside edge of their trunks at ground level), as well

as against the back of the kerb to their east, and in line with the western side of their trunks, to which safety tape/para-webbing/shade cloth or similar shall be permanently attached so as to completely enclose each tree for the duration of works.

- i. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT ENTER".
- j. Within the TPZ, there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble.
- k. The applicant is not authorised to perform any works to either of these street trees, and shall contact Council's Landscape Development Officer on 9399-0613 should pruning or any similar such work appear necessary, with the applicant required to cover all associated costs with such work, to Council's satisfaction, prior to the issue of a final occupation certificate.
- l. A refundable deposit in the form of cash, credit card or cheque for an amount of **\$5,000.00** shall be paid at the Cashier on the Ground Floor of the Administrative Centre, **prior to a Construction Certificate being issued for the development**, in order to ensure compliance with the conditions listed in this consent, and ultimately, preservation of the street trees.

The refundable deposit will be eligible for refund following the issue of a Final Occupation Certificate, subject to completion and submission of Council's 'Security Deposit Refund Application Form', and pending a satisfactory inspection by Council's Landscape Development Officer (9399-0613).

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

Protection of Cooks Pine within the site

81. In order to ensure retention of the *Araucaria columnaris* (Cooks Pine) located near the northeast corner of the site, (currently 66 Boronia Street) in good health, the following measures are to be undertaken:
 - a. All documentation submitted for the Construction Certificate application must show the retention of this tree, with the position and diameter of both its trunk and canopy to be clearly shown.
 - b. The Certifying Authority must ensure that all Construction Certificate plans show that the **eastern wall of the basement level, vertical wall alignment of the building and the northern wall of the proposed Detention Tank will be setback a minimum distance of 3.5 metres off its trunk, measured off its outside edge, at ground level.**
 - c. Prior to the commencement of any site works, the PCA must ensure

that an Arborist who holds a minimum of AQF Level V in Arboriculture has been engaged for the duration of the project ("*the site Arborist*") for the purposes of inspecting, monitoring, implementing and performing any measures related to the preservation of this tree.

- d. The site Arborist must be present on site during all initial excavations for the components described in point 'b' above, and must instruct site staff and machine operators in the level of care required.
- e. **The PCA must ensure that a construction technique which will not require any further disturbance, battering, cutting, filling, excavations or works of any kind beyond the setback described above will be used for these components, with suitable details confirming compliance to be provided.**
- f. Any excavations associated with the installation of new stormwater systems, lines, pipes, pits, detention/retention areas or any other services or similar must also be setback outside the 3.5 metre setback specified above.
- g. Existing soil levels/grades in the northern half of the front yard, bordered by the eastern site boundary, pedestrian entry path parallel to its north, as well as the detention tank and basement wall/vertical wall alignment of the building, must be maintained.
- h. This tree is to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing, which shall be located a minimum distance of **3.5 metres**, on all four sides of its trunk, in order to completely enclose this tree for the duration of works.
- i. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until such time as planting is being undertaken in this area, with signage containing the following words to be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT ENTER".
- j. Within the TPZ, there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, with all Site Management Plans to acknowledge these requirements.
- k. Any roots encountered during the course of the approved works that need to be cut can only be done so by the site Arborist, cleanly by hand, with the affected area to be backfilled with clean site soil as soon as practically possible.
- l. Prior to the PCA issuing a Final Occupation Certificate, the site Arborist must provide written certification which confirms attendance on site, and compliance with the conditions specified in this report.

Protection of neighbouring tree at 11 Duke Street

82. In order to also ensure retention of the *Eucalyptus racemosa* (Scribbly Gum) located beyond the southern site boundary, in the rear yard of 11 Duke Street, close to the common boundary in good health, the following measures are to be undertaken:
 - m. All documentation submitted for the Construction Certificate application must show the retention of this neighbouring tree, with the position and diameter of both its trunk and canopy to be clearly and accurately

represented on all drawings.

- n. The Certifying Authority must ensure that all Construction Certificate plans show the southern basement wall must be setback a minimum distance of 1690mm off the southern site boundary, as shown on DA02 dated 28.10.10.
- o. Prior to the commencement of any site works, the PCA must ensure that an Arborist who holds a minimum of AQF Level V in Arboriculture has been engaged for the duration of the project ("*the site Arborist*") for the purposes of inspecting, monitoring, implementing and performing any measures related to the preservation of this tree.
- p. The site Arborist must be present on site during all initial excavations for the southern basement wall, within a radius of 5 metres of its trunk, and must instruct machine operators in the level of care required.
- q. The PCA must ensure that a construction technique which will not require any further disturbance, battering, cutting, filling, excavations or works of any kind beyond the setback described above will be utilised for this component, with suitable details confirming compliance to be provided.
- r. Prior to the commencement of any site works, this neighbouring tree is to be physically protected through the creation of a Tree Protection Zone (TPZ) within the subject site, which shall be established at the setbacks identified in Table 3, Column G of the Arborists Report by Tree And Landscape Consultants, reference 1594-2-11, dated 1 November 2010, and in accordance with the requirements of Appendix E of this report.
- s. Ground protection as identified in Appendix D, Section 1.2.7B of the Arborists Report, shall be installed on ground areas if site movement is required within the TPZ prescribed above, and must be done in consultation with the site Arborist.
- t. The area between the southern basement wall and southern site boundary must be retained as deep soil, at existing levels/grades, and other than localised pad footings for new boundary fencing, there shall be no strip footings, masonry fences or raised planters permitted within a radius of 5 metres of its trunk.
- u. All attempts shall be made to locate services outside the TPZ described in point 'f' above, but should there be no other option, they are to be installed by the use of lateral or thrust boring equipment or some other type of Trenchless Technology deemed suitable by the site Arborist. Tunnelling for such services should not occur less than 700mm in depth below existing ground levels, as per Appendix D, section 1.2.6 of the Arborist Report.
- v. Within the TPZ, there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, with all Site Management Plans to acknowledge these requirements.
- w. Any roots encountered during the course of the approved works which are in direct conflict with the works and need to be cut shall be done so by the site Arborist, and only where they are cut cleanly by hand, and the affected area backfilled with clean site soil as soon as practically possible.

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

83. 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*:

84. 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.

85. 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*.

86. **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.

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

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

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

88. 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.

89. 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".
90. 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.

91. **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.

92. In accordance with clause 98 of the Environmental Planning & Assessment

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

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

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

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

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

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

93. 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.

94. 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.

95. 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.

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

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

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

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

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

97. The installation of ground or rock anchors underneath any adjoining premises including (a public roadway or public place) must not be carried out without specific written consent of the owners of the affected adjoining premises and (where applicable) details of compliance must be provided to the certifying authority **prior to the commencement of any excavation or building works.**
98. 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.
99. A report shall be prepared by a *professional engineer* and submitted to the certifying authority **prior to the issuing of a construction certificate**, detailing the proposed methods of excavation, shoring or pile construction, including details of potential vibration emissions. The report, must demonstrate the suitability of the proposed methods of construction to overcome any potential damage to nearby land/premises.

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

A copy of the engineers report is to be submitted to the Council, if the Council is not the certifying authority.

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

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

101. A dilapidation report prepared by a *professional engineer* or suitably qualified and experienced building surveyor shall be submitted to the certifying authority **prior to the commencement of demolition, excavation or building works** detailing the current condition and status of all buildings, including ancillary structures all of the premises adjoining the subject site and, as a minimum, the following premises at;

64 Boronia Street, Kensington
9 Duke Street, Kensington
9A Duke Street, Kensington
11 Duke Street, Kensington
11A Duke Street, Kensington
25-27 Kensington Road, Kensington

The report is to be supported with photographic evidence of the status and condition of the buildings and a copy of the report must also be forwarded to the Council and to the owners of each of the abovementioned premises, **prior to the commencement of any works**.

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

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

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

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

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

104. The adjoining land and buildings located upon the adjoining land must be adequately supported at all times.

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of any building located on an adjoining allotment of land, the person causing the excavation must:

- preserve and protect the building /s on the adjoining land from damage; and
- effectively support the excavation and building; and
- at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land (including a public road or public place), give notice of the intention and particulars of the works to the owner of the adjoining land.

Notes

- This consent and condition does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the principal contractor or owner-builder must obtain:
 - a) the consent of the owners of such adjoining or supported land to trespass or encroach, or
 - b) an access order under the Access to Neighbouring Land Act 2000, or
 - c) an easement under section 88K of the Conveyancing Act 1919, or
 - d) an easement under section 40 of the Land & Environment Court Act 1979, as appropriate.
 - Section 177 of the Conveyancing Act 1919 creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).
105. 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.
106. 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.
107. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:

- a) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.
- a) Building materials, sand, soil, waste materials, construction equipment or other materials or articles must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
- b) Bulk bins, waste containers or other articles must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container or other articles in a public place can be made to Council's Health, Building & Regulatory Services department.
- 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 temporary timber, asphalt or concrete crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council, unless access is via an existing concrete crossover.
- e) A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities on a footpath, road or nature strip or in any public place:-
 - Install or erect any site fencing, hoardings or site structures
 - Operate a crane or hoist goods or materials over a footpath or road
 - Placement of a waste skip or any other container or article on the road, nature strip or footpath.
- f) The applicant/builder is required to hold Public Liability Insurance, with a minimum liability of \$10 million and a copy of the Insurance cover is to be provided to Council.
- g) A *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.

- h) 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.

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

- a) Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being construction at the approved levels.
- b) On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.

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

- location and construction of protective fencing / hoardings to the perimeter of the site (**including that the security of the rear yards of Nos. 9, 9A, 11 and 11A is maintained at all times by protective fencing**);
- location of site storage areas/sheds/equipment;
- location of building materials for construction;
- provisions for public safety;
- dust control measures;
- site access location and construction
- details and methods of disposal of demolition materials;
- protective measures for tree preservation;
- provisions for temporary sanitary facilities;
- location and size of waste containers/bulk bins;
- details of proposed sediment and erosion control measures;
- construction noise and vibration management;
- construction traffic management provisions.

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

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

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

Dust control measures and practices may include:-

- Provision of geotextile fabric to all perimeter site fencing (attached on the prevailing wind side of the site fencing).
- Covering of stockpiles of sand, soil and excavated material with

- adequately secured tarpaulins or plastic sheeting.
- Installation of a water sprinkling system or provision hoses or the like.
- Regular watering-down of all loose materials and stockpiles of sand, soil and excavated material.
- Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds.
- Revegetation of disturbed areas.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Road/Asset Openings (Unless otherwise specified by City Services or Development Engineer)

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

- 116. Any openings within or upon the road, footpath, nature strip or in any public place (i.e. for proposed drainage works or installation of services), must be carried out in accordance with the following requirements, to the satisfaction of Council:
 - a. 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.
 - b. The owner/developer 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.

- c. Relevant *Road / Asset Opening Permit* fees, construction fees, inspection fees and security deposits, must be paid to Council prior to commencing any works within or upon the road, footpath, nature strip or other public place,
- d. Excavations and trenches must be back-filled and compacted in accordance with AUSPEC standards 306U.
- e. Excavations or trenches located upon a road or footpath are required to be provided with 50mm depth of cold-mix bitumen finish, level with the existing road/ground surface, to enable Council to readily complete the finishing works at a future date.
- f. Excavations or trenches located upon turfed areas are required to be back-filled, compacted, top-soiled and re-turfed with Kikuyu turf.
- g. The work and area must be maintained in a clean, safe and tidy condition at all times and the area must be thoroughly cleaned at the end of each day's activities and upon completion.
- h. Public and vehicular safety must be maintained at all times and any related directions issued by Council officers must be complied with.
- i. The work can only be carried out in accordance with approved hours of building work as specified in the development consent, unless the express written approval of Council has been obtained beforehand.
- j. All work, including the provision of barricades, fencing, lighting, signage and traffic control, must be carried out in accordance with the NSW Roads and Traffic Authority publication - 'Traffic Control at Work Sites' and Australian Standard AS 1742.3 - Traffic Control Devices for Works on Roads, at all times.
- k. Not more than half of any road is to be opened up at any one time and excavations must be provided with suitable fencing/ barricades and flashing amber lights if not completed by the end of the day.
- l. Any necessary approvals must be obtained from NSW Police, Roads & Traffic Authority, State Transit Authority and relevant Service Authorities, prior to commencing work upon or within the road, footway or nature strip.

All conditions and requirements of the NSW Police, Roads & Traffic Authority, State Transit Authority and Council must be complied with at all times.
- m. A detailed Traffic Management Plan must be submitted to and approved by Council and relevant Authorities, prior to carrying out any work which results in the closure or partial closure of a State or Regional Road, as identified by the NSW Roads & Traffic Authority.
- n. Sediment control measures must be implemented in accordance with the conditions of development consent and soil, sand or any other material must not be allowed to enter the stormwater drainage system or cause a pollution incident.
- o. The owner/developer must have a Public Liability Insurance Policy in force, with a minimum cover of \$10 million and a copy of the insurance policy must be provided to Council prior to carrying out any works within or upon the road, footpath, nature strip or in any public place.

- p. Council's Road / Asset Opening Officer must be notified at least 48 hours in advance of commencing any excavation works and also immediately upon completing the works (on 9399 0691 or 0409 033 921 during business hours), to enable any necessary inspections or works to be carried out.

ADVISORY MATTERS:

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

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

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

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

In this regard, the development consent plans do not show compliance with the deemed-to-satisfy provisions of the BCA, including:

- | | | | |
|----|---------|---|--|
| a) | Part B1 | - | Structural provisions |
| b) | Part C1 | - | Fire resistance and stability |
| c) | Part D1 | - | Provisions for escape |
| d) | Part D2 | - | Construction of exits |
| e) | Part E1 | - | Fire fighting equipment |
| f) | Part E2 | - | Smoke Hazard Management |
| g) | Part E3 | - | Lift Installations |
| h) | Part E4 | - | Emergency lighting, exit signs & warning systems |
| i) | Part F1 | - | Damp and weatherproofing |
| j) | Part F2 | - | Sanitary and other facilities |
| k) | Part F4 | - | Light and ventilation |

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

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

3. 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.
4. In order to organise for an inspection for the release of the security deposit, the applicant shall contact the Principal Certifying Authority for the development to liaise with Council's Landscape Development Officer to arrange for an inspection of the landscaping to be carried out. Should the landscaping

be found to be unsatisfactory, thus necessitating further inspections, the applicant is advised that each additional inspection will be charged at \$55.00 (incl.GST) and that this amount shall be paid into Account Number 41901939, Code RGJ at the Cashier on the Ground Floor of the Administrative Centre prior to any further inspection being carried out.

5. The applicant consult with Sydney Water to determine if there is an alternative option to connecting into the sewerage line of 9a Duke Street.

MOTION: (Hughes/Procopiadis) CARRIED – SEE RESOLUTION.

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

FOR	AGAINST
Councillor Andrews	Councillor Woodsmith
Councillor Belleli	Councillor Smith
Councillor Bowen	
Councillor Hughes	
Councillor Matson	
Councillor Matthews	
Councillor Nash	
Councillor Notley-Smith	
Councillor Procopiadis	
Councillor Seng	
Councillor Stevenson	
Councillor Tracey	
Councillor White	
Total (13)	Total (2)

CP115/10 Director City Planning Report - 169-181 Dolphin Street, Coogee (Ground Level) (DA/649/2010)

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

780/10

RESOLUTION: (Andrews/Notley-Smith) that Council, as the consent authority, refuses consent to Development Application No. DA/649/2010 for change of use of the Aquarium (top) level of the Beach Palace Hotel from a restaurant to a hotel, at No. 169-181 Dolphin Street, Coogee, pursuant to Section 80(1)(b) of the Environmental Planning and Assessment Act 1979, as amended, for the following reasons:

1. The application is deficient in the basic, essential information relating to the operational characteristics of the premises, including the hours and days of operation, permitted number of patrons and details of any live entertainment. The lack of information relating to the above critical parameters does not enable adequate assessment of the potential impacts.
2. The application has not undertaken a proper assessment of the potential amenity impacts as a result of the change of use to a hotel. Specifically, it has not compared the differences in the nature and extent of environmental, social and economic impacts between a hotel and restaurant operation. The application has not provided any convincing argument to justify that the proposed hotel premises will not result in detrimental impacts on the locality.
3. The proposal does not satisfy the objective for Zone No. 3A stipulated under Clause 13(c) of Randwick Local Environmental Plan 1998 (Consolidation) in that

the submitted documents contain insufficient information relating to the degree of noise emission from the premises and details of appropriate mitigation measures. Consequently it cannot be justified that the proposal will not result in detrimental amenity impacts on the nearby residential zones.

4. The application does not contain adequate information relating to the potential noise impacts on the residential uses in the vicinity, nor does it specify appropriate measures to mitigate the noise emission. Consequently, it cannot be justified that the proposal will not result in detrimental environmental and social impacts on the locality. Therefore, the proposal is not considered to satisfy the provisions of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.
5. The application has not adequately assessed the transport and traffic implications of the change of use to a hotel. In particular, the proposal has not addressed the transport needs of the patrons especially in late night hours when the service level of public transport is generally reduced. The application has not appropriately justified that the change of use will not result in adverse impacts on the amenity of the areas, and hence does not satisfy the provisions of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.
6. The site is located in close proximity to residential developments. The application contains insufficient information relating to the potential noise emission and details of appropriate mitigation measures. Accordingly, the proposal in its current form is not considered to have justified the suitability of the site for the proposed development. Therefore, the proposal is not considered to satisfy the provisions of Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.
7. The application fails to provide adequate information relating to the existing fire safety condition of the building, and any necessary design measures and upgrade required to bring the building to an acceptable fire safety level. Therefore, the proposal is not considered to satisfy the provisions of Section 79C(1)(a)(iv) of the Environmental Planning and Assessment Act 1979 and Clause 93 of the Environmental Planning and Assessment Regulation 2000, as amended.
8. The proposal in its current form is not within the public interest and does not satisfy Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

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

**CP116/10 Director City Planning Report - 1R Marine Parade, Maroubra
(South Maroubra Surf Lifesaving Club) (DA/956/2010)**

781/10

RESOLUTION: (Belleli/Andrews) 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/956/2010 for the alterations and additions to South Maroubra Surf Life Saving Club including enclosure of terrace on west side, infill of northern terrace, construction of new first floor terrace on east side and installation of lift at 1R Marine Parade, Maroubra, subject to the following conditions:

REFERENCED PLANS:

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

plans numbered DA-01, Issue A, dated 30.09.2010, and received by Council on 1 November 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:

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:

1. The operating hours of the South Maroubra Surf Club are restricted to the following:

Monday to Sunday : 9.00am to 12 midnight

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

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

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

3. An acoustic report, prepared by a suitably qualified and experienced consultant in acoustics, must be provided to the Council **within 4 weeks of commencement of use of the premises on completion of proposed works**, which demonstrates and confirms that the relevant provisions of the *Protection of the Environment Operations Act 1997* and the noise criteria and requirements contained in this consent continues to be satisfied (including reference to the relevant approved acoustic report and recommendations). The assessment must include (but not be limited to):

- Monitoring from the nearest affected residential premises,
- Monitoring and assessment during the use and operation of the premises when the maximum occupancy is present,
- Compliance monitoring shall be carried out during the times when the nearby residential and public domain areas are likely to be most affected, this shall include (but not be limited to) the hours of operation on a Friday and/or Saturday night or when a scheduled event is proposed,
- Ensure the break out of any internal noise complies with the set criteria. If not, nominate the necessary and required measures to ensure compliance,
- The report must include all relevant fixed and operational noise sources.

4. A plan of management shall be submitted to and approved by Council prior to commencement of use , which details the measures to be implemented to:

- manage and maintain a formal and documented system for the recording and resolution of complaints made to the licensed premises by residents. All complaints are to be attended to in a courteous and efficient manner and referred promptly to the licensee or duty manager. The appropriate

remedial action, where possible, is to be implemented immediately and the licensee or duty manager is to contact the complainant within 48 hours to confirm details of action taken. Upon reasonable prior notice, the licensee must make available the incident book to the NSW Police and/or Council officers.

- ensure compliance with the relevant conditions of approval,
- minimise the potential impact of the operation of the premises upon nearby residents and the public domain,
- effectively minimise and manage anti-social behaviour which affects the surrounding environment, including the installation of patron advisory signage,
- minimise noise emissions and associated nuisances,
- effectively manage and respond to resident complaints, and
- ensure responsible service of alcohol and harm minimization.

The management measures and procedures stipulated in the relevant management plan for the club premises shall be followed at all times.

5. Any external lighting must not cause a nuisance to nearby residents or motorists.
6. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises.
7. The use and operation of the premises shall not give rise to an environmental health nuisance to the adjoining/nearby premises or the environment.
8. 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 Regulation.
9. Details of all proposed mechanical plant and compliance with the Building Code of Australia shall be submitted with the Construction certificate to the certifying authority.

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

10. The premises is to be designed, constructed and operated in accordance with the Food Act 2003, Food Regulation 2004, Australia & New Zealand Food Standards Code and Australian Standard AS 4674-2004, Design, construction and fit-out of food premises and details of compliance are to be included in the documentation for the **construction certificate** to the satisfaction of the certifying authority.
11. Food safety practices and operation of the food premises must be in accordance with the *Food Act 2003*, *Food Regulation 2004*, *Food Standards Code* and *Food Safety Standards* at all times, including the requirements and provisions relating to:
 - Food handling – skills, knowledge and controls.
 - Health and hygiene requirements.
 - Requirements for food handlers and businesses.
 - Cleaning, sanitising and maintenance.
 - Design and construction of food premises, fixtures, fitting and equipment.

A failure to comply with the relevant food safety requirements is an offence and

may result in legal proceedings, service of notices and/or the issuing of on-the-spot penalty infringement notices.

12. The food premises must be registered with Council's Environmental Health section and the NSW Food Authority must also be notified of the food business in accordance with the Food Safety Standards, **prior to commencement of food business operations.**
13. Upon completion of the work and **prior to the issuing of an occupation certificate**, the premises must be inspected by Council's Environmental Health Officer to ascertain compliance with relevant Food Safety Standards and the written approval of Council (being the relevant Food Authority for this food business) must be obtained prior to the operation of the food business.
14. The Proprietor of the food business and all staff carrying out food handling and food storage activities must have appropriate skills and knowledge in food safety and food hygiene matters, as required by the Food Safety Standards.
15. Wash hand basins (and soap & towel dispenser) must be provided within the food preparation area and bar. The basins are to be provided with hot and cold water via a suitable mixing device.
16. Adequate provisions are to be made within the premises for the storage, collection and disposal of trade/commercial waste and recyclable materials, to the satisfaction of Council.
17. There are to be no emissions or discharges from the premises which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.

The following conditions are applied to satisfy relevant legislative requirements and to provide reasonable levels of health, safety and amenity:

Building regulation & construction

18. 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.

19. 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). Details of compliance are to be provided in the construction certificate.
20. **Prior to the commencement of any building (including 'fit-out' 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 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

21. The following works are to be carried out to ensure minimum levels of fire safety are provided in existing buildings:-

Carry out the upgrade recommendations in the BCA compliance report prepared by Trevor R Howse & Associates dated 28 October 2010, ref:J10141A&B and full details are to be incorporated in the documentation for a construction certificate.

22. **Prior to the commencement of any building or 'fit-out' works**, the person having the benefit of the development consent must:

- appoint a *Principal Certifying Authority* for the building work, and
- appoint a *principal contractor* for the building work and notify the *Principal Certifying Authority* and Council accordingly in writing, and
- unless the person having the benefit of the consent is the *principal contractor*, 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
- give at least two days notice to the Council, in writing, prior to commencing building works.

23. The works must be inspected by the *Principal Certifying Authority*, 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.

24. An Occupation Certificate must be obtained from the Principal Certifying Authority **prior to any occupation or use of the development** encompassed in this development consent (including alterations, additions and 'fit-out' work 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.

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.

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. 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*.

The *Fire Safety Certificate* must include details of all of the fire safety measures contained in the building 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.

An annual *Fire Safety Statement* is also required to be submitted to the Council and the NSW Fire Brigades, each year after the date of the *Fire Safety Certificate*, in accordance with the *Environmental Planning & Assessment Regulation 2000*.

27. 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.

28. A Certificate prepared by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) **prior to issuing an occupation certificate**, which confirms that any structural works satisfy the relevant structural requirements of the Building Code of Australia and approved design documentation.
29. Demolition, excavation and building work 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, to the satisfaction of the Principal Certifying Authority.

If necessary, 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, to the satisfaction of the Principal Certifying Authority.

30. Building, demolition and associated site works must be carried out in accordance with the following requirements:

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> • Monday to Friday - 7.00am to 5.00pm • Saturday - 8.00am to 5.00pm • Sunday & public holidays - No work permitted
Excavating of rock, use of jack-hammers, pile-drivers or the like	<ul style="list-style-type: none"> • Monday to Friday - 8.00am to 5.00pm • Saturday - No work permitted • Sunday & public holidays - No work permitted
Internal work only within a commercial or industrial development, located in a commercial or industrial zone, which is not audible within any residential dwelling or commercial or	<ul style="list-style-type: none"> • Monday to Saturday - No time limits (subject to column 1) • Sunday & public holidays - No work permitted

industrial premises

- Additional requirements for all development (except for single residential dwellings)
- Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - No work permitted

An application to vary the abovementioned hours may be submitted to Council's Manager Health, Building & Regulatory Services for consideration and approval to vary the specified hours may be granted in exceptional circumstances and for limited occasions (e.g. for public safety, traffic management or road safety reasons). Any applications are to be made on the standard application form and include payment of the relevant fees and supporting information. Applications must be made at least 10 days prior to the date of the proposed work and the prior written approval of Council must be obtained to vary the standard permitted working hours.

31. A *Construction Site Management Plan* is to be developed and implemented **prior to the commencement of any 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 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 approved Construction Site Management Plan must be maintained on site and be made available to Council officers upon request.

32. Public health, safety and convenience must be maintained at all times during demolition and building works and the following requirements must be complied with at all times (as applicable):

- a) Demolition work must be carried out in accordance with Australian Standard, AS2601 (2001) - The Demolition of Structures and a Demolition Work Plan is required to be developed and implemented to the satisfaction of the Principal Certifying Authority **prior to commencing any demolition works**.
- b) The demolition, removal, storage and disposal of any materials containing asbestos must be carried out in accordance with the relevant requirements of WorkCover NSW, Council's Asbestos Policy and the following requirements:
 - A licence must be obtained from WorkCover NSW for the removal of friable asbestos and or more than 10m² of bonded asbestos (i.e. fibro)

- Asbestos waste must be disposed of in accordance with the Protection of the Environment Operations Act 1997 & relevant Regulations
- A sign must be provided to the site/building stating "Danger Asbestos Removal In Progress"
- A Clearance Certificate or Statement must be obtained from a suitably qualified person (i.e. Occupational Hygienist) upon completion of the asbestos removal works, which is to be submitted to the Principal Certifying Authority and Council **prior to issuing an Occupation Certificate.**

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

- c) A sign must be provided and maintained in a prominent position, 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".
- d) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, trip hazards, 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.
- e) A Road/Asset Opening application must be submitted to and be approved by 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 an occupation certificate** for the development. For further information, please contact Council's Road/Asset Opening Officer on 9399 0691 or 9399 0999.

- f) Building materials, sand, soil, waste materials, construction equipment or other materials or articles must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
- g) Bulk bins, waste containers or other articles must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container or other articles in a public place can be made to Council's Building Services section.
- h) During demolition and construction, 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 Landcom, to the satisfaction of Council.

- i) Public safety must be maintained at all times and public access to any demolition and building works, materials and equipment on the site is to be restricted. If necessary, a temporary safety fence or hoarding is to be provided to protect the public. 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.

If necessary, an awning or other adequate protection is to be provided to prevent any articles from, or in connection with the work from falling into the public place or adjoining premises.

A 'B Class' overhead type hoarding is required is to be provided to protect the public, located adjacent to the development, prior to the commencement of any works on the site which comprise any works or hoisting of materials over a public footway or adjoining premises or, any building or demolition works on buildings which are over 7.5m in height and located within 3.6 metres of the street alignment.

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

If it is proposed to locate any site fencing, hoardings or items upon any part of the footpath, nature strip or any public place, a Local Approval application must be submitted to and approved by Council's Health, Building & Regulatory Services department beforehand. Details and plans are to be submitted with the application, together with payment of the weekly charge in accordance with Council's adopted Pricing Policy.

- j) The owner/builder is required to hold Public Liability Insurance, with a minimum liability of \$10 million and a copy of the Insurance cover is to be provided to Council.
33. Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the *Protection of the Environment Operations Act 1997* 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 and Vibration Management Plan*, prepared in accordance with the DECC Construction Noise Guideline, by a suitably qualified person is to be implemented throughout the works, to the satisfaction of the Council. A copy of the plan must be provided to the Principal Certifying Authority and Council **prior to the commencement of site works**.

Access & facilities

34. Access and facilities for people with disabilities must be provided to the new building work, in accordance with the 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.

Services

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

The principal certifying authority is required to ensure that a Quick Check Agent/Sydney Water has appropriately stamped the plans **prior to the commencement of any building works.**

Advisory

- A1. The assessment of this development application does not include a full assessment of the proposed building work under the Building Code of Australia (BCA).

All new building work must comply with the BCA and relevant Australian Standards and details of compliance must be provided in the Construction Certificate application.

- A2. In existing buildings, the levels of fire and occupant safety should be upgraded where necessary and details should be incorporated in the Construction Certificate to the satisfaction of the Certifying authority.

Where the levels of accessibility to existing buildings do not meet current standards, if practicable, the level of accessibility should also be upgraded in conjunction with the proposed development and details included in the construction certificate application.

Building owners, applicants and builders are advised to liaise with the appointed Certifying Authority prior to lodgement of the Construction Certificate.

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

CP117/10 Director City Planning Report - 1-53R Yorktown Parade, Maroubra (Coral Sea Park) (DA/937/2010)

782/10

RESOLUTION: (Belleli/Andrews) that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/937/2010 for installation of eight additional 24 metre high light towers, upgrade of lighting fixed to four existing light towers and associated works, at No. 1-53R Yorktown Parade, Maroubra (Coral Sea Park), 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 entitled "Site Plan; Proposed Lighting Upgrade Coral Sea Park Maroubra"

and stamped received 27/10/10, "Lighting Engineering and Design Job No. N2974-R1" dated 15/3/10 and stamped received 27/10/10, the application form and supporting information received with the application and associated photomontages and lighting projections.

2. A certificate from a suitably qualified person in outdoor lighting systems shall be submitted to the Director City Planning which certifies that the proposed lighting complies with Australian Standards AS/NZS 4282-2997 Control of Obtrusive Lighting prior to the commencement of the use of the sports fields for football activities.
3. The light towers must only be operated on Tuesday, Wednesday and Thursday nights up until 9:00pm.

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

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

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

5. The use and operation of the premises shall not give rise to an environmental health or public nuisance and there are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.
6. The installation and operation of the light poles is to be in accordance with the requirements of AS/NZS 2560.2.3: Sports lighting-lighting for football (all codes) and AS/NZS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting.

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:

7. The use and operation of the light poles and sports ground shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.

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

8. 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.

9. All new 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.

10. **Prior to the commencement of any 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.
11. **Prior to the commencement of any works**, the person having the benefit of the development consent must:
 - i) appoint a Principal Certifying Authority for the work, and
 - ii) appoint a principal contractor for the 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 works.
12. The 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 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.

13. A sign must be erected and maintained in a prominent position on the site, 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".
14. An **Occupation Certificate** must be obtained from the Principal Certifying

Authority encompassed in this development consent, 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.

15. **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.

16. 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.

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

17. 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 contractors for assessment.
18. All excavations and backfilling associated with the erection of the light towers must be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and supported to prevent them from being dangerous to life, property or buildings.
19. Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all 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 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.

20. Noise and vibration emissions during the construction of the light towers 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.

21. Public safety and convenience must be maintained at all times during demolition, excavation and construction works.

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.

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.

22. 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.

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, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Development Control Plan for Exempt & Complying Development and Council's Local Approvals Policy. Applications to place a waste container in a public place can be made to Council's Building Services section.

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

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

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

The public safety provisions and temporary fences must be in place **prior to the commencement of any site works** and be maintained throughout construction.

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

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

- Install or erect any site fencing, hoardings or site structures
- Operate a crane or hoist goods or materials over a footpath or road

- Placement of a waste skip (grater than 3m in length) or any container or other article.

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

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

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

26. 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.
27. 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 landscaping and to maintain reasonable levels of environmental amenity:

28. Any damage sustained to either Council's nature strip or reserve as a result of the proposed works shall be repaired by excavating to a depth of 150mm, backfilling with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant's expense prior to the issue of a final Occupation Certificate.

Tree Protection Measures

29. In order to ensure the retention of existing mature trees at the site and in proximity to the location of the proposal light poles, the following measures are to be undertaken:
- a. All documentation submitted for the construction certificate application will be required to detail, to the satisfaction of the certifying authority, the location from which power will be sourced.
 - b. There is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble within the driplines of any existing trees, with all documentation submitted for the construction certificate to demonstrate compliance with this requirement.

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.

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

**CP118/10 Director City Planning Report - 128 Marine Parade, Maroubra
(DA/618/2010)**

783/10

RESOLUTION: (Andrews/Procopiadis)

- A. That Council supports the objections under State Environmental Planning Policy No. 1 – Development Standards in respect to non-compliance with Clause 20E of Randwick Local Environmental Plan 1998, relating to Landscaped area 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, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/618/2010 for alterations to existing multi-unit building including reconstruction of front balconies, alteration to windows and balustrades, new front entry canopy, awning over roof terrace and internal basement works, at No. 128 Marine Parade, Maroubra subject to the following conditions:

ENVIRONMENTAL AMENITY:

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

1. The development must be implemented substantially in accordance with the plans numbered 07/10 1 of 10, 2 of 10, 3 of 10, 4 of 10, 5 of 10, 6 of 10, 7 of 10, 8 of 10, 9 of 10 and 10 of 10, dated 16/07/10 and received by Council on 4 August 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. Privacy screens shall be provided along the entire edge of the balconies for units 4 and 7 facing 130B Marine Parade. The Construction Certificate plans shall demonstrate compliance with this requirement.
3. The privacy screens for units 1, 4 and 7 shall be fixed in place and must not be operable. The Construction Certificate plans shall demonstrate compliance with this requirement.
4. The colours, materials and finishes of the external surfaces to the building works are to be compatible with the existing dwelling and 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.

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 or fire safety 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 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 or fire safety 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.

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* 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.

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.

13. 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.

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 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.**

16. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, based on the development cost of \$ 352,000, the following applicable monetary levy must be paid to Council: \$3520.

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.

Structural adequacy

17. A Certificate prepared by a *professional engineer* shall be submitted to the certifying authority **prior to issuing an occupation certificate**, which certifies that the structural adequacy of the building, including internal and external balustrades.

Construction site management

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

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

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

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

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

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

20. The adjoining land and buildings located upon the adjoining land must be adequately supported at all times.

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of any building located on an adjoining allotment of land, the person causing the excavation must:

- preserve and protect the building /s on the adjoining land from damage; and
- effectively support the excavation and building; and
- at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land (including a public road or public place), give notice of the intention and particulars of the works to the owner of the adjoining land.

Notes

- *This consent and condition does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the principal contractor or owner-builder must obtain:*
 - a) *the consent of the owners of such adjoining or supported land to trespass or encroach, or*
 - b) *an access order under the Access to Neighbouring Land Act 2000, or*
 - c) *an easement under section 88K of the Conveyancing Act 1919, or*
 - d) *an easement under section 40 of the Land & Environment Court Act 1979, as appropriate.*
- *Section 177 of the Conveyancing Act 1919 creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).*

21. Building, demolition and associated site works must be carried out in accordance with the following requirements:

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as	<ul style="list-style-type: none"> • Monday to Friday - 7.00am to 5.00pm • Saturday - 8.00am to 5.00pm

- | | |
|--|---|
| detailed below) | <ul style="list-style-type: none"> • Sunday & public holidays - No work permitted |
| Excavating of rock, use of jack-hammers, pile-drivers or the like | <ul style="list-style-type: none"> • Monday to Friday - 8.00am to 5.00pm • Saturday - No work permitted • Sunday & public holidays - No work permitted |
| Additional requirements for all development, except for single residential dwellings | <ul style="list-style-type: none"> • Saturdays and Sundays before or after a public holiday - No work permitted |

An application to vary the abovementioned hours may be submitted to Council's Manager Health, Building & Regulatory Services for consideration and approval to vary the specified hours may be granted in exceptional circumstances and for limited occasions (e.g. for public safety, traffic management or road safety reasons). Any applications are to be made on the standard application form and include payment of the relevant fees and supporting information. Applications must be made at least 10 days prior to the date of the proposed work and the prior written approval of Council must be obtained to vary the standard permitted working hours.

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.
- 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.
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 access to demolition/building works, materials and equipment on the site is to be restricted and 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 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 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.

- g) 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.
- h) 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.
- i) A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities upon any part of the footpath, road, 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, container or other article.

Fire safety

24. 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 a -/60/30 fire door set, with a self-closing device, to the front entry of each sole-occupancy unit in accordance with clause

- C3.11 of the Building Code of Australia (BCA),
- 2) Provide an exit from the garage to comply with Clause D1.6 of the BCA to the satisfaction of the certifying authority,
 - 3) Provide a -/60/30 fire door set, with a self-closing device, to the doorway leading from the garage to the main stairway, in accordance with clause C3.11 of the Building Code of Australia (BCA),
 - 4) Install a smoke detection and alarm system throughout the building in accordance with specification E2.2a of the BCA,
 - 5) Provide emergency lighting system to the common stairway and corridors, in accordance with clause E4.2 & E4.4 of the BCA,
 - 6) Provide exit signs to the garage and main entry/exit door, in accordance with clause E4.5 & E4.7 of the BCA,
 - 7) Provide portable fire extinguishers within the main entrance and in the garage adjacent to the electrical switchboard, in accordance with clause E1.6 of the BCA,
 - 8) 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 carpark.
 - 9) Balustrades and handrails to stairway/s, balconies and the trafficable roof, decks or the like are to be designed and constructed to satisfy clause D2.16 & D2.17 of the BCA,
 - 10) The main entry/exit door is to be provided with a 'hold-open' device, or swing in the direction of egress, to facilitate people seeking egress from the building in the event of an emergency,
 - 11) 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*.
- b) All new building works including the proposed alterations and fire safety works must satisfy the relevant performance or deemed-to-satisfy provisions of the Building Code of Australia.
 - c) All of the fire safety upgrading works and new building work must be detailed in the Construction Certificate for the development.
25. The fire safety upgrading works must be carried out **prior to issuing of an Occupation Certificate** for the development and written confirmation must be provided to Council (from the Principal Certifying Authority) which confirms that all of the upgrading works have been carried out in accordance with the conditions of consent.

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

**CP119/10 Director City Planning Report - Australia Day Activities 2010
(F2009/00265)**

784/10

RESOLUTION: (Andrews/Procopiadis) that Council endorse the activities proposed for Australia Day 2011.

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

CP120/10 Director City Planning Report - Reporting Variation to Development Standard under State Environment Planning Policy No. 1 (SEPP1) for the Month of November 2010 (F2008/00122)

785/10 **RESOLUTION: (Smith/Hughes)** that the report be received and noted.

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

General Manager's Reports

GM50/10 General Manager's Report - Expansion of Community Partnership with South Sydney Football Club (F2010/00282)

786/10 **RESOLUTION: (Andrews/Belleli)** that:

- a) Council enter into a "Community Partnership" with the South Sydney Football Club with the \$40,000.00 contribution to come from savings identified in the December 2010 Budget review;
- b) the General Manager be delegated authority to enter into a Memorandum of Understanding with the South Sydney Football Club; and
- c) a report on the success of the 2011 Community Partnership to come back before Council.

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

GM51/10 General Manager's Report - Updated Rules and Procedures for Precinct Meetings (F2004/06156)

787/10 **RESOLUTION: (Stevenson/Hughes)** that the Council endorse the updated Precinct Meeting Rules and Procedures.

MOTION: (Stevenson/Hughes) CARRIED – SEE RESOLUTION.

GM52/10 General Manager's Report - Community Satisfaction Survey 2010 (F2010/00301)

788/10 **RESOLUTION: (Nash/Belleli)** that the positive results in the 2010 Community Satisfaction Survey be received and noted.

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

Director City Services Reports

CS29/10 Director City Services Report - Buildings for our Community - Coogee Surf Club and South Maroubra Surf Club Projects - Additional Works (PROJ/10564/2010)

789/10 **RESOLUTION: (Notley-Smith/Belleli)** that Council:

- (a) allocate funding available in the *Buildings for our Community* Coogee surf club project of \$155,000 for the additional new works, and that, of the remaining

\$164,000 required to complete the work, \$82,000 is funded by grant funding received by the Coogee Surf Life Saving Club, and \$82,000 is funded by an interest free loan, granted by Council, and repayable over a period of seven years to the Coogee Surf Life Saving Club commencing in 2013; and

- (b) allocate the remaining *Buildings for our Community* funds (after any remediation work required) for the South Maroubra Surf Club building towards the Development Application works (if approved).

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

CS30/10 Director City Services Report - Royal Life Saving Society Australia Aquatic Facility Safety Audit of the Des Renford Aquatic Centre (F2006/00408)

790/10 **RESOLUTION: (Belleli/Andrews)** that the report be received and noted.

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

Director Governance & Financial Services Reports

GF68/10 Director Governance & Financial Services Report - Arrangements over the Christmas/New Year Meeting Recess - Development Applications for Semi-Detached Dwellings (F2004/06565)

791/10 **RESOLUTION: (Woodsmith/Procopiadis)** that, over the 2010-11 Christmas/new year meeting recess, Council delegate authority to the General Manager, Mayor and the Chair of the Planning Committee jointly, to determine development applications for semi-detached dwellings where SEPP1 applications are required to be submitted due to the recent legal advice that semi-detached dwelling houses should be classified as an attached dual occupancy.

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

GF69/10 Director Governance & Financial Services Report - Investment Report - November 2010 (F2004/06527)

792/10 **RESOLUTION: (Belleli/Andrews)** that the investment report for November 2010 be received and noted.

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

GF70/10 Director Governance & Financial Services Report - Acquisition of Land to be Incorporated into Arthur Byrne Reserve, Maroubra Beach (F2004/07131)

793/10 **RESOLUTION: (Smith/Andrews)** that Council approves:

- a) the acquisition of Lot 121 in DP 1013114 in accordance with Section 177 & 178 of the Roads Act 1993 (NSW) under which Council is acquiring the Land;
- b) the making of an application to the Minister for Local Government for the issue of a proposed acquisition notice under the Land Acquisition (Just Terms Compensation) Act 1991 with respect to the land;
- c) the making of an application to the Governor for the publication of an acquisition

notice in the Government Gazette under the Land Acquisition (Just Terms Compensation) Act 1991 with respect to the land; and

- d) the classification of the land as "community land" under the Local Government Act.

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

GF71/10 Director Governance & Financial Services Report - Randwick City Council Economic Leadership Forum November 2010 (F2009/00247)

- 794/10 **RESOLUTION: (Belleli/Andrews)** that Council continues to hold Economic Leadership Forums during 2011 on a bi-annual basis.

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

GF72/10 Director Governance & Financial Services Report - Matraville Town Centre Action Plan - Implement Best Practice in Sustainable Development (F2010/00091)

- 795/10 **RESOLUTION: (Belleli/Andrews)** that Council's Sustainability Section investigates these actions over the next twelve months with a report to come back to Council on their findings.

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

GF73/10 Director Governance & Financial Services Report - Proposed Councillor Extranet Service and Associated Technology (F2004/06576)

- 796/10 **RESOLUTION: (Belleli/Andrews)** that:

- (a) Council approve the establishment of an extranet service, or councillor webpage, and associated technology to be made available to all Councillors in 2011; and
- (b) the Councillors Expenses & Facilities Policy be amended to include the provision of the abovementioned service and associated equipment.

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

Petitions

- (a) A petition was tabled at the meeting from His Worship the Mayor, Cr Murray Matson from Residents, Owners & Occupiers of TAA, 178 Beach Street, Coogee and is against the use of Grant Reserve as a training ground by the Coogee Dolphins or any other group or business.

Motion Pursuant to Notice

NM52/10 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Belleli - Installation of Traffic Lights Corner of Beauchamp Road & Perry Street, Matraville (F2004/07626)

- 797/10 **RESOLUTION: (Belleli/White)** that:

- a) this Council support the Matraville Precinct in its endeavour to have the Roads and Traffic Authority (RTA) expedite the installation of traffic lights, previously brought up at the Randwick Traffic Committee, on the corner of Beauchamp Road and Perry Street, Matraville;
- b) Council write to the Member for Maroubra, the Hon Mr Michael Daley MP, requesting he make representations to the RTA in support of this matter; and
- c) ask the City of Botany Bay Council to offer their support for this initiative on behalf of their Hillsdale constituents to ensure their safety.

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

NM53/10 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Belleli - Reinstating Police Sign Outside of Malabar Police Station (F2004/06287)

798/10

RESOLUTION: (Belleli/Hughes) that Council support the community's call to reinstate the police sign at Malabar Police Station and that Council write to the Member for Maroubra & Police Minister, the Hon Michael Daley MP, for a reply as to when the police sign will be reinstated.

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

NM54/10 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Bowen - Support for the Emergency Service Workers Campaign "Last Drinks" (F2006/00271)

This motion was approved in conjunction with Mayoral Minute 80/2010, see resolution number 772/10.

NM55/10 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Procopiadis - Council Support for the Cancer Council "Saving Life Why Wouldn't You" Campaign (F2008/00153)

799/10

RESOLUTION: (Procopiadis/Andrews) that Council support the Cancer Council campaign 'Saving Life Why Wouldn't You' by urging the NSW Government to take action for:

- i. more radiotherapy services for NSW;
- ii. burden-free transport and accommodation for cancer patients;
- iii. the best possible cancer care for all regardless where they are treated;
- iv. stronger safe guards for the sale of tobacco; and
- v. writing to the Premier, the Leader of the Opposition and our area MPs for their support to this campaign.

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

NM56/10 Motion Pursuant to Notice - Motion Pursuant to Notice from Crs Andrews and Matthews - Reimbursement to Council (F2004/06569)

800/10

RESOLUTION: (Woodsmith/Tracey) that Council notes the General Manager's memorandum of 22nd November 2010 which states that the reimbursement of expenses of the two mayoral dinners of 18th and 24th September, 2010 were in accordance with Council's policy, accepted practice and the relevant delegation to the General Manager.

MOTION: (Andrews/Matthews) that the former Mayor, Cr Procopiadis, reimburse this Council for the dinner/receptions he held on 18th September and 24th September 2010 at the Athenian Restaurant (as confirmed by General Manager in Memo dated 22nd November 2010) as he has not confirmed to this Council that it was related to Council business or provided this Council with a list of attendees who attended these dinners/receptions, noting that Cr Procopiadis had an opportunity to voluntarily disclose those persons that attended these dinner/receptions, at a meeting of Council held 23rd November 2010, but failed to do so.

AMENDMENT: (Woodsmith/Tracey) CARRIED AND BECAME THE MOTION. MOTION CARRIED – SEE RESOLUTION.

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

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Bowen	Councillor Matthews
Councillor Hughes	
Councillor Matson	
Councillor Nash	
Councillor Notley-Smith	
Councillor Procopiadis	
Councillor Seng	
Councillor Smith	
Councillor Stevenson	
Councillor Tracey	
Councillor White	
Councillor Woodsmith	
Total (13)	Total (2)

NM57/10 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Procopiadis - Reinstatement of the Pumpkin Bus (F2006/00382)

801/10

RESOLUTION: (Procopiadis/Notley-Smith) that:

- a) the General Manager arrange a meeting with the Minister for Gaming and Racing, Kevin Greene for the reinstatement of the Pumpkin Bus. The meeting to include the Mayor, the Member for Coogee, the Member for Maroubra, the Superintendent of the Local Area Command and the Chairman of the Eastern Suburbs Liquor Accord;
- b) the Premier be notified of this meeting and ask for her support; and
- c) Council write to the Director General of the Office of Liquor, Gaming & Racing requesting that he issues a directive to the members of the local liquor accord to fund the pumpkin bus over this summer season.

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

Confidential Reports

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

Closed Session**GF74/10 Confidential - Review of Catering Contract for Council and Committee Meetings (F2009/00551)**

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.

802/10

RESOLUTION: (Andrews/Matthews) that:

- a) Council write to Gastronomy immediately to advise them of the termination of this particular contract; and
- b) Council retender for the provision of catering services for Council and Committee meetings for a three year term, with two twelve month extensions at Council's discretion.

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

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

FOR	AGAINST
Councillor Andrews	Councillor Matson
Councillor Belleli	
Councillor Bowen	
Councillor Hughes	
Councillor Matthews	
Councillor Nash	
Councillor Notley-Smith	
Councillor Procopiadis	
Councillor Seng	
Councillor Smith	
Councillor Stevenson	
Councillor Tracey	
Councillor White	
Councillor Woodsmith	
Total (14)	Total (1)

GF75/10 Confidential - 23 Adina Avenue, Phillip Bay - Intended Sale of Council Owned Property (F2004/06336)

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

803/10

RESOLUTION: (Nash/Belleli) that this matter be deferred for another Councillor Briefing session and the matter then be placed on public exhibition to enable the community to express their opinion on the future of this site.

MOTION: (Procopiadis/White) that:

- (a) Council grants authority to the General Manager and the Mayor to negotiate the sale of the land for the determined market sale value and go to auction if unsuccessful; and

- (b) the Council seal be affixed to all necessary Sale of Land contracts and Transfer documents, relating to the sale and transfer of the land at 23-27 Adina Avenue, Phillip Bay

AMENDMENT: (Nash/Belleli) CARRIED AND BECAME THE MOTION. MOTION CARRIED – SEE RESOLUTION.

CS31/10 Confidential - T24/10 Randwick City Council Signage Panel Contract (F2010/00367)

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

804/10

RESOLUTION: (Smith/Woodsmith) that Council:

- a) Accepts the tender offered by Cunneen and Company Pty Ltd, Advanced Cutting Pty Ltd and Kasharno Pty Ltd as the successful tenderers for T24/10 Randwick City Council Signage Panel Contract in the respective categories; and
- b) Authorises the General Manager to sign the contract documents on behalf of Council for a three year term with an option to extend for two further terms of 12 months each.

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

Open Session

The meeting moved back into open session.

Notice of Rescission Motions

NR9/10 Notice of Rescission Motion - Notice of Rescission Motion from Councillors Andrews, Matthews, Procopiadis and White - Coogee Dolphins - Move from Barden Park to Grant Reserve (F2004/07843)

805/10

RESOLUTION: (White/Andrews) that the resolution passed at the Works Committee meeting held on Tuesday, 7th December 2010 in relation to Item W34/10 and reading as follows:

“RESOLUTION: (Mayor, Cr M Matson/Andrews) that:

- a) Council refuses the request from the Coogee Dolphins to move from Barden Park to Grant Reserve; and
- b) a further report be brought back to Council in relation to the viability of the Coogee Dolphins using the ‘outer’ at Coogee Oval or another suitable location.”

BE AND IS HEREBY RESCINDED.

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

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

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST

were as follows:

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

806/10

RESOLUTION: (Notley-Smith/Procopiadis) that Council:

- (a) permit training of the junior teams of the Coogee Dolphins to continue in Bardon Park on Tuesday and Thursday nights between 3.30pm and 7.00pm, between the months of March and September;
- (b) renovate the surface of the park to ensure a safe playing surface for the children and a well maintained surface all year round for all of the community;
- (c) ensure that the training lights are extinguished at 7.30pm sharp;
- (d) line mark the park for the designated football season only;
- (e) allow the erection of removable goal posts at the southern end of the park only, to be erected and removed only on the days of training;
- (f) enter into negotiations with the Coogee Croquet Club to enable the Dolphin's junior teams access to the Croquet Club toilet and storage facilities;
- (g) adjust the restriction on the numbers of children training to 60 at any one time;
- (h) not proceed with an amenities block in Bardon Park;
- (i) not proceed with any change of use to Grant Reserve;
- (j) continue to work towards finding a suitable long-term location for the Coogee Dolphins with a report to come back to Council on the options available by September 2011;
- (k) install further dog waste dispensers and garbage bins; and
- (l) funds be allocated for low impact landscaping such as shrubs, garden beds and seating to improve the amenity of the park for all.

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

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

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

FOR	AGAINST
Councillor Andrews	Councillor Matson
Councillor Belleli	Councillor Tracey

Councillor Bowen	Councillor Woodsmith
Councillor Hughes	
Councillor Matthews	
Councillor Nash	
Councillor Notley-Smith	
Councillor Procopiadis	
Councillor Seng	
Councillor Smith	
Councillor Stevenson	
Councillor White	
Total (12)	Total (3)

AMENDMENT: (Matthews/Andrews) that Council also immediately lay turf and build an amenities block at Bardon Park for use by the local community, including the Coogee Dolphins, and that Bardon Park not be a lead free park. **LOST.**

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

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

FOR	AGAINST
Councillor Andrews	Councillor Belleli
Councillor Matthews	Councillor Bowen
	Councillor Hughes
	Councillor Matson
	Councillor Nash
	Councillor Notley-Smith
	Councillor Procopiadis
	Councillor Seng
	Councillor Smith
	Councillor Stevenson
	Councillor Tracey
	Councillor White
	Councillor Woodsmith
Total (2)	Total (13)

There being no further business, His Worship the Mayor, Cr M Matson, declared the meeting closed at 9.37 pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 22 February 2011.

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CHAIRPERSON