

**MINUTES OF ORDINARY COUNCIL MEETING OF THE
COUNCIL OF THE CITY OF RANDWICK HELD ON
TUESDAY, 22 FEBRUARY 2011 AT 6:14PM**

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	- Councillor T Seng

Officers Present:

Acting General Manager	Ms S Truvert
Director City Services	Mr J Frangoples
Acting Director City Planning	Ms K Armstrong
Director Governance & Financial Services	Mr G Banting
Manager Administrative Services	Mr D Kelly
Manager Development Assessment	Mr K Kyriacou
Communications Manager	Mr J Hay
Manager Organisational Staff Services	Ms F Calabrese

Prayer & Acknowledgement of Local Indigenous People

The Council Prayer and the Acknowledgement of Local Indigenous People was read by His Worship the Mayor, Cr M Matson.

Apologies/Granting of Leave of Absences

Apologies were received from Crs Andrews and Stevenson.

RESOLVED: (Belleli/Nash) that the apologies received from Crs Andrews and Stevenson be accepted and leave of absence from the meeting be granted.

Confirmation of the Minutes

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY 14 DECEMBER 2010**

RESOLUTION: (Procopiadis/Nash) that the Minutes of the Ordinary Council

Meeting held on Tuesday 14 December 2010 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

RESOLVED: (PROCEDURAL MOTION) (Procopiadis/Smith) that Council deal with MM20/11 immediately. **CARRIED.**

RESOLVED: (PROCEDURAL MOTION) (Woodsmith/Hughes) that Council hear the applicable addresses to Council and deal with MM14/11 immediately. **CARRIED.**

RESOLVED: (PROCEDURAL MOTION) (Notley-Smith/Smith) that Council immediately deal with all matters the subject of addresses from the public. **CARRIED.**

Declarations of Pecuniary and Non-Pecuniary Interests

- (a) His Worship the Mayor, Cr M Matson declared a non significant non pecuniary interest in Item MM09/11 as his daughter attends a school in the area.
- (b) Cr Smith declared a pecuniary interest in Item CP07/11 as the company he works for may be affected by this policy. Cr Smith did not take part in the debate or voting on this matter.
- (c) Cr White declared a non significant non pecuniary interest in Item CP1/11 as his neighbour is addressing Council at this meeting.

Address of Council by Members of the Public

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

MM14/11 BARDON PARK

Against Albert Talarico

For Ms Trudy Wiedeman

CP1/11 26 CANARA AVENUE, PHILLIP BAY

For Chris Boniface

CP7/11 LATE NIGHT TRADING DCP

Against Ms Rona Wade

GF6/11 SHORT TERM LEASE OF 1 JERSEY LANE, MATRAVILLE BY KINDABURRA CHILDREN'S CENTRE

For Nick Edwards

NM4/11 MOTION PURSUANT TO NOTICE FROM CR NOTLEY-SMITH - GREEN MONEY SCHEME

For David Catalovski

The meeting was adjourned at 9.28pm and was resumed at 9.47pm.

Councillors Matthews and White left the meeting during the adjournment.

Mayoral Minutes**MM1/11 Mayoral Minute - Council Support for Same Sex Marriages (F2009/00524)**

- 2/11 **RESOLUTION: (Nash/Procopiadis) that:**
- a) Council note that Federal MPs are currently gauging the feeling within their electorates to same-sex marriage; and
 - b) the Mayor be authorised to place in the Mayoral Column, a notice to encourage local residents to write to their Federal Member of Parliament giving their feedback on the issue of same sex marriages.

MOTION: (Mayor, Cr M Matson) that:

- a) Council note that Federal MPs are currently gauging the feeling within their electorates to same-sex marriage;
- b) this council support marriage equality, that is the amendment of the Marriage Act 1961, so as to remove discrimination against same-sex couples; and
- c) this Council convey that sentiment to our Federal Members as part of their consultation with their constituents.

AMENDMENT: (Nash/Procopiadis) CARRIED AND BECAME THE MOTION. MOTION CARRIED - SEE RESOLUTION.

MM2/11 Mayoral Minute - 2011 Ovarian Cancer Awareness Month (F2011/06574)

- 3/11 **RESOLUTION: (Mayor, Cr M Matson) that Council participate in 2011 Ovarian Cancer Awareness Month by obtaining a media kit and publicising this important community health initiative through its website and the Mayoral Column.**

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

MM3/11 Mayoral Minute - The National 'Garage Sale Trail' Supported by Keep Australia Beautiful (F2006/00597)

- 4/11 **RESOLUTION: (Mayor, Cr M Matson) that Councillors note Randwick's participation in the Garage Sale Trail supported by Keep Australia Beautiful on Sunday 10th April, 2011.**

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

MM4/11 Mayoral Minute - Installation of Air Conditioning to the Rainbow Street Child Care Facility (F2004/01009)

- 5/11 **RESOLUTION: (Mayor, Cr M Matson) that:**
- a) Council vote \$9,700.00 to cover the purchase and installation costs of the air conditioning to the Rainbow Street Child Care facility with the funds to be charged to the 'Buildings for our Community' budget; and
 - b) the Mayor or his representative be given the opportunity to formally switch on the air conditioning system and address the Rainbow Street Child Care facility on behalf of Council.

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

MM5/11 Mayoral Minute - Response to the Coogee Bay Road Tattoo Parlour Bombing (F2007/00174)

6/11

RESOLUTION: (Smith/Seng) that Council:

- (a) note the petrol bomb attack on the Tattoo Parlour at 130- 132 Coogee Bay Road, Coogee on 29th December 2010; and
- (b) calls on the NSW Police Force to bring the perpetrators of this attack to justice as soon as possible.

MOTION: (Mayor, Cr M Matson) that Council:

- a) Continue its dialogue with the Department of Planning requesting that it develop a land use definition for tattoo parlours thus enabling Council to limit these premises to certain zones; and
- b) Develop suitable detailed provisions for Council's Comprehensive LEP/DCP restricting the location of tattoo parlours following advice from the Department of Planning.

AMENDMENT: (Smith/Seng) CARRIED.

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

FOR	AGAINST
Councillor Nash	Councillor Belleli
Councillor Notley-Smith	Councillor Bowen
Councillor Procopiadis	Councillor Hughes
Councillor Seng	Councillor Matson
Councillor Smith	Councillor Woodsmith
Councillor Tracey	

Total (6)

Total (5)

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

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

FOR	AGAINST
Councillor Belleli	Councillor Woodsmith
Councillor Bowen	
Councillor Hughes	
Councillor Matson	
Councillor Nash	
Councillor Notley-Smith	
Councillor Procopiadis	
Councillor Seng	
Councillor Smith	
Councillor Tracey	

Total (10)

Total (1)

MM6/11 Mayoral Minute - Premier's Disaster Relief Appeal - Queensland Floods (F2011/06574)

7/11 **RESOLUTION: (Mayor, Cr M Matson)** that Council's overall contribution to the Premier's Disaster Relief Appeal for the recent Queensland floods in the amount of \$11,301.00 (including Councillor and staff donations of \$4,150.50) be noted.

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

MM7/11 Mayoral Minute - Banner - Eastern Beaches Liquor Accord (F2004/06257)

This Mayoral Minute was withdrawn with the consent of Council.

MM8/11 Mayoral Minute - Proposed Closure of Kensington Post Office (F2005/00946)

8/11 **RESOLUTION: (Mayor, Cr M Matson)** that Council supports the community's opposition to the closure of the Kensington Post Office.

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

MM9/11 Mayoral Minute - Randwick Girls High School - Proposed 'Mayor's Award' (F2011/06574)

9/11 **RESOLUTION: (Mayor, Cr M Matson)** that Council agree to the introduction of a 'Mayor's Award' for Randwick Girls High School and agrees to fund the cost of instituting and operating the award for a period of five years at a cost of \$1,000.00 per year, to be funded from the 2011-12 Contingency Fund.

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

MM10/11 Mayoral Minute - Bringing Light Rail Back to Randwick (F2004/08175)

This Mayoral Minute was withdrawn with the consent of Council.

MM11/11 Mayoral Minute - Proposal to Encourage Residents to Access 'Green' Loans from Bendigo Community Bank to Implement Energy and Water Saving Measures (F2006/00176)

10/11 **RESOLUTION: (Mayor, Cr M Matson)** that:

- a) Council supports a new partnership with the local Clovelly branch of the Bendigo Community Bank encouraging residents to access reduced-interest 'green' loans for the installation of energy, water and other sustainability measures around their home; and
- b) the first 100 such loans taken up by residents have their loan establishment fee of \$45.00 paid for by Council through the climate change budget of the environmental levy program (to a maximum of \$4,500.00).

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

MM12/11 Mayoral Minute - Arrangements Over the Christmas/New Year Meeting Recess - Development Application for Semi-Detached Dwellings (F2004/06565)

11/11 **RESOLUTION: (Mayor, Cr M Matson)** that this report be received and noted.

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

MM13/11 Mayoral Minute - Camping at Clovelly Beach Car Park (F2004/06137)

12/11 **RESOLUTION: (Mayor, Cr M Matson)** that a forum be established, comprising the Mayor, Deputy Mayor and representatives from the Precinct Committees, Randwick Tourism Inc, the Backpacker Operators Association and the Police to:-

- (a) identify and assess a range of sites with Council-owned toilet and/or shower facilities where a limited number of one night parking permits for backpacker vans can be issued on a deposit basis; and
- (b) consider all other pertinent issues associated with campervans in Randwick City.

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

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

MM14/11 Mayoral Minute - Bardon Park (F2011/00008)

13/11 **RESOLUTION: (Mayor, Cr M Matson)** that:

- a) the Council report in relation to providing a suitable long-term location for the Coogee Dolphins be brought forward from September 2011 to April 2011;
- b) the report assesses Coogee Oval, Latham Park and other suitable locations as possible long-term options but not Grant or Trennary Reserves;
- c) Council refers the completed assessment report on the Section 96 application to the Coogee Precinct Committee and the Coogee Dolphins prior to consideration by Councillors; and
- d) notwithstanding clause a, Council grant permission for the Coogee Dolphins to continue training at Bardon Park for the rest of the 2011 season.

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

MM15/11 Mayoral Minute - Royal Humane Society Bronze Medal Award for Bravery - Peter Halcro and Paul Moffatt (F2006/00185)

14/11 **RESOLUTION: (Mayor, Cr M Matson)** that Council note this tremendous honour to Peter Halcro and Paul Moffatt and send its congratulations to them.

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

MM16/11 Mayoral Minute - Completion of the Maldon-Dombarton Rail Line (F2011/06574)

15/11 **RESOLUTION: (Mayor, Cr M Matson)** that Council calls on the NSW government to

complete the unfinished Maldon-Dombarton rail line to enable the diversion of shipping containers from Port Botany to Port Kembla and to ensure that the completed line carries both passengers and freight.

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

MM17/11 Mayoral Minute - Proposal to Consider the Purchase of Carbon Offsets as Randwick Council's Approach to Respond to its Greenhouse Gas Emissions (F2006/00176)

16/11

RESOLUTION: (Smith/Woodsmith) that Council defer such a purchase until an Australian project is identified that complies with the required Australian Carbon Offset Standard.

MOTION: (Mayor, Cr M Matson) that Council purchase approximately \$10,500.00 worth of carbon offsets that comply with the Australian carbon offset standard.

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

His Worship the Mayor, Cr M Matson requested that his name be recorded as opposed to the resolution.

MM18/11 Mayoral Minute - Kingsford South Precinct (F2004/08212)

17/11

RESOLUTION: (Mayor, Cr M Matson) that:

- a) an external review is conducted into the administration and operation of the Kingsford South precinct by an independent consultant; and
- b) the General Manager meet one on one with the recently appointed Chairperson of the Kingsford South Precinct to discuss Council's concerns and the obligations of precinct office holders.

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

MM19/11 Mayoral Minute - Malabar Headland - Securing the Proposed National Park (F2004/06759)

18/11

RESOLUTION: (Mayor, Cr M Matson) that:

- a) Council resolve to commence preparation of a local environmental plan as an amendment to the Randwick LEP 1998 (Consolidation) to rezone Lot 4, Malabar Headland, from 2B Residential to National Park, in accordance with S54 of the Environmental Planning and Assessment Act 1979;
- b) a planning proposal to this effect be prepared in accordance with S55 and forwarded to the Minister for Planning requesting a Gateway determination in accordance with S56 of the Act;
- c) the Member for Maroubra be requested to facilitate achieving the Gateway determination; and
- d) Council seek the Commonwealth's urgent modification of the boundary of the Headland's Lot 4 to include that western part of Lot 1 that covers the ESBS and the potential locations of a western walking track.

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

MM20/11 Mayoral Minute - Council Response to News of Christchurch Earthquake (F2011/00015)

19/11

RESOLUTION: (Mayor, Cr M Matson) that Council expresses its condolence to the New Zealand city of Christchurch over today's reports of fatalities arising from an earthquake and endorses the General Manager to make a \$2,000.00 donation to relief efforts.

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

Urgent Business

Nil.

Director City Planning Reports

CP1/11 Director City Planning Report - 26 Canara Avenue, Phillip Bay (DA/446/2010)

20/11

RESOLUTION: (Matthews/White)

- A. That Council support the objections under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with Clause of the Randwick Local Environmental Plan 1988, relating to Clause 20F – Floor space ratios, on the grounds that the proposed development is consistent with the objective of the clause and will not adversely affect the amenity of the surrounding locality and that the Department of Planning be advised accordingly; and
- 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/446/2010 for demolition of existing dwelling and construction of two storey attached dual occupancy with garaging, boundary adjustment with number 24 Canara Avenue, and associated works (SEPP 1 objection to floor space ratio control) at No. 26 Canara Avenue, Phillip Bay, subject to the following conditions:

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

1. The development must be implemented substantially in accordance with the plan numbered A09/743 Sheet 1 of 2 to 2 of 2 (all Rev A), dated Nov 09 and received by Council on the 16 June 2010, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:
2. The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.

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

3. The storage area that connects the two dwellings must be structurally dependant on the wall and slabs of the two wings of the building that contain each dwelling. Details to be provided with the construction certificate.
4. There must be no encroachment of the structure/s or associated articles onto

Council's road reserve, footway, nature strip or public place.

5. Street numbering must be provided to the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council, **prior to an occupation certificate being issued** for the development.
6. The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of approved paving or the like on the ground) without the written consent of Council.
7. Eaves, gutters, hoods and similar structures or attachments are required to be setback from the side boundaries of the allotment a minimum distance of 500mm and details of compliance are to be included in the construction certificate details.
8. Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway on Howell Avenue or a public place.
9. External lighting to the premises shall be designed so as not to cause a nuisance to nearby residents.
10. The outbuilding (pool house/games room) must only be used for the purposes specified in the development consent and the outbuilding must not be used for separate residential accommodation or as a separate residential occupancy at any time.
11. No cooking facilities or sanitary fittings other than those indicated on the approved plans are to be installed in the premises without the prior written consent of the Council.
12. Open-able windows to a room, corridor, stairway or the like with a floor level more than 4m above the external ground/surface level, must be designed and constructed to reduce the likelihood of a child accessing and falling through the window opening.

Options may include one or more of the following measures:

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

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

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**.

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

14. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, based on the development cost of \$450,000, the following applicable monetary levy must be paid to Council: \$4,500.

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 are imposed to promote ecologically sustainable development and energy efficiency.

15. 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.
16. 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.

17. The following provisions are to be implemented in accordance with the relevant BASIX Certificate and details are to be included in the Construction Certificate documentation (as applicable), to the satisfaction of the Certifying Authority:
 - Stormwater management (i.e. rainwater tanks)
 - Water efficiency (i.e. triple A rated taps and showers, dual flush toilets and water re-use)

- Landscaping provisions
- Thermal comfort (i.e. construction materials, glazing and insulation)
- Energy efficiency (i.e. cooling & heating provisions and hot water systems)

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

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

The following group of conditions have been applied to ensure that adequate drainage is provided from the premises and to maintain adequate levels of health and amenity in the locality:

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

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

20. 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.

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

22. **Prior to the commencement of any building works**, the following requirements must be complied with:

- a) a Construction Certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.

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

- b) a *Principal Certifying Authority* (PCA) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and

- c) a *principal contractor* must be appointed for the building work, or in relation to residential building work, an *owner-builder* permit may be obtained in accordance with the requirements of the *Home Building Act 1989*, and the PCA and Council are to be notified accordingly; and

- d) the *principal contractor* must be advised of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*; and
- e) at least two days notice must be given to the Council, in writing, prior to commencing building works.

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

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

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

24. 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".
25. The relevant requirements of the *Home Building Act 1989* must be complied with, in accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*.

Details of the Licensed Building Contractor (and a copy of any relevant Certificate of Insurance) or a copy of the Owner-Builder Permit (as applicable) must be provided to the *Principal Certifying Authority* and Council **prior to commencement of works**.

26. 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.

27. An **Occupation Certificate** must be obtained from the *Principal Certifying Authority* **prior to any occupation of the building work** encompassed in this development consent (including alterations and additions to existing

buildings), in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979*.

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

28. **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.
29. 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.

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

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

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

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

The following 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:

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

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

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

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

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

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

If the work involves asbestos products or materials, a copy of the Demolition Work Plan must also be provided to Council not less than 2 days before commencing those works.

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

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

- Relevant Occupational Health & Safety legislation and WorkCover NSW requirements
- Randwick City Council's Asbestos Policy (adopted 13 September 2005)
- A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
- On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.
- Asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2005*.
- A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building

contractor), must be provided to Council and the Principal certifying authority upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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

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

- excavations for new dwellings, additions to dwellings, swimming pools or the like which are proposed to be located within the *zone of influence* of the footings of any dwelling, associated garage or other substantial structure located upon an adjoining premises,
- new dwellings or additions to dwellings sited up to shared property boundaries (e.g. additions to a semi-detached dwelling or terraced dwellings),
- excavations for new dwellings, additions to dwellings, swimming pools or the like which are within rock and may result in vibration and or potential damage to any dwelling, associated garage or other substantial structure located upon an adjoining premises,
- as otherwise may be required by the Principal Certifying Authority.

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

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

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

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

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

- a) If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development must, at the person's own expense:
 - i) protect and support the adjoining premises from possible damage

- from the excavation, and
- ii) where necessary, underpin the adjoining premises to prevent any such damage.
- b) The condition referred to in subclause a) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

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

In addition, the use of any rock excavation machinery or any mechanical pile drivers or the like, is restricted to the hours of 8.00am to 5.00pm (maximum) on Monday to Friday only, to minimise the noise levels during construction and loss of amenity to nearby residents.

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

Noise and vibration from any rock excavation machinery, pile drivers and all plant and equipment must be minimised, by using appropriate plant and equipment, silencers and the implementation of noise management strategies.

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

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

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

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

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

40. 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.

41. Public safety must be maintained at all times and public access to the site and

building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied, to the satisfaction of Council.

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

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

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

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

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

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

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

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

Details of proposed sediment and erosion control measures shall include; a site plan; indicating the slope of land, access points & access control measures, location and type of sediment & erosion controls, location of existing

vegetation to be retained, location of material stockpiles and storage areas, location of building operations and equipment, methods of sediment control, details of drainage systems and details of existing and proposed vegetation.

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

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

45. The air conditioning plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:
- before 8.00am or after 10.00pm on any Saturday, Sunday or public holiday; or
 - before 7.00am or after 10.00pm on any other day.
46. The operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997 and Regulations*.

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

47. 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*.

48. The installation of rainwater tanks shall comply with the following noise control requirements:
- a) The operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997 and Regulations*.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a) Construct a concrete vehicular crossings and laybacks at kerb opposite the vehicular entrances to the site.

Note: The layback in Canara Ave is to be a maximum 5.50m wide, centrally located.

b) Remove any redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.

c) Construct a concrete footpath along the Canara Ave site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.

53. The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.

54. The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.

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

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

100mm-150mm above the top of the kerb at all points opposite the kerb, along the full site frontage.
56. The design alignment levels issued by Council and their relationship to the kerb must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.
57. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$335.00 calculated at \$44.00 (inclusive of GST) per metre of site frontage. This amount is to be paid to Council prior to a construction certificate being issued for the development.

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

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

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

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

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

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

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

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

62. Generally all site stormwater shall be piped to a sediment/silt arrester pit that drains to an infiltration area with a minimum 5 m² base area. An overflow pipe shall be provided from the silt arrester pit that drains to Council's kerb and gutter.

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

Notes:

- a. The sediment/silt arrester pit shall be constructed:-

- i. within the site at or near the street boundary.
- ii. with a child proof and corrosion resistant fastening system (e.g. spring loaded jay-bolt).
- iii. with a minimum of 4 x 90 mm diameter weep holes (preferably located in the walls of the pit at the floor level) and with a suitable geotextile material **with a high filtration rating** located around the weep holes.
- iv. with the pit floor being a minimum 300mm below the invert level of the outlet pipelines.
- v. with a **galvanised** heavy duty screen (Lysaght RH3030 Maximesh or similar) located over the outlet pipes draining to the infiltration pit and the kerb. (Similar to a Mascot GRC stormwater discharge control pit, product code DS3SDC).

- b. The infiltration/rubble pit shall:-

- i. have a minimum 300 mm of soil cover (600 mm where the pit is located under a garden/landscaping area).
- ii. be located a minimum of 3.0 metres from the dwelling or other structure (closer if a structural engineer certifies that the infiltration area will not adversely affect the structure) and 2.1 metres from the adjacent side or rear boundaries.
- iii. be constructed with a minimum 200 mm thick layer of 20 mm basalt/blue metal (or similar) that is wrapped in a suitable geotextile material covering with a high filtration rating (Geofabrics Bidim "A" range of filtration fabrics or equivalent). A suitable means of dispersing the stormwater over the area of infiltration is to be constructed.

Note: other equivalent methods of infiltration may be adopted.

- iv. have a minimum base area of 5.0 square metres (m²).

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

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

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

- d. The overflow pipe/s from any rainwater tank/s shall be directed into the infiltration area.
63. The infiltration areas/Absorption Trenches must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.

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

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

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

65. In order to enhance the level of amenity provided to future occupants, as well as to reduce the impact of such a development on both the streetscape and neighbouring properties, the PCA must ensure that, **prior to the commencement of any site works**, a landscape plan prepared by a qualified professional in the Landscape/Horticultural industry (must be a registered member of either AILD or AILA) has been submitted and approved, and must include the following details:
 - a) A Planting Plan & Plant Schedule which includes proposed species, botanic and common names, pot size at the time of planting, quantity, location, dimensions at maturity, maintenance practices (hedging, shaping etc), as well as any other landscape details to describe the proposed works, with an emphasis to be provided on those areas which will assist in presentation of the development to the street, and where privacy and screening between properties can be maximised;
 - b) A predominance of species that can withstand poor quality sandy soils and salt laden winds which are typical of these coastal conditions;
 - c) A total number of 2 x 25 litre/300mm (pot size at the time of planting) trees within the site, selecting those species which will attain a minimum height of between 4-7 metres at maturity, and are to be strategically located so as to maximising screening and privacy between this site and neighbouring properties.
66. The PCA must ensure that the landscaping is installed in accordance with the approved documentation, prior to issuing a Final Occupation Certificate, with the home owner/s to ensure it is maintained in a healthy and vigorous state until maturity, and for the life of the development.

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

Removal & Replacement of Street Trees

68. The applicant shall submit a total payment of **\$980.50** (including GST) to Council, being to cover the following costs:
- a) Removal of the existing *Cupaniopsis anacardioides* (Tuckeroo) on Council's Canara Avenue verge, prior to commencing any works associated with the proposed vehicle crossing towards the western site boundary as shown;
 - b) Supply and planting of 2 x 25 litre street trees of the same species spaced evenly on the Adina Avenue verge, between the vehicle crossing proposed near the northern boundary, and the corner of Canara Avenue, at the completion of works;
 - c) A loss of amenity fee in recognition of the fact that the only reason this semi-established public tree is being removed is in order to accommodate the development of private property.

The contribution shall be paid into **Tree Amenity Income** at the Cashier on the Ground Floor of the Administrative Centre, **prior to a Construction Certificate being issued for the development.**

The applicant will be required to contact Council's Landscape Development Officer on 9399-0613 (quoting the receipt number), and giving at least four working weeks notice to arrange for removal of the street tree prior to the commencement of site works, as well as planting of the replacement street tree upon completion of works.

Removal of trees within site

69. Approval is granted for the removal of all existing vegetation within the site where necessary in order to accommodate the proposed works as shown, due to their small size, but is subject to full implementation of the approved landscape plan.

Protection of Council's Street Tree

70. In order to ensure retention of the remaining *Cupaniopsis anacardioides* (Tuckeroo) located on Council's verge, at the corner of Canara & Adina Avenues 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 street tree, with the position and diameter of both its trunk and canopy to be clearly shown on all drawings.
 - b. Any new services, pipes, stormwater systems or similar that need to be installed over public property, must be done so against either side of the new crossing in this location, so as to minimise root damage.
 - c. 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 **2.0 metres** off the outside edge of its trunk at ground level, on all four sides, in order to completely enclose this tree for the duration of works.

- d. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER".
- e. The applicant is not authorised to perform any works to this street tree, and shall contact Council's Landscape Development Officer on 9399-0613 should pruning or any similar such work appear necessary, with the applicant required to cover all associated costs with such work, to Council's satisfaction, prior to the issue of a final occupation certificate.
- f. Within the zone specified in point 'c' above, there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, with all Site Management Plans needing to acknowledge these requirements.
- g. A refundable deposit in the form of cash, credit card or cheque for an amount of **\$500.00** 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 this street tree.

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

Any contravention of Council's conditions relating to the 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.

- Further information and details on Council's requirements for trees on development sites can be obtained from the recently adopted Tree Technical Manual, which can be downloaded from Council's website at the following link, <http://www.randwick.nsw.gov.au> - Looking after our environment – Trees – Tree Management Technical Manual; which aims to achieve consistency of approach and compliance with appropriate standards and best practice guidelines.

ADVISORY MATTERS:

- A1 Demolition, building or excavation work must not be commenced until;
- A Construction Certificate has been obtained from Council or an Accredited Certifier
 - Council or an Accredited Certifier has been appointed as the Principal Certifying Authority for the development
 - Council and the Principal Certifying Authority have been given at least 2 days notice (in writing) prior to commencing any works.

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

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

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

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

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

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

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

MOTION: (Matthews/White) CARRIED – SEE RESOLUTION.

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

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

Note: the officer's recommendation for refusal was overturned due to the unique corner block location of the proposal which Council recommends for dual occupancies, the block immediately behind it is a dual occupancy, the fact that it has been before Council for eighteen months now and the fact that there were no objections to it.

**CP2/11 Director City Planning Report - 16 Howell Avenue, Matraville
(DA/1045/2010)**

21/11

RESOLUTION: (Belleli/Procopiadis) –

- A. That Council support the objections under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with Clause of the Randwick Local Environmental Plan 1988, relating to Clause 20F – Floor space ratios, on the grounds that the proposed development is consistent with the objective of the clause and will not adversely affect the amenity of the surrounding locality and that the Department of Planning be advised accordingly; and
- 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/1045/2010 for demolition of existing dwelling and construction of two storey attached dual occupancy with basement level garage, swimming pool, pool house and shade hut to rear with associated works at No. 16 Howell Avenue, Matraville, subject to the following conditions:

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

1. The development must be implemented substantially in accordance with the plan numbered 0032/09 Sheet 1 of 4 to 4 of 4 (all issue B), dated 15/11/2010 and received by Council on the 26 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:
2. The schedule of material, colours and finishes shall be in general accordance with the documentation prepared by Classic Plans and received by Council on 26 November 2010.
3. There must be no encroachment of the structure/s or associated articles onto Council's road reserve, footway, nature strip or public place.
4. Street numbering must be provided to the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council, **prior to an occupation certificate being issued** for the development.
5. The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of approved paving or the like on the ground) without the written consent of Council.
6. Eaves, gutters, hoods and similar structures or attachments are required to be setback from the side boundaries of the allotment a minimum distance of 500mm and details of compliance are to be included in the construction certificate details.
7. Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway on Howell Avenue or a public place.
8. External lighting to the premises shall be designed so as not to cause a nuisance to nearby residents.

9. The outbuilding (pool house/games room) must only be used for the purposes specified in the development consent and the outbuilding must not be used for separate residential accommodation or as a separate residential occupancy at any time.
10. No cooking facilities or sanitary fittings other than those indicated on the approved plans are to be installed in the premises without the prior written consent of the Council.
11. Open-able windows to a room, corridor, stairway or the like with a floor level more than 4m above the external ground/surface level, must be designed and constructed to reduce the likelihood of a child accessing and falling through the window opening.

Options may include one or more of the following measures:

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

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

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

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

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

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

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

13. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, based on the development cost of \$1,297,230, the following applicable monetary levy must be paid to Council: \$12,972.30.

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 are imposed to promote ecologically sustainable development and energy efficiency.

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

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

The following group of conditions have been applied to ensure that adequate drainage is provided from the premises and to maintain adequate levels of health and amenity in the locality:

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

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

19. 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.

20. 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).

21. **Prior to the commencement of any building works**, the following requirements must be complied with:

- a) a Construction Certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.

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

- b) a *Principal Certifying Authority* (PCA) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and
- c) a *principal contractor* must be appointed for the building work, or in relation to residential building work, an *owner-builder* permit may be obtained in accordance with the requirements of the *Home Building Act 1989*, and the PCA and Council are to be notified accordingly; and
- d) the *principal contractor* must be advised of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*; and
- e) at least two days notice must be given to the Council, in writing, prior to commencing building works.

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

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

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

23. 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".

24. The relevant requirements of the *Home Building Act 1989* must be complied with, in accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*.

Details of the Licensed Building Contractor (and a copy of any relevant Certificate of Insurance) or a copy of the Owner-Builder Permit (as applicable) must be provided to the Principal Certifying Authority and Council **prior to commencement of works**.

25. 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.

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

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

27. **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.

28. 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.

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

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

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

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

The following 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:

30. The demolition of buildings and the removal, storage, handling and disposal of building materials must be carried out in accordance with the relevant requirements of WorkCover NSW, the NSW Department of Environment & Climate Change and Randwick City Council policies, including:

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

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

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

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

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

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

If the work involves asbestos products or materials, a copy of the Demolition Work Plan must also be provided to Council not less than 2 days before commencing those works.

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

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

- Relevant Occupational Health & Safety legislation and WorkCover NSW requirements
- Randwick City Council's Asbestos Policy (adopted 13 September 2005)
- A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
- On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.
- Asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2005*.
- A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the Principal certifying authority upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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

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

- excavations for new dwellings, additions to dwellings, swimming pools or the like which are proposed to be located within the *zone of influence* of the footings of any dwelling, associated garage or other substantial structure located upon an adjoining premises,
- new dwellings or additions to dwellings sited up to shared property boundaries (e.g. additions to a semi-detached dwelling or terraced dwellings),
- excavations for new dwellings, additions to dwellings, swimming pools or the like which are within rock and may result in vibration and or potential damage to any dwelling, associated garage or other substantial structure

- located upon an adjoining premises,
- as otherwise may be required by the Principal Certifying Authority.

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

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

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

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

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

- a) If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development must, at the person's own expense:
 - i) protect and support the adjoining premises from possible damage from the excavation, and
 - ii) where necessary, underpin the adjoining premises to prevent any such damage.
- b) The condition referred to in subclause a) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

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

In addition, the use of any rock excavation machinery or any mechanical pile drivers or the like, is restricted to the hours of 8.00am to 5.00pm (maximum) on Monday to Friday only, to minimise the noise levels during construction and loss of amenity to nearby residents.

37. Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result

in an unreasonable loss of amenity to nearby residents and the relevant requirements of the *Protection of the Environment Operations Act 1997* and NSW DECC Guidelines must be satisfied at all times.

Noise and vibration from any rock excavation machinery, pile drivers and all plant and equipment must be minimised, by using appropriate plant and equipment, silencers and the implementation of noise management strategies.

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

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

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

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

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

39. 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.

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

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

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

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

If it is proposed to locate any site fencing, hoardings or amenities upon any part of the footpath, nature strip or public place, the written consent from Council's Building Services section must be obtained beforehand and detailed

plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.

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

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

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

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

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

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

- a) Building materials, sand, soil, waste materials, construction equipment or 5 other activities must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
- b) Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line or any public place and the stockpiles must be protected with adequate sediment control measures.
- c) Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the

discharge of materials into the stormwater drainage system.

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

The following conditions are applied to ensure compliance with the Swimming Pools Act 1992 and to maintain public safety and amenity:

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

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

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

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

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

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

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

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

- a) Backwash of the pool filter and other discharge of water is to be drained to the sewer in accordance with the requirements of the Sydney Water Corporation; and
- b) All pool overflow water is to be drained away from the building and adjoining premises, so as not to result in a nuisance or damage to premises; and
- c) Water recirculation and filtrations systems are required to comply with AS 1926.3 - 2003: Swimming Pool Safety - Water Recirculation and Filtration Systems; and
- d) Pool plant and equipment is to be enclosed in a sound absorbing

- enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents; and
- e) The pool plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:
- i. before 8.00am or after 8.00pm on any Sunday or public holiday; or
 - ii. before 7.00am or after 8.00pm on any other day.

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

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

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

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

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

49. The air conditioning plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:

- before 8.00am or after 10.00pm on any Saturday, Sunday or public holiday; or
- before 7.00am or after 10.00pm on any other day.

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

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

51. A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council prior to an **occupation certificate** being issued for the development, which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager Health, Building & Regulatory Services.

52. 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*.

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

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

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

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

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

54. Adequate provisions are to be made within the premises for the storage and removal of waste and recyclable materials, to the satisfaction of Council and details are to be included in the construction certificate documentation.

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

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

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

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

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

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

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

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

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

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

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

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

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

57. 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 concrete vehicular crossings and laybacks at kerb opposite the vehicular entrances to the site.
 - b) Remove any redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.
58. 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.
59. The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.

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

60. The Council's Development Engineer has inspected the above site and has determined that the design alignment level at the property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage.

61. The design alignment levels issued by Council and their relationship to the footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.
62. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$671.00 calculated at \$44.00 (inclusive of GST) per metre of site frontage. This amount is to be paid to Council prior to a construction certificate being issued for the development.

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

63. 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.
64. 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.
65. 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.

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

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

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

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

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

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

67. **Stormwater drainage plans have not been approved as part of this development consent.** Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:
- a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
 - b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system. This may involve either connection to the Council's street gutter, or into a Council stormwater pit. Note: All proposals should indicate the location of the closest Council stormwater pit and line regardless of the point of discharge. This information can be obtained by a visual inspection of the area and perusing Council's drainage plans.
 - c) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (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.
68. 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.

69. All site stormwater must be discharged (by gravity) to either:
- The kerb and gutter or drainage system at the front of the property; OR
 - To an infiltration system designed in accordance with Council's requirements (subject to a satisfactory Geotechnical Engineers report).
70. 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 5** year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by the Director of Assets and Infrastructure Services. 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.

71. 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.

72. 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.
73. The detention area/infiltration system must be regularly cleaned and maintained to ensure it functions as required by the design.
74. The maximum depth of ponding in above ground detention areas (and/or infiltration systems with above ground storage) shall be as follows:
- 150mm in uncovered carparking areas (with an isolated maximum depth of 200mm permissible at the low point pit within the detention area).
 - 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10).
 - 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10.
 - 1200mm in landscaped areas where a childproof fence is provided around the outside of the detention area.

Notes:

- It is noted that above ground storage will not be permitted in basement

- carparks or in any area which may be used for storage of goods.
- Mulch/bark must not be used in onsite detention areas.

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

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

77. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
78. A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention/infiltration area.
79. 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.

80. 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 or double brick.
- A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.
- A galvanised heavy-duty screen located over the outlet pipe/s (Mascot GMS multipurpose filter screen or equivalent).

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

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

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

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

Notes:

- a. The "restriction as to user" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
 - b. The linen plans shall indicate the location and dimensions of the detention/infiltration areas.
 - c. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.
82. 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).
83. Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with the conditions of development consent. The certification must be provided to the satisfaction of the PCA.

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

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

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

85. Landscaping shall be provided to the whole of the site to enhance its amenity and reduce the impact of the development upon both the streetscape and neighbouring properties.
86. Prior to the commencement of site works, the Concept Landscape Plan by Classic Plans, drawing number 0032/09, sheet A, issue B dated 15/11/10 must be developed further by a qualified professional in the Landscape/Horticulture industry, which shall be submitted to and approved by the PCA, and must include the following:
- a. A predominance of species that require minimal watering once established or species with water needs that match rainfall and drainage conditions;
 - b. A planting plan and plant schedule which nominates all proposed planting, including botanic names, sizes at maturity, quantities, pot size at the time of planting and location;
 - c. Suitable accent/feature species within those garden areas around the perimeter of the front yards of both proposed dwellings, including 1 x 100 litre tree (pot/bag size at the time of planting) which will attain a minimum height at maturity of between 4-7 metres, in the lawn area of the eastern proposed dwelling;
 - d. At least 2 x 25 litre (pot size at the time of planting) trees within deep soil zones in the rear yard, selecting those species which will attain a minimum height of 6 metres at maturity;
 - e. Suitable perimeter screen planting along those parts of both the eastern and northern boundaries as shown, using species that will achieve at least the same height as common boundary fencing in these areas.
87. The PCA must ensure that the landscaping is installed in accordance with the approved plans and relevant conditions of consent, prior to the issue of a Final Occupation Certificate, with the owner to maintain it in a healthy and vigorous state until maturity, in accordance with these plans.
88. The nature-strip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.

Street Tree Removal

89. Approval is granted for the applicant to remove and dispose of (at their own cost) the most eastern of the two existing *Callistemon viminalis* (Weeping Bottlebrush's), from Council's Howell Avenue nature strip, towards the eastern site boundary, during excavations associated with the proposed vehicle crossing as shown, but must satisfy themselves as to the location of all site services prior to the commencement of any works on public property.
90. The approval provided above is subject to the applicant submitting a payment

of **\$650.00 (no GST)** to Council, being compensation for the loss of amenity caused by removal of this semi-established public tree for no other reason than to accommodate the development of private property.

The contribution shall be paid into **Tree Amenity Income** at the Cashier on the Ground Floor of the Administrative Centre, **prior to a Construction Certificate being issued for the development.**

The applicant must contact Council's Landscape Development Officer on 9399-0613 (quoting the receipt number), and giving at least four working weeks notice to arrange for planting of the replacement street tree upon completion of all works.

Tree Removals within site

91. Approval is also granted for removal of the following trees, subject to full implementation of the approved landscaping:
- a. The two separate, single trunk *Archontophoenix cunninghamiana* (Bangalow Palms) within the western half of the front yard, between the internal driveway and entry path, in order to accommodate the proposed works and new landscape treatment in this area of the site;
 - b. Along the eastern side setback, one *Syzygium luehmannii* (Small Leafed Lilly Pilly), both due to its inappropriate location near the northeast corner of the existing dwelling, as well as to accommodate the proposed basement, ground and first floor works as shown;
 - c. One large and mature *Magnolia grandiflora* (Bull Bay Magnolia) in the rear yard, due both to its inappropriate location close to the southeast corner of the existing garage/storage shed, as well as to accommodate the new retaining wall and pool house/games room as shown;
 - d. One *Schefflera actinophylla* (Umbrella Tree) to the west of the tree described in point 'c' above, along the western boundary, as this species is recognised as an environmental weed in the Randwick LGA.

Pruning of neighbours tree

92. Permission is granted for the selective pruning of only those lower growing branches from the western aspect of the *Metrosideros excelsa* (Pohutukawa), which is located in the rear yard of the adjoining property to the east, 18 Howell Avenue, close to the common boundary, only where they overhang into the subject site and need to be pruned in order to avoid damage to the tree, or; interference between the tree and works, either during the course of construction or upon completion.
93. This approval does not imply any right of entry onto a neighbouring property nor does it allow pruning beyond a common boundary; however, where such measures are desirable in the best interests of correct pruning procedures, and ultimately, the ongoing health of this tree, the applicant must negotiate with the neighbour/tree owner for access to perform this work.
94. 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 4373-2007 'Pruning of Amenity Trees.

Protection of Street Tree

95. In order to ensure retention of the most western of the two *Callistemon viminalis* (Weeping Bottlebrush's) on Council's Howell Avenue nature strip, towards the western site boundary, to the east of the existing vehicle crossing 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 street tree, with the position and diameter of both its trunk and canopy to be clearly shown on all drawings.
 - b. The Construction Certificate plans must provide measurements confirming that the eastern edge of the most western vehicle crossing will be setback a minimum distance of **1.5 metres** from its trunk (measured off its outside edge at ground level).
 - c. Any new services, pipes, stormwater systems or similar that need to be installed over public property, must be done so along either the sites side boundaries; or, a distance of 3 metres to the east of its trunk.
 - d. 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 2 metres to its east (measured off the outside edge of its trunk at ground level), as well as along the kerb to its south, the proposed crossing to its west, and the pedestrian path to its north, in order to completely enclose this tree for the duration of works.
 - e. 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".
 - f. The applicant is not authorised to perform any works to this street tree, 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.
 - g. 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.
 - h. Any roots encountered during excavations associated with the most western vehicle crossing must be cut cleanly by hand, and the affected area backfilled with clean site soil as soon as practically possible.
 - i. A refundable deposit in the form of cash, credit card or cheque for an amount of **\$1,000.00 (no GST)** 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 this street tree.

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

Any contravention of Council's conditions relating to the 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 neighbours tree

96. In order to also ensure retention of the *Metrosideros excelsa* (Pohutukawa), located beyond the northeast corner of the existing dwelling, actually in the rear yard of the adjoining property to the east, 18 Howell Avenue, close to the common boundary, in good health, the following measures are to be undertaken:
- a. All documentation submitted for the Construction Certificate application must show the retention of this tree, with the position and diameter of both its trunk/s and canopy to be clearly shown on all drawings.
 - b. All plans must show that a setback of 3 metres will be provided between the point where the trunk/s of this neighbouring tree meet the common boundary, and the proposed access stairs and storage space, with no other excavations, works or similar to be performed beyond this point.
 - c. In order to maintain acceptable rates of air and moisture to its root system, the area between the basement and site boundary, for the full spread of its canopy must remain as undisturbed, deep soil, with existing levels/grades in this same area to be retained as existing.
 - d. Fencing along this boundary, beneath the extent of its canopy, must be a type which does not require a continuous strip footing, with only localised pad footings to be utilised in this instance.
 - e. Within the 3 metre exclusion zone specified in point 'b' above, 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.
 - f. Any roots encountered during excavations or any other associated works must be cut cleanly by hand, and the affected area backfilled with clean site soil as soon as practically possible.

ADVISORY MATTERS:

- A1 Demolition, building or excavation work must not be commenced until;
- A Construction Certificate has been obtained from Council or an Accredited Certifier
 - Council or an Accredited Certifier has been appointed as the Principal Certifying Authority for the development
 - Council and the Principal Certifying Authority have been given at least 2 days notice (in writing) prior to commencing any works.

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

- A2 A local approval application must be submitted to and be approved by Council's

Building Certification Services section prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:-

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

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

- A3 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place, to the satisfaction of the Certifying Authority.
- A4 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA) and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards and you are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.
- A5 The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

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

**CP3/11 Director City Planning Report - 16 Ellen Street, South Coogee
(DA/975/2010)**

22/11

RESOLUTION: (Belleli/Procopiadis) –

- A. That the Council support the objections under State Environmental Planning Policy No.1 (SEPP No.1) in respect to non-compliance with Clause 20F of the Randwick Local Environmental Plan 1998, relating to floor space ratio, on the grounds that the proposed use complies with the objective of the clause and will not adversely affect the amenity of the surrounding locality and that the Department of Planning be advised accordingly
- B. That Council as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/975/2010 for substantial ground and first floor alterations and additions to existing dwelling, construction of hard stand car park space to front of dwelling, swimming pool to rear/fencing and associated works at 16 Ellen Street, South Coogee, subject to the following conditions:

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

1. The development must be implemented substantially in accordance with the plans numbered DA100, DA101 & DA300, all issue B, dated 26/1/11 and received by Council on the 3rd February 2011, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:

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

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

3. Metal roof sheeting is to be pre-painted (e.g. colourbond) and form part of the colour scheme and external finishes for the development.
4. There must be no encroachment of the structure/s or associated articles onto Council's road reserve, footway, nature strip or public place.
5. Open-able windows to a room, corridor, stairway or the like with a floor level more than 4m above the external ground/surface level, must be designed and constructed to reduce the likelihood of a child accessing and falling through the window opening.

Options may include one or more of the following measures:

- i) The window having a minimum sill height of 1.5m above the internal floor level,
 - ii) Providing a window locking device at least 1.5m above the internal floor level,
 - iii) Fixing or securing the window (e.g. by screws or a window locking device) to restrict or to be able to secure the extent of the opening to a maximum of 125mm,
 - iv) Installing a fixed heavy-duty gauge metal screen over the opening (e.g. A metal security screen or metal security mesh and frame system, but not standard fly-screen material),
 - v) Other appropriate effective safety measures or barrier.
6. To maintain a reasonable degree of privacy to the adjoining properties a privacy screen must be installed to the northern elevation of the rear upper level balcony to a height of 1800mm above floor level.
 7. The privacy screen is to be of fixed louvres or obscured glazing, any opening are to be no greater than 25mm with the total area of openings no more than 25% of the area of the screen. Obscured glazing is to be installed in the opening within the blade wall to the southern side of the balcony to maintain privacy to the adjoining property. Details of the privacy screen are to be provided with the Construction Certificate, and the screen to the northern side of the balcony and obscured glazing within the southern side of the balcony are to be installed prior to the use and occupation of the balcony.
 8. To maintain a reasonable degree of privacy to the adjoining property the window to the family room within the southern elevation is to have a sill height of 1500mm above floor level. Details are to be provided with the Construction Certificate application.

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

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

The approved Construction Certificate plans must be submitted to a Sydney

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

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

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

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

10. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, based on the development cost of \$ 390 955 the following applicable monetary levy must be paid to Council: \$ 3 905.55.

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 are imposed to promote ecologically sustainable development and energy efficiency.

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

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

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

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

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

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

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

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

The following group of conditions have been applied to ensure that adequate drainage is provided from the premises and to maintain adequate levels of health and amenity in the locality:

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

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

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

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

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

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

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

18. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).

19. **Prior to the commencement of any building works**, the following requirements must be complied with:

- a) a Construction Certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.

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

- b) a *Principal Certifying Authority* (PCA) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and
 - c) a *principal contractor* must be appointed for the building work, or in relation to residential building work, an *owner-builder* permit may be obtained in accordance with the requirements of the *Home Building Act 1989*, and the PCA and Council are to be notified accordingly; and
 - d) the *principal contractor* must be advised of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*; and
 - e) at least two days notice must be given to the Council, in writing, prior to commencing building works.
20. The building works must be inspected by the *Principal Certifying Authority* (or another *certifying authority* if the *Principal Certifying Authority* agrees), in accordance with sections 109 E (3) of the *Environmental Planning & Assessment Act 1979* and clause 162A of the *Environmental Planning & Assessment Regulation 2000*, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.

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

21. A sign must be erected and maintained in a prominent position on the site for the duration of the works, which contains the following details:
- name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours, or *owner-builder* permit details (as applicable);
 - name, address and telephone number of the *Principal Certifying Authority*; and
 - a statement stating that "unauthorised entry to the work site is prohibited".
22. The relevant requirements of the *Home Building Act 1989* must be complied with, in accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*.

Details of the Licensed Building Contractor (and a copy of any relevant Certificate of Insurance) or a copy of the Owner-Builder Permit (as applicable) must be provided to the Principal Certifying Authority and Council **prior to commencement of works**.

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

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

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

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

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

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

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

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

26. Certificate of Adequacy supplied by a *professional engineer* shall be submitted to the certifying authority (*and the Council, if the Council is not the certifying authority*) **prior to a construction certificate being issued** for the development, certifying the structural adequacy of the existing structure to support the new upper level.
27. The demolition of buildings and the removal, storage, handling and disposal of building materials must be carried out in accordance with the relevant requirements of WorkCover NSW, the NSW Department of Environment & Climate Change (formerly EPA) and Randwick City Council policies, including:
- Occupational Health and Safety Act 2000 & Regulations
 - WorkCover NSW Guidelines & Codes of Practice
 - Australian Standard 2601 (2001) – Demolition of Structures
 - The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 2005
 - Relevant DECC/EPA Guidelines
 - Randwick City Council Asbestos Policy (adopted 13 September 2005)

A copy of Council's Asbestos Policy is available on Council's web site at

www.randwick.nsw.gov.au in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.

28. 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.

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

- a) If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development must, at the person's own expense:
- i) protect and support the adjoining premises from possible damage from the excavation, and
 - ii) where necessary, underpin the adjoining premises to prevent any such damage.
- b) The condition referred to in subclause 1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

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

- excavations for new dwellings, additions to dwellings, swimming pools or the like which are proposed to be located within the *zone of influence* of the footings of any dwelling, associated garage or other substantial structure located upon an adjoining premises,
- new dwellings or additions to dwellings sited up to shared property boundaries (e.g. additions to a semi-detached dwelling or a terraced dwelling),
- excavations for new dwellings, additions to dwellings, swimming pools or the like which are within rock and may result in vibration and or potential damage to any dwelling, associated garage or other substantial structure located upon an adjoining premises,
- as otherwise may be required by the Principal Certifying Authority.

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

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

In addition, the use of any rock excavation machinery or any mechanical pile drivers or the like, is restricted to the hours of 8.00am to 5.00pm (maximum) on Monday to Friday only, to minimise the noise levels during construction and loss of amenity to nearby residents.

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

Noise and vibration from any rock excavation machinery, pile drivers and all plant and equipment must be minimised, by using appropriate plant and equipment, silencers and the implementation of noise management strategies.

A *Construction Noise Management Plan*, is required to be developed and implemented throughout the works, to the satisfaction of the Council. A copy of the strategy must be provided to the Principal Certifying Authority and Council **prior to the commencement of site works**.

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

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

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

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

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

- location and construction of protective fencing/hoardings to the

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

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

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

The sediment and erosion control measures are to be in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to the satisfaction of Council and details are to be provided in the Construction Site Management Plan.

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

The following conditions are applied to ensure compliance with the Swimming Pools Act 1992 and to maintain public safety and amenity:

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

The swimming pool is to be surrounded by a fence having a minimum height of 1.2m, that separates the pool from any residential building situated on the

premises and from any place (whether public or private) adjoining the premises; and that is designed, constructed and installed in accordance with AS 1926.1 - 2007.

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

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

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

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

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

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

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

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

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

In this regard, the operation of the plant and equipment shall not give rise to an $L_{Aeq, 15 \text{ min}}$ sound pressure level at any affected premises that exceeds the background $L_{A90, 15 \text{ min}}$ noise level, measured in the absence of the noise

source/s under consideration by more than 5dB(A) in accordance with relevant NSW Department of Environment & Conservation Noise Control Guidelines.

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

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

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

b) Plant and equipment associated with rainwater tank(s) are to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.

c) The operation of plant and equipment associated with the rainwater tank(s) are to be restricted to the following hours if the noise emitted can be heard within a habitable room in any other residential premises:

- before 8.00am or after 8.00pm on weekends or public holiday; or
- before 7.00am or after 8.00pm on weekdays.

ADVISORY MATTERS:

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

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

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

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

- Install or erect any site fencing, hoardings or site structures
- Operate a crane or hoist goods or materials over a footpath or road
- Placement of a waste skip (greater than 3m in length) or any container or other article.

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

A4 This determination does not include an assessment of the proposed works

under the Building Code of Australia (BCA) and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards and you are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate

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

CP4/11 Director City Planning Report - Reporting Variation to Development Standard under State Environment Planning Policy No. 1 (SEPP1) for the Month of December 2010 and January 2011 (F2008/00122)

23/11

RESOLUTION: (Belleli/Procopiadis) that the report be received and noted.

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

CP5/11 Director City Planning Report - Notification of Development Applications - Response to Motion Pursuant to Notice from Cr Woodsmith (DA/446/2010)

24/11

RESOLUTION: (Belleli/Procopiadis) that Council not send DA notification letters by registered post.

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

CP6/11 Director City Planning Report - Affordable Rental Housing SEPP Review and Submission (F2004/07991)

25/11

RESOLUTION: (Tracey/Procopiadis) that Council endorse the proposed submission in response to the State Environmental Planning Policy (Affordable Rental Housing) Review Paper.

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

CP7/11 Director City Planning Report - Late Night Trading DCP (F2011/00082)

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

26/11

RESOLUTION: (Nash/Woodsmith) that Council endorse the preparation of a DCP for late night trading that:-

- (a) contains overriding performance standards and objectives which focus on ways of ensuring reduced antisocial behaviour and minimise the impacts on local residential amenity;
- (b) includes the objectives of the "last drinks" campaign; and
- (c) reduces the density and size of licenced venues.

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

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 Tracey	
Councillor White	
Councillor Woodsmith	

Total (11)**Total (1)**

CP8/11 Director City Planning Report - Planning Proposal - Semi-Detached Dwelling Houses (F2007/00569)

27/11

RESOLUTION: (Belleli/Procopiadis) that:

- a) the process to prepare a local environmental plan as an amendment to the Randwick LEP 1998 (Consolidation) to amend the definitions of 'dwelling house' and 'attached dual occupancy' in accordance with s.54 of the Environmental Planning and Assessment Act 1979 (the Act), be commenced;
- b) the Planning Proposal (attachment 1) in accordance with s.55 of the Act be adopted; and
- c) the Planning Proposal be forwarded to the Minister of Planning requesting a Gateway determination in accordance with s.56 of the Act.

MOTION: (Belleli/Procopiadis) CARRIED UNANIMOUSLY - SEE RESOLUTION.**General Manager's Reports**

GM1/11 General Manager's Report - Review of the 2009-13 Management Plan - December 2010 Quarterly Report (F2009/00516)

28/11

RESOLUTION: (Nash/Hughes) that the information contained in the December 2010 Quarterly review of the 2009-13 Management Plan be received and noted.**MOTION: (Nash/Hughes) CARRIED - SEE RESOLUTION.**

GM2/11 General Manager's Report - Audit Committee 2010 Self Evaluation (F2011/00010)

29/11

RESOLUTION: (Nash/Hughes) that the self assessment and minutes of the Audit Committee Meetings for 2010 be received and noted.**MOTION: (Nash/Hughes) CARRIED - SEE RESOLUTION.****Director City Services Reports**

CS1/11 Director City Services Report - Buildings for Our Community - Clovelly Surf Club Project - Grant Funding (PROJ/10399/2010)

30/11

RESOLUTION: (Nash/Hughes) that Council, after the completion of the Buildings for our Community works scheduled for the Clovelly Surf Life Saving Club, approve the remaining funds be used for the purpose of the required matching contribution for the boat storage facility under the NSW Community Building Partnership Program.**MOTION: (Nash/Hughes) CARRIED - SEE RESOLUTION.**

Director Governance & Financial Services Reports**GF1/11 Director Governance & Financial Services Report - Budget Review - December 2010 Quarter (F2009/00343)**

31/11

RESOLUTION: (Nash/Hughes) that:

- a) the report in relation to the December 2010 budget review be received and noted; and
- b) the proposed December 2010 budget variations shown in Attachment 3 to this report be adopted.

MOTION: (Nash/Hughes) CARRIED - SEE RESOLUTION.**GF2/11 Director Governance & Financial Services Report - Investment Report - December 2010 (F2004/06527)**

32/11

RESOLUTION: (Nash/Hughes) that the investment report for December 2010 be received and noted.**MOTION: (Nash/Hughes) CARRIED - SEE RESOLUTION.****GF3/11 Director Governance & Financial Services Report - Investment Report - January 2011 (F2004/06527)**

33/11

RESOLUTION: (Nash/Hughes) that the investment report for January 2011 be received and noted.**MOTION: (Nash/Hughes) CARRIED - SEE RESOLUTION.****GF4/11 Director Governance & Financial Services Report - Internal Reporting System - Public Interest Disclosures Act (F2005/00303)**

34/11

RESOLUTION: (Nash/Hughes) that the annual report on Council's Internal Reporting System and Policy in relation to the Public Interest Disclosures Act be received and noted and the policy be updated to reflect the 1 November 2010 amendments to the Public Interest Disclosures Act 1994.**MOTION: (Nash/Hughes) CARRIED - SEE RESOLUTION.****GF5/11 Director Governance & Financial Services Report - Councillors' Access to Information (F2004/06110)**

35/11

RESOLUTION: (Nash/Hughes) that the amended "Councillors' Access to Information and Interaction between Councillors and Staff" policy be adopted.**MOTION: (Nash/Hughes) CARRIED - SEE RESOLUTION.****GF6/11 Director Governance & Financial Services Report - Short term lease of 1 Jersey Lane, Matrville by Kindaburra Children's Centre (F2004/07367)**

36/11

RESOLUTION: (Belleli/Notley-Smith) that:

- a) Council, through its legal representatives, Marsdens Law Group, acknowledges receipt of the submission received from Tsolakis Solicitors on behalf of Mr & Mrs Awad;
- b) Council grants its approval to a five (5) year lease and any future leases for Jersey Lane with Kindaburra Childcare Centre in accordance with the Roads Act 1993; and

- c) Kindaburra Childcare Centre is required to cover all Council's costs in regard to the lease and pay the market rate rental for the lease of Jersey Lane.

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

Petitions

Nil.

Motion Pursuant to Notice

NM1/11 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Notley-Smith - Email and/or Online Alert Service (F2008/00544)

- 37/11 **RESOLUTION: (Notley-Smith/Belleli)** that Council review its communications strategy and investigate the feasibility of implementing an opt-in email and/or online alert service for communications with its residents, and a report on such to be brought to Council with its findings within three (3) months.

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

NM2/11 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Notley-Smith - Proposed Establishment of Open Space Consultative Committee (F2009/07550)

- 38/11 **RESOLUTION: (Notley-Smith/Belleli)** that Council establish a consultative committee comprising Councillors, Council staff, community representatives and sports team representatives to review the process by which open space in the Randwick LGA is allocated for organised sporting activities.

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

NM3/11 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Notley-Smith - Belmore Road, Randwick (F2005/00862)

- 39/11 **RESOLUTION: (Notley-Smith/Nash)** that Council consider including in the 2011-2012 budget, funds for the bituminization of the concrete surface of Belmore Road, Randwick.

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

NM4/11 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Notley-Smith - Green Money Scheme (F2004/08158)

- 40/11 **RESOLUTION: (Notley-Smith/Woodsmith)** that Council investigates the Green Money Scheme, an innovative approach to encouraging residents to further increase their level of commitment to diverting household recyclables away from landfill. That a report outlining the investigation's findings be brought back to the relevant council committee.

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

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

FOR	AGAINST
Councillor Belleli	Councillor Bowen
Councillor Hughes	Councillor Procopiadis
Councillor Matson	Councillor Tracey

Councillor Matthews	Councillor White
Councillor Nash	
Councillor Notley-Smith	
Councillor Seng	
Councillor Smith	
Councillor Woodsmith	

Total (9)**Total (4)**

NM5/11 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Smith - Full and Open Competition Policy at Randwick City Council (F2004/06244)

Note: A rescission motion was submitted on this matter in accordance with Council's Code of Meeting Practice and will be heard at the March ordinary Council meeting.

41/11

RESOLUTION: (Smith/Procopiadis) that Council:

1. Acknowledge that Australian Foreign Policy is the responsibility of the Commonwealth Government and not Local Government.
2. Note that Marrickville Council has adopted a policy of boycotting all goods made in Israel and any sporting, academic institutions, government or institutional cultural exchanges.
3. Request SSROC to immediately remove Marrickville Council Staff from SSROC procurement tender panels that are considering tender submissions involving Israeli companies, products or services until Marrickville rescinds its current procurement policy, which is non-competitive.
4. Councillors acknowledge their intention not to approve any SSROC procurement tenders that considered tender submissions involving Israeli companies, products or services where a Marrickville Council staff member sat on the procurement panel until such time as the policy is rescinded.
5. Continue to practice full and open competition policy (competitive procurement) so as to deliver the best value for money to Randwick residents and ratepayers.
6. Joins with the United Nations, the Australian Federal and State Governments and interfaith leaders in refusing to support the BDS campaign and in opposing all forms of religious discrimination and anti-Semitism.
7. Write to the Human Rights and Equal Opportunity Commission (HREOC) asking it to investigate the effect the current Marrickville Council boycott on Israeli sporting, academic, government and cultural institutions has on Israeli citizens and people of Israeli heritage living, working or studying in Marrickville.
8. Write to the NSW Greens candidates for Coogee, Heffron and Maroubra requesting to know whether they support the BDS campaign and whether, if elected, they will seek to lawfully influence Randwick City Council procurement policy.
9. Write to the Mayor of Marrickville to express our disappointment in their decision, to indicate what a disappointment that this decision has been to our residents and to respectfully request that they rescind this decision.

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

His Worship the Mayor, Cr M Matson ruled this motion out of order.

DISSENT MOTION: (Smith/Notley-Smith) on the ruling of the Mayor. **CARRIED.**

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

FOR	AGAINST
Councillor Belleli	Councillor Bowen
Councillor Matthews	Councillor Hughes
Councillor Nash	Councillor Matson
Councillor Notley-Smith	Councillor Woodsmith
Councillor Procopiadis	
Councillor Seng	
Councillor Smith	
Councillor Tracey	
Councillor White	
Total (9)	Total (4)

AMENDMENT: (Woodsmith/Tracey) that clauses 6 through to 10 in the motion appearing on the business paper be removed. **LOST.**

Note: His Worship the Mayor, Cr M Matson requested that his name be recorded as voting for the amendment and voting against the resolution.

NM6/11 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Smith - Land & Environment Court Judgement - Kensington Bowling Club Pty Ltd v Randwick City Council (DA/22/2010)

42/11

RESOLUTION: (Smith/Procopiadis) that Council seeks a legal opinion on whether grounds exist for Council to appeal under section 56 of the Land & Environment Court Act 1979 against the judgement by Commissioner Brown in Kensington Bowling Club Pty Ltd v Randwick City Council. This advice to be brought back to the next Planning Committee meeting in closed session.

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

NM7/11 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Smith - Parking Supply Shortages - Boat Trailers and Unregistered Vehicles (F2004/07232)

43/11

RESOLUTION: (Notley-Smith/Belleli) that Council notes the contribution that boat trailers and unregistered vehicles play on local parking supply shortages and actively lobbies for changes to be made to NSW legislation that would:

- a) Provide a legal mechanism for the removal of unregistered vehicles; and
- b) Provide a legal mechanism through which local traffic committees can restrict the parking of boat trailers on local and state roads.

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

NM8/11 Motion Pursuant to Notice - Motion Pursuant to Notice from Councillor Notley-Smith - Review of Development Application Fees (F2004/08303)

44/11

RESOLUTION: (Notley-Smith/Belleli) that council report on the feasibility of reducing the fees for development applications which would otherwise be considered as exempt and complying development in areas that are not heritage conservation areas, to match the fees that would otherwise be paid if the application was

considered exempt and complying.

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

NM9/11 Motion Pursuant to Notice - Motion Pursuant to Notice from Councillor Notley-Smith - Tree Watering (F2005/00168)

45/11 **RESOLUTION: (Notley-Smith/Belleli)** that council report on the technique of adding agricultural pipe to newly planted streets trees to facilitate easier and more effective watering.

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

NM10/11 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Notley-Smith - Tree Guards (F2008/00342)

46/11 **RESOLUTION: (Notley-Smith/Belleli)** that council report back on the most effective tree guards available to protect street trees in commercial zones.

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

NM11/11 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Notley-Smith - Reducing Set-Back from Intersections (F2004/08216)

47/11 **RESOLUTION: (Notley-Smith/Belleli)** that council report back on the Mayoral Minute calling for an investigation into the feasibility of reducing the set-back from intersections that excludes vehicle parking.

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

Confidential Reports

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

Closed Session

CS2/11 Confidential - T01/11 Professional Consultancy for the Indoor Multi Purpose Fitness Facility at the Des Renford Aquatic Centre, Maroubra (F2010/00444)

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.

48/11 **RESOLUTION: (Notley-Smith/Smith)** that Council:

- a) accepts the tender offered by Brewster Hjorth Architects at a lump sum price of \$313,740.00 to carry out T01/11 Professional Consultancy for the Indoor Multi Purpose Fitness Facility at the Des Renford Aquatic Centre, Maroubra;
- b) delegates the General Manager authority to sign a contract with Brewster Hjorth Architects to carry out the work; and
- c) notifies the unsuccessful tenderers.

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

CS3/11 Confidential - T03/11 - Randwick City Council Coastal Walkway Upgrade - La Perouse (F2010/00260)

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.

49/11

RESOLUTION: (Belleli/Woodsmith) that Council:

- a) accepts the tender offered by KK Civil Engineering at a lump sum price of \$2,156,495.00 to carry out T03/11 Randwick City Council Coastal Walkway Upgrade, La Perouse.
- b) delegates the General Manager authority to sign a contract with KK Civil Engineering to carry out the work.
- c) notifies the unsuccessful tenderers accordingly.

MOTION: (Belleli/Woodsmith) CARRIED UNANIMOUSLY – SEE RESOLUTION.**Open Session**

The meeting moved back into open session.

Notice of Rescission Motions

Note: A rescission motion in relation to item NM5/11 (Full and Open Competition Policy at Randwick City Council) was submitted in accordance with Council's Code of Meeting Practice, by Councillors Hughes, Matson and Woodsmith, and will be considered at the next ordinary Council Meeting to be held on 22nd March, 2011.

There being no further business, His Worship the Mayor, Cr M Matson declared the meeting closed at 10.58 pm.

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

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CHAIRPERSON