

**MINUTES OF ORDINARY COUNCIL MEETING OF THE
COUNCIL OF THE CITY OF RANDWICK HELD ON
TUESDAY, 22 MARCH 2011 AT 6:04PM**

Present:

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

Councillor K Smith (Deputy Mayor) (North Ward)

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

Officers Present:

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoples
Director City Planning	Ms S Truuvert
Acting Director Governance & Financial Services	Mr D Kelly
Senior Administrative Coordinator	Ms J Hartshorn
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 was read by the Mayor, Cr Matson. The Acknowledgement of Local Indigenous People was read by the Mayor, Cr Matson.

Apologies/Granting of Leave of Absences

Nil.

Confirmation of the Minutes

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY 22 FEBRUARY 2011**

50/11

RESOLUTION: (Belleli/Procopiadis) that the Minutes of the Ordinary Council Meeting held on Tuesday 22 February 2011 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

Declarations of Pecuniary and Non-Pecuniary Interests

- a) Cr Belleli declared a pecuniary interest in Item CP18/11 as his business offers free entertain at community events. Cr Belleli indicated that he would not take part in the debate or the vote on the matter.
- b) Cr Belleli declared a pecuniary interest in Item CP19/11 as his business offers free entertainment at community events. Cr Belleli indicated that he would not take part in the debate or the vote on the matter.
- c) Cr Bowen declared a non significant non pecuniary interest in Item CP13/11 as he lives and owns property in the same street as the application.
- d) Cr Procopiadis declared a non significant non pecuniary interest in Item CP12/11 as he knows the applicant.
- e) Cr Seng declared a non significant non pecuniary interest in Item CP12/11 as he knows one of the owners, Mr John Jonson.
- f) Cr Andrews declared a non significant non pecuniary interest in Item CP12/11 as he knows one of the owners, Mr John Jonson.
- g) Cr Bowen declared a non significant non pecuniary interest in Item CP12/11 as he knows one of the owners, Mr John Jonson.
- h) Cr Matthews declared a non significant non pecuniary interest in Item CP12/11 as he knows one of the owners, Mr John Jonson.
- i) Cr Matson declared a non significant non pecuniary interest in Item CP12/11 as he knows one of the owners, Mr John Jonson.
- j) Cr Smith declared a pecuniary interest in Item NM12/11 as the company he works for manufactures bottled water. Cr Smith indicated that he would not take part in the debate or the vote on the matter.

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:

CP9/11 134 GARDEN STREET, MAROUBRA

Applicant Herbert Dharmawan

The Mayor adjourned the meeting at 6.14pm due to disorder in the public gallery. The meeting was resumed at 6.15pm.

Urgent Business

UB1/11 Full and Open Competition Policy at Randwick City Council - Public Address (F2004/06244)

RESOLVED: (PROCEDURAL MOTION) (Notley-Smith/Matthews) that the matter of whether or not to allow a member of the public gallery to address Council in relation to NR1/11 (Notice of Rescission Motion – Full and Open Competition Policy at Randwick City Council) be dealt with as a matter of urgency, given the large number of people in the public gallery with an interest in the matter and given that the matter was listed in the business paper for the meeting. **CARRIED.**

The Mayor ruled that this was not a matter of great urgency as all Councillors had been provided with the opportunity to sign the Rescission Motion after the three original signatories were withdrawn, and no Councillors had chosen to sign it.

RESOLVED: (PROCEDURAL MOTION) (Notley-Smith/Matthews) that the Mayor's ruling, that this is not a matter of great urgency, be dissented to. **CARRIED.**

51/11 **RESOLUTION: (Notley-Smith/Matthews)** that, although Item NR1/11 (Notice of Rescission Motion – Full and Open Competition Policy at Randwick City Council) had lapsed due to the withdrawal of the signatories, a representative of the residents in attendance at the meeting be given the opportunity to address the Council in relation to the matter. **CARRIED UNANIMOUSLY.**

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

Address of Council by Members of the Public (continued)

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

NR1/11 NOTICE OF RESCISSION MOTION - FULL AND OPEN COMPETITION POLICY AT RANDWICK CITY COUNCIL

Against Shirley Finn

CP11/11 28 MARCEL AVENUE, RANDWICK

Applicant Matthew Moy

CP12/11 508-516 ANZAC PARADE, KINGSFORD

Applicant John Jonson

The meeting was adjourned at 6.47pm and was resumed at 7.02pm.

Procedural Motion

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

Mayoral Minutes

MM22/11 Mayoral Minute - Christchurch Earthquake (F2011/00015)

52/11 **RESOLUTION: (Mayor, Cr Matson)** that Council note the increased \$10,000.00 donation to the relief effort for the Christchurch 22 February 2011 earthquake, such funds being allocated from the 2010-11 Contingency Fund.

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

MM23/11 Mayoral Minute - Constitutional Recognition for Local Government (F2008/00656)

53/11 **RESOLUTION: (Mayor, Cr Matson)** that:

- a) Randwick City Council declares its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.
- b) As part of local government's campaign, Council writes to the Prime Minister, the leader of the Opposition and the local Federal Members of Parliament to advise them of Council's support for recognition of local government in the Australian

Constitution.

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

MM24/11 Mayoral Minute - Waiving of Fees - Banner for The Royal Hospital for Women Foundation. (F2004/06257)

54/11 **RESOLUTION: (Mayor, Cr Matson) that:**

- a) the fees associated with the installation and dismantling of two banners and the hire of Council's banner poles for the Royal Hospital for Women Foundation be waived and \$3,753.00 be allocated from the 2010-11 Contingency Fund; and
- b) the organisers undertakes to appropriately and prominently acknowledge and promote Council's contribution prior to and during their annual fundraising event.

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

MM25/11 Mayoral Minute - Waiving of Fees - Coogee to Bondi Ocean Swim (F2010/00096)

55/11 **RESOLUTION: (Mayor, Cr Matson) that:**

- a) Council vote \$920.00 to cover the fees associated with the Coogee to Bondi Ocean Swim and funds be charged to the 2010-11 Contingency Fund;
- b) The event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and
- c) The Mayor or his representative be given the opportunity to address the event on behalf of Council.

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

MM26/11 Mayoral Minute - Financial Support for event at Kooloora Community Centre (F2010/00038)

56/11 **RESOLUTION: (Mayor, Cr Matson) that Council approve the \$500.00 funding to be provided to the Kooloora Community Centre for this event from the 2010-11 Community Development budget.**

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

MM27/11 Mayoral Minute - Earthquake and Tsunami - Japan (F2011/00015)

57/11 **RESOLUTION: (Mayor, Cr Matson) that Council's donate \$10,000.00 to the Japan relief fund (via World Vision Australia) with the funds being allocated from the 2010-11 Council Contingency Fund.**

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

MM28/11 Mayoral Minute - Malabar Headland - update (F2004/06759)

58/11 **RESOLUTION: (Mayor, Cr Matson) that Council seek the Commonwealth's support to expedite an investigation of the northern section of the Malabar Headland site in**

relation to any contamination issues that may affect the progress of extending the coastal walking track in this location.

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

Director City Planning Reports

CP9/11 Director City Planning Report - 134 Garden Street, Maroubra (DA/481/2009/B)

59/11

RESOLUTION: (Belleli/Andrews) that Council, as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No. DA/481/2009 by altering the use of the first floor above the garage to include bedrooms/storage at 134 Garden Street, Maroubra, in the following manner:

Amend Condition No. 1 to read:

The development must be implemented substantially in accordance with the plans numbered 2930 DA02 & DA03 (Issue A), dated 08/07/09 and received by Council on 16 July 2009, the application form and on any supporting information received with the application, as amended by the following:

- Section 96 'A' plans received by Council on 16 November 2009; and
- **Section 96 'B' plans numbered DA02 & DA03 (Both Issue A), dated 08/07/2009 and received by Council on 17 November 2010, only in so far as they relate to the modifications highlighted on the Section 96 'B' plans and detailed in the Section 96 'B' application, except as may be amended by the following conditions and as may be shown in red on the attached plans.**

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

CP10/11 Director City Planning Report - 16/90-96 Beach Street, Coogee (DA/11/2011)

60/11

RESOLUTION: (Belleli/Andrews) -

- A. That Council support the objections under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with Clause 20F of the Randwick Local Environmental Plan 1988, relating to Floor Space Ratio, on the grounds that the proposed development is consistent with the objective of the clause and will not adversely affect the amenity of the surrounding locality and that the Department of Planning be advised accordingly.
- B. That Council, as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/11/2011 for the enclosure of the rear balcony of Unit 16 (SEPP1 objection to floor space ratio control) at 16/90-96 Beach Street, 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 DA.01 (Issue A) through to DA.03 (Issue A), dated 22 December 2010 and received by Council on 11 January 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 windows on the north-eastern and south-western ends of the balcony enclosure are to be constructed using opaque glazing. Plans are to be amended to reflect this requirement, prior to the issue of a construction certificate.
3. The external materials, colours and finishes of the balcony enclosure are required to match, as closely as possible, the existing building.
4. Metal roof sheeting (if applicable) is to be pre-painted (e.g. colourbond).
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.

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

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

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

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

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

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

7. In all new and upgraded building work, external timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation),

having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturer's details.

Details of compliance with the requirements for insulation are to be included in the **construction certificate** application.

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:

8. 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.

If required, 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.

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

9. 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.

10. 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).

11. **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.
12. 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).

13. 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".
14. 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**.

15. 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.

16. An **Occupation Certificate** must be obtained from the Principal Certifying Authority **prior to any occupation of the building work** encompassed in this

development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979*.

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

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

17. A Certificate of Adequacy must be supplied by a professional engineer, 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. The Certificate of Adequacy shall address the structural adequacy of the existing balcony to support the proposed balcony enclosure.
18. The proposed works 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.

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

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

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

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

If the work involves asbestos products or materials, a copy of the Demolition

Work Plan must also be provided to Council, not less than 2 days before commencing such works.

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

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

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

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

21. 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.

22. 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.

23. 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.

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/Andrews) CARRIED UNANIMOUSLY - SEE RESOLUTION.

**CP11/11 Director City Planning Report - 28 Marcel Avenue, Randwick
(DA/917/2010)**

61/11

RESOLUTION: (Smith/Andrews) that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/917/2010 for the construction of a new rear inground swimming pool, rear yard landscaping works and rear pergola structure at No. 28 Marcel Avenue, Randwick, 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 15/10 Sheets 1 of 4 to 4 of 4, dated 15/10/10 and received by Council on 21/10/10, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:
2. The colours, materials and finishes of the external surfaces to the proposed building works are to be compatible with the existing building and adjacent development to maintain the integrity and amenity of the building and the streetscape.
3. Metal roof sheeting is to be pre-painted (e.g. colourbond).
4. There must be no encroachment of the structure/s or associated articles onto Council's road reserve, footway, nature strip or public place.

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

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

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

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

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

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

6. In all new and upgraded building work, the consumption of water shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be noted in the **construction certificate** plans or specifications.
7. In all new and upgraded building work, external timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturers details.

Details of compliance with the requirements for insulation are to be included in the **construction certificate** application.
8. In all new and upgraded building work, hot water service pipes are to be provided with insulation and must also satisfy any relevant requirements of Building Code of Australia and AS 3500.

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:

9. 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.
10. 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:

11. 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.

12. 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).

13. **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.

14. 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).

15. 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".
16. 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**.

17. 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.

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

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

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

19. 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.

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

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

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

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

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

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

21. 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 immediately upon completion of the asbestos related works, which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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

22. 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.

23. 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.

24. 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.

25. 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.

26. 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.

27. 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.

28. 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.

29. 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:

30. 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.

31. 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
- a) 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
- b) Water recirculation and filtrations systems are required to comply with AS 1926.3 - 2003: *Swimming Pool Safety - Water Recirculation and Filtration Systems*; and
- c) 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
- d) 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.

32. 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:

33. 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 are applied to provide adequate provisions for access, transport and infrastructure:

34. 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.
35. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:
- All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
 - Details of the proposed civil works to be carried out on Council land must be submitted to Council in a *Pre-paid Works Application Form*, prior to issuing an occupation certificate, together with payment of the relevant fees.
 - If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.
 - The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.

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

36. 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.
37. 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.

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

Please refer to the web site www.sydneywater.com.au for Quick Check agent details and Guidelines for Building Over/Adjacent to Sydney Water Assets.

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

39. That part of the nature-strip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant's expense prior to the issue of a final Occupation Certificate.
40. Prior to the commencement of any site works, a concept landscape plan detailing the following requirements must be submitted to, and be approved by, the PCA:
- a. The *Bamboo* species shown in the proposed planter around the perimeter of the rear yard must be a non-invasive variety that will attain at least 3 metres in height at maturity, so as to maintain screening of the unit block at 206 Clovelly Road.
41. Approval is granted for removal of the two *Nerium oleander* (Oleanders) in the rear yard, spaced evenly across the width of the rear (northeast) boundary, both due to accommodate works associated with the proposed pool, paving and raised planter as shown, as well as due to this species being exempt from the provisions of Council's Tree Preservation Order (TPO) due to its poisonous sap.
42. In order to ensure retention of the *Brachychiton acerifolius* (Illawarra Flame Tree) located in the rear yard, along the western boundary, near the northwest corner of the existing dwelling in good health, the following measures are to be undertaken:

All documentation submitted for the Construction Certificate application must show the retention of this tree, with the position and diameter of both its trunk and canopy to be clearly shown on all drawings.

- a. Ground levels within the raised planter must be maintained at existing grades, and as undisturbed deep soil, with no new services, pipes, stormwater systems or similar to be installed in this area.
- b. Any roots encountered during construction of the new retaining walls must be cut cleanly by hand, and the affected area backfilled with clean site soil as soon as practically possible.
- 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 **1.5 metres** to its south, east and north (measured off the outside edge of its trunk at ground level), matching up with the western site boundary, 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. In order to prevent soil/sediment being washed over its root system, erosion control measures shall be installed around the TPZ, and within the TPZ, 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 this requirement.

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.

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.

AMENDMENT: (Woodsmith/Hughes) that the staff recommendation be adopted, subject to the deletion of proposed condition 2 to allow for the proposed garage

extension, subject to the removal of the trafficable terrace over the garage. **LOST.**

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

FOR	AGAINST
Councillor Hughes	Councillor Andrews
Councillor Matson	Councillor Belleli
Councillor Stevenson	Councillor Bowen
Councillor Tracey	Councillor Matthews
Councillor Woodsmith	Councillor Nash
	Councillor Notley-Smith
	Councillor Procopiadis
	Councillor Seng
	Councillor Smith
	Councillor White
Total (5)	Total (10)

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

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

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

CP12/11 Director City Planning Report - 508-516 Anzac Parade, Kingsford (DA/942/2010)

62/11 **RESOLUTION: (Andrews/Procopiadis)** that the application be deferred to enable the submission of amended plans.

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

CP13/11 Director City Planning Report - 47 Holmes Street, Maroubra (DA/9/2011)

63/11 **RESOLUTION: (Belleli/Andrews) -**

- A. That Council supports the objections under State Environmental Planning Policy No. 1 – Development Standards in respect to non-compliance with Clause 20F of Randwick Local Environmental Plan 1998, relating to floor space ratio on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that

the Department of Planning be advised accordingly.

- B. That Council, 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. 9/11 for alterations and additions to the existing dwelling including an upper level at 47 Holmes Street, Maroubra 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 DA002, DA003, DA004, DA005, DA006, DA007, dated 06.12.2010 and received by Council on the 10th January 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. Open-able windows to a room, corridor, stairway or the like with a floor level more than 4m above the external ground/surface level, must be designed and constructed to reduce the likelihood of a child accessing and falling through the window opening.

Options may include one or more of the following measures:

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

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

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

The approved Construction Certificate plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to commencing any building or excavation works, to determine whether the development will affect

Sydney Water's sewer and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

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

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

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

6. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, based on the development cost of \$ 245 740 the following applicable monetary levy must be paid to Council: \$ 2 457.40.

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.

7. 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.
8. 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.

9. 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)

10. 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:

11. 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.

12. 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:

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

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

14. 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).

15. **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.
16. 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).

17. 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".
18. 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**.

19. 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.

20. 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.

21. 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:

22. 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.
23. 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.

24. 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.

25. 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.
26. 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.
27. 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.
28. 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.

29. 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.

30. 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.

31. 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.

ADVISORY MATTERS:

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

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

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

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

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

A3 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA) and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards and you are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate

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

CP14/11 Director City Planning Report - 9 Cook Street, Randwick (DA/1037/2010)

64/11

RESOLUTION: (Belleli/Andrews) -

- 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 Clauses 20E – Landscaped area and 20F – Floor space ratios, on the grounds that the proposed development is consistent with the objective of the clauses and will not adversely affect the amenity of the surrounding locality and that the Department of Planning be advised accordingly; and

- B. That Council, as the 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/1037/2010 for alterations and additions to the existing dwelling including new first floor and carport to rear at No. 9 Cook Street, Randwick, 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 DA04 to DA11 (all Revision A), dated 15/11/2010 and received by Council on the 26 November 2010, and additional plan numbered DA18 (Revision A) and received by council on the 9 March 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 external colours and finishes of the development shall be in general accordance with the external Materials and Finishes schedule prepared by Angus Mackenzie Architect, plan numbered DA 17, dated November 2010 and received by Council on 25 November 2010.
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.

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

6. 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;

7. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, based on the development cost of \$495,646 the following applicable monetary levy must be paid to Council: \$4956.46.

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.

8. 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.

9. 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.

10. 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)

11. 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:

12. 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:

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

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

14. 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).

15. **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.
16. 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).

17. 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".
18. 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**.

19. 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.

20. 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.

21. 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:

22. 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 additional storey.

23. 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.

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

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

- The name, address, contact details and licence number of the Demolisher /Asbestos Removal Contractor
- Details of hazardous materials (including asbestos)
- Method/s of demolition (including removal of any asbestos)
- Measures and processes to be implemented to ensure the health & safety of workers and community

- Measures to be implemented to minimise any airborne dust and asbestos
- Methods and location of disposal of any hazardous materials
- Other relevant details, measures and requirements to be implemented
- Date the demolition works will commence

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

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

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

25. 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 immediately upon completion of the asbestos related works, which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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

26. 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.

27. 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.

28. 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.

29. Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all building, demolition and associated site works (including site deliveries) must only be carried out between the hours of

7.00am to 5.00pm on Monday to Friday inclusive and 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.

30. 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.

31. 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.

32. 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.

33. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:
- a) 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 have been applied to ensure that noise emissions from the development satisfy legislative requirements and maintain reasonable levels of amenity to the area:

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

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

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

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

- 35. 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 an asphalt/concrete vehicular crossing opposite the vehicular entrance to the site in Kelso lane
- 36. 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.
- 37. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:
 - a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
 - b) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a *Pre-paid Works Application Form*, prior to issuing an occupation certificate, together with payment of the relevant fees.
 - c) If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.
 - d) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.
- 38. Any transitional grades required to grade from the carport slab to Council's issued alignment levels shall not exceed a grade of 1 in 8 (12.5%) and be contained within 1m internally of the property alignment of Kelso Lane. A cross-fall of up to 1 in 20 (5%) across the carspace will also be accepted to assist with this constraint. Plans submitted for the construction certificate must demonstrate compliance with these requirements.

Alignment Level Conditions

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

39. The Council's Development Engineer has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, shall be:

- **60mm above the edge of the bitumen road at all points opposite the road, along the full site frontage in Kelso Lane.**

Any enquiries regarding this matter should be directed to Council's Development Engineer on 9399 0881.

40. The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway 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.
41. The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$135.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.

Service Authority Conditions

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

42. 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.
43. 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.

Drainage Conditions

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

44. Stormwater runoff from the redeveloped portion of the site shall be discharged either:
- b) To the kerb and gutter along the site frontage in Cook Street by gravity (without the use of a charged system); OR
 - c) Carport only to Kelso Lane (without the use of a charged system).

Landscape Conditions

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

45. That part of the nature-strip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant's expense prior to the issue of a final Occupation Certificate.

Tree Removals

46. Approval is granted for removal of the *Mangifera indica* (Mango Tree) in the rear yard, along the northern boundary, so as to accommodate the rear extension as shown.

Pruning of neighbouring tree

47. Permission is also granted for the selective and minimal pruning of that 2nd order branch at a height of 4 metres, growing to the northeast, as well as any smaller dead, dying or damaged branches in the upper canopy of the *Eucalyptus moluccana* (Grey Box), which is growing in the rear yard of 11 Cook Street, only where they overhang the dividing fence, into the subject site, and need to be pruned in order to either avoid damage to the tree, or provide the necessary clearance during construction.
48. 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.
49. All pruning must be undertaken by an Arborist who holds a minimum of AQF Level III or V in Arboriculture, and to the requirements of Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and NSW Work Cover Code of Practice for the Amenity Tree Industry (1998).

Protection of neighbouring tree

50. In order to ensure retention of the *Eucalyptus molucanna* (Grey Box) located in the rear yard of 11 Cook Street, against the dividing fence, in good health, the following measures are to be undertaken:
- a. All documentation submitted for the Construction Certificate application must show the retention of this tree, with the position and diameter of both its trunk and canopy to be clearly shown on all drawings.
 - b. Initial excavations for footings along the southern edge of the proposed garage, for a distance of 3 metres measured from its southwest corner, must be dug by hand, to a minimum depth of 600mm, without damaging any roots which have a diameter of 50mm or more.
 - c. Prior to constructing/pouring any footings, the applicant must firstly contact Council's Landscape Development Officer on 9399-0613, to inspect the trench and any roots encountered, where any roots which are given permission to be pruned are to be cut cleanly by hand, and the affected area backfilled with clean site soil as soon as practically possible.
 - d. Any new services, pipes, stormwater systems or similar that need to be installed in the rear yard, must be directed along the northern half of the site.

- 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.

A2 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. 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.

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/Andrews) CARRIED UNANIMOUSLY - SEE RESOLUTION.

**CP15/11 Director City Planning Report - 37 Houston Road, Kingsford
(DA/622/2009)**

65/11

RESOLUTION: (Belleli/Andrews) -

- A. That Council's original determination of Development Application No. 622/2009 dated 13 April 2010 for alterations & additions to existing RFB including new attached double garage fronting Barker Street with new kitchen and terrace for

Unit 4 above, new laundries for units 1,2,3 on the southern elevation and a new ensuite for Unit 4, at 37 Houston Road, Kingsford be rescinded.

- B. That Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No DA/622/2009 for alterations & additions to existing RFB including new attached double garage fronting Barker Street with new kitchen and terrace for Unit 4 above, new laundries for units 1,2,3 on the southern elevation and a new ensuite for Unit 4, at 37 Houston Road, Kingsford, subject to the following conditions:

1. The development must be implemented substantially in accordance with the plans numbered S82A-01 and S82A-02, all Issue A, and dated 17/05/2010 and received by Council on 4 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:

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

2. The colours, materials and finishes of the external surfaces to the 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 following amendments to the proposal shall be undertaken:
 - Provision of a planter box at the north-western corner of the subject site with details of appropriate planting to match the proposed planting in front of the existing building.
 - Increase in sill heights for the north-facing windows of the proposed addition to match sill heights of the windows of the existing building.
 - Provision of vertical nibs in the façade of the proposed garage to match the nibs in the façade of the existing building.
 - Installation of a high sill window in the south-facing opening of the proposed kitchen/dining room.
 - Provision of a continuous 1.8m high privacy screens along the length of the southern edge of the proposed terrace measured from the proposed floor level of the terrace.
 - Relocation of the clothes line/drying court to the south-western corner of the subject site.

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

4. Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.
5. The reflectivity index of glass used in the external façade of the development

must not exceed 20 percent.

6. Lighting to the premises shall be designed in accordance with AS4282 – 1997 "Control of the Obtrusive Effects of Outdoor Lighting" so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.
7. There must be no encroachment of the structure/s or associated articles onto Council's road reserve, footway, nature strip or public place.
8. All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.
9. The enclosure of balconies is prohibited by this consent.
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. A single common television aerial, and/or satellite dish (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.
12. Internal or external clothes drying facilities are to be provided in accordance with the provisions of the Building Code of Australia.

Should external clothes drying facilities be provided, the facilities must be adequately screened by vegetation and details are to be incorporated into the landscaping plans, to the satisfaction of the certifying authority.

The following conditions are applied to satisfy the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009

13. Dwelling Units 1 to 3 in the existing residential flat building shall be rented at \$81.63 per week below the median rental for Randwick LGA for a period of 3 years upon obtaining an occupation certificate for works under this consent. Each tenant (including any new tenant) is to be notified of this condition.

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

14. Council's Development Engineer has inspected the above site and has determined that the design alignment level at the property boundary for driveways, access ramps and pathways or the like, shall be:
 - **Eastern side of driveway = RL 21.43 (AHD).**
 - **Western side of driveway = RL 21.36 (AHD)**
15. The design alignment levels (concrete/paved/tiled level) issued by Council must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.

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

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

- a) Construct concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.
17. 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.
18. 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:

19. 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.
20. The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.
21. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$121(inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.

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

22. 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.
23. The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.

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

24. Stormwater runoff from the redeveloped portion of the site shall be discharged to the kerb and gutter in Barker Street by gravity (without the use of a charged system).

The following conditions are applied to provide adequate provisions for

landscaping and to maintain reasonable levels of environmental amenity:

25. That part of the nature-strip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.
26. Landscaping at the site shall be installed substantially in accordance with the Concept Landscape Plan by TFAD Pty Ltd, issue A, dated 04.09.09, subject to the following additional requirements being included on an amended plan, which must be submitted to, and be approved by, the PCA, prior to the issue of a construction certificate (with a copy of the approved plan to be forwarded to Council if not the PCA, prior to the commencement of works):
- a) While a native species, the selection of 3 *Melaleuca armillaris* (Bracelet Honey Myrtles) along the length of the Barker Street frontage is not supported as this species is not normally associated with high quality residential landscaping, and should be replaced with an alternative native tree from the following short list:

Banksia serrata (Saw Toothed Banksia), *Banksia integrifolia* (Coastal Banksia), *Eleaocarpus reticulatus* (Blueberry Ash), *Syzygium paniculatum* (Magenta Lilly Pilly), *Syzygium leuhmannii* (Small Leafed Lilly Pilly).
 - b) Incorporation of additional accent/feature species and/or ornamental shrubs to those mass planted areas of *Isolepis* around the perimeter of the site so as to provide increased visual appeal, and could include Gynea Lillies or Grevillea and Bottlebrush cultivars or similar;
 - c) Confirm that a 50-75mm layer of woodchip mulch will be provided and maintained throughout all garden areas;
 - d) Inclusion of edging along the eastern boundary of the site in order to separate the grass area shown as being retained and the proposed new garden/planting.

Tree Protection Measures

27. In order to ensure retention of the two small, recently planted *Callistemon viminalis* (Weeping Bottlebrush's) on the Houston Road frontage, as well as the larger, more established *Callistemon salignus* (White Bottlebrush) on the Barker Street nature strip in good health, the following measures are to be undertaken:
- a. All documentation submitted for the construction certificate application must show the retention of these street trees, with the position and diameter of their trunks and canopies 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 along either the sites side boundaries; or, against either side of the vehicle crossing, so as to minimise root damage.
 - c. Each of these three street trees must be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing, which shall be located a minimum distance of **1.5 metres** off their trunks, matching up with the back of the kerb and pedestrian footpath on both

frontages, in order to completely enclose each of them 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, DO NOT ENTER".
- e. The applicant is not authorised to perform any works to these street trees, and shall contact Council's Landscape Development Officer on 9399-0613 should pruning or any similar such work appear necessary, with the applicant required to cover all associated costs with such work, to Council's satisfaction, prior to the issue of a final occupation certificate.
- f. Within the zone specified in point 'c' 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.
- g. A refundable deposit in the form of cash, credit card or cheque for an amount of **\$2,000.00** (including 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 these street trees.

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

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

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

Regulatory

28. 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.

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

accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.

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

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

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

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

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

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

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

33. 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".

34. 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.

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

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

36. 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.

37. 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.

38. 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**.

Structural adequacy

39. A Certificate prepared by a *professional engineer* shall be submitted to the certifying authority (*and the Council, if the Council is not the certifying authority*) **prior to issuing an occupation certificate** which certifies that the structural adequacy of the building and the balustrading to the external terrace and internal stairway.

Construction site management

40. Demolition work and the removal, storage, handling and disposal of building materials must be carried out in accordance with the following requirements (as applicable):
- Australian Standard 2601 (2001) – Demolition of Structures
 - Occupational Health and Safety Act 2000
 - Occupational Health and Safety (Hazardous Substances) Regulation 2001
 - Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
 - Randwick City Council Asbestos Policy (adopted 13 September 2005)
 - WorkCover NSW Codes of Practice and Guidelines
 - The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.
41. In accordance with Council's Asbestos Policy, the following requirements are to be satisfied if any materials containing asbestos are present in the building:
- a) Compliance with Randwick City Council's Asbestos Policy (adopted 13 September 2005).

A copy of Council's Asbestos Policy is available on Council's web site at www.randwick.nsw.gov.au in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.
 - b) A Demolition Work Plan must be developed and implemented in accordance with Australian Standard AS2601-2001, Demolition of Structures.
 - c) 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.

- d) Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996.
 - e) Asbestos waste must be disposed of at an approved waste disposal depot (refer to the DEC or Waste Service NSW for details of sites). Copies of all receipts detailing method and location of disposal must be maintained on site and be provided to Council officers upon request, as evidence of correct disposal.
 - f) On demolition sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.
 - g) A certificate or Statement, prepared by a suitably qualified person (ie an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council upon completion of the works (prior to an Occupation Certificate being issued), which confirms that the relevant requirements contained in the Asbestos Survey and conditions of consent, in relation to the safe removal and disposal of asbestos, have been satisfied.
42. 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.
43. The adjoining land and buildings located upon the adjoining land must be adequately supported at all times.
44. Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all building, demolition and associated site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and (except as detailed below) between 8.00am to 5.00pm on Saturdays.

All building, demolition and associated site works are strictly prohibited on Sundays, Public Holidays and also on Saturdays adjacent to a Public Holiday.

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

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

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

46. Public safety and convenience must be maintained at all times during demolition, excavation and construction works.
- a) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.
 - b) A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or footway for services or the like.
 - c) Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
 - d) Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health, Building & Regulatory Services department.
 - e) During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing. Sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction.
 - f) Public access to demolition/building works, materials and equipment on the site is to be restricted and a temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.
 - g) Temporary fences or hoardings or the like are to be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.
 - h) The public safety provisions and temporary fences or hoardings must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.
 - i) If it is proposed to locate any hoardings, site fencing or amenities upon any part of the footpath, nature strip or any public place, the written consent from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.

- j) 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.
- k) Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.
- a) A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities upon any part of the footpath, road, nature strip or in any public place:-
 - Install or erect any site fencing, hoardings or site structures
 - Operate a crane or hoist goods or materials over a footpath or road
 - Placement of a waste skip or any other container or article.

Fire safety

47. The existing levels of fire and safety within the building are to be upgraded in accordance with the following requirements and the fire safety certificate provisions of Part 9 of the Environmental Planning and Assessment Regulation 2000 must be complied with, prior to issuing an occupation certificate:
- a) The following works are to be undertaken in accordance with the specified provisions of the Building Code of Australia (BCA), as applicable:
 - 1) Provide a self-closing, tight-fitting, 35mm thick solid-core timber door to the entry of each sole-occupancy unit in accordance with clause C3.11 of the BCA,
 - 2) The ceilings throughout the top-floor level of the building (including stairway and corridor/s) are to be provided with material having a resistance to the incipient spread of fire to the roof space above, of not less than 60 minutes, or alternatively, provide a ceiling having a resistance to the incipient spread of fire to the space below of not less than 60 minutes to the top of the stairway and corridor/s and interconnect the smoke alarms located within the sole occupancy units located throughout the top-floor level and the stairway and corridor/s,
 - 3) Install a smoke detection and alarm system throughout the building in accordance with specification E2.2a of the BCA,
 - 4) Provide emergency lighting system to the common stairway and corridor/s, in accordance with clause E4.2 & E4.4 of the BCA,
 - 5) Provide exit signs to the foyer, in accordance with clause E4.5 & E4.7 of the BCA,
 - 6) Provide portable fire extinguisher within the building adjacent to the electrical switchboards, in accordance with clause E1.6 of the BCA,
 - 7) Provide a non-combustible enclosure (ie a metal cabinet) with

- seals to prevent the passage of smoke to electricity meters and switchboard located in corridors, exits and within stairways etc,
- 8) Balustrades and handrails to stairway/s, balconies, decks or the like are to be designed and constructed to satisfy clause D2.16 & D2.17 of the BCA,
 - 9) The floors/ceilings separating the residential units throughout the building shall be upgraded to achieve reasonable levels of fire separation and sound transmission, having regard to the relevant provisions of the Building Code of Australia and details are to be submitted to and approved by Council prior to commencement of the works,
 - 10) The main entry/exit door is to be provided with a 'hold-open' device, or swing in the direction of egress, to facilitate people seeking egress from the building in the event of an emergency,
 - 11) Prior to commencing the abovementioned works, a Construction Certificate must be obtained from Council's Building Certification Services or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and *Environmental Planning & Assessment Regulation 2000*.
- b) All new building works (including the proposed alterations/additions) must satisfy the relevant performance or deemed-to-satisfy provisions of the Building Code of Australia.
 - c) All of the fire safety upgrading works and new building work must be detailed in the Construction Certificate for the development.
48. The fire safety upgrading works must be carried out **prior to issuing of an Occupation Certificate** for the development and written confirmation must be provided to Council which confirms that all of the upgrading works have been carried out in accordance with the conditions of consent.

The following conditions are applied to promote occupant safety in the building.

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

Options may include one or more of the following measures:

- 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 width 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.

Advisory

- A1 The assessment of this development application does not include an

assessment of the proposed building work under the Building Code of Australia (BCA).

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

A2 A separate Local Approval application must be submitted to and be approved by Council's Health, Building & Regulatory Services department prior to commencing any of the following activities:-

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

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

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

CP16/11 Director City Planning Report - Reporting variation to Development Standard under State Environment Planning Policy No. 1 (SEPP 1) for the month of February, 2011 (F2008/00122)

66/11 **RESOLUTION: (Procopiadis/Nash)** that the report be received and noted.

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

CP17/11 Director City Planning Report - Proposed Amendments to Council's Policy - Former Incinerator Land, Matraville (F2006/00652)

67/11 **RESOLUTION: (White/Hughes)** that:

- a) the attached draft amended Policy - Former Incinerator Land, Matraville, be adopted;
- b) relevant notations be included on Section 149 Planning Certificates for the land identified in the amended Policy- Former Incinerator Land, Matraville;
- c) appropriate public health risk and communication strategies continue to be implemented to affectively manage the issues and concerns arising from the operation of the former incinerator;
- d) Council write to the NSW Department of Planning outlining the review of affected properties and to vary the affected properties indentified in the maps contained in schedules 2 and 5 of the Exempt & Complying Development Codes SEPP.

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

**CP18/11 Director City Planning Report - Cultural Community Grant Program
March 2011 Assessment Round - Recommended Allocations
(F2009/00182)**

Having declared an interest in this matter earlier in the meeting, Cr Belleli left the meeting during the debate and the vote on the matter.

68/11 **RESOLUTION: (Bowen/Andrews)** that:

- a) Council approve Cultural Community Program funds totalling \$32,641.98 to the recommended grant applicants listed in Attachment 1; and
- b) the application from the Multicultural Support Network of Randwick for \$970.00 (being Item No 8 in Attachment 2) be funded via a Mayoral donation under delegated authority.

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

**CP19/11 Director City Planning Report - Celebrating Randwick - An Events
Management Strategy (F2006/00216)**

Having declared an interest in this matter earlier in the meeting, Cr Belleli left the meeting during the debate and the vote on the matter.

69/11 **RESOLUTION: (Notley-Smith/Procopiadis)** that:

- a) Council adopt and implement the events strategy *Celebrating Randwick*, with the Director City Planning being given the delegation to make minor editorial changes to the document for publication purposes, and
- b) Council endorse the concept of 'packaging up' similar events to achieve more effective and better quality events, by increasing funding to two local Christmas Carols events in South Maroubra (Village Green) and in Matraville (Barwon Park), so that Council will fund or sponsor only 3 larger Christmas Carols (including Coogee Carols), to apply in the new 2011-12 financial year and beyond.
- c) the staff involved in the coordination and running of the recent 'The Spot Festival' be congratulated on the success of the event and thanked for their efforts.

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

General Manager's Reports

Nil.

Director City Services Reports

Nil.

Director Governance & Financial Services Reports

**GF7/11 Director Governance & Financial Services Report - Investment
Report - February 2011 (F2004/06527)**

70/11 **RESOLUTION: (Woodsmith/Smith)** that the investment report for February 2011 be received and noted.

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

Petitions

Nil.

Motion Pursuant to Notice

NM12/11 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Stevenson - Council encouraging the elimination of bottled water. (F2004/06495)

Having declared an interest in this matter earlier in the meeting, Cr Smith left the meeting during the debate and the vote on the matter.

71/11

RESOLUTION: (Stevenson/Bowen) that:

- a) Council encourage the elimination of bottled water sales in the Council area.
- b) the General Manager prepare a policy for the consideration of Councillors that will facilitate the elimination of the sale and distribution of bottled water at Council conducted meetings, functions and events sponsored or approved by the Council.
- c) Council call on the incoming State Government to establish container deposit legislation.

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

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

Cr Andrews left the meeting at this point and prior to the division being taken (8.17pm).

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

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

Crs Andrews and Smith returned to the meeting (8.19pm).

NM13/11 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Stevenson - Council report on the feasibility and cost of fencing off leash dog exercise parks (F2004/06037)

MOTION: (Stevenson/Bowen) that Council:

- a) investigate and prepare a report regarding the feasibility and costs of fencing off leash dog exercise parks and investigate and prepare a report to and areas on the land that runs in the middle of Anzac Parade between Kingsford and La Perouse and at other suitable underutilized grassed areas within the Council area.
- b) consult with the community regarding options for relocating of current off leash dog exercise activities from shared activity parks to proposed new fenced areas. **LOST.**

AMENDMENT: (Tracey/Seng) that Council:

- a) investigate and prepare a report regarding the feasibility and cost of fencing off one (1) leash free dog exercise park.
- b) investigate and prepare a report regarding the feasibility of a dog swimming area at Shark Point, Clovelly. **LOST.**

AMENDMENT: (Hughes/Seng) that a report be brought back to Council on the feasibility and cost of fencing off one of the current leash free dog exercise areas. **LOST.**

AMENDMENT: (Belleli/-) that a report be brought back to Council in relation to whether the 14 current leash free dog exercise areas are sufficient to support Council's requirements and whether there is a need to fence off leash free areas. **LAPSED FOR WANT OF A SECONDER.**

Notice of Rescission Motions

NR1/11 Notice of Rescission Motion - Notice of Rescission Motion from Councillors Hughes, Matson and Woodsmith - Full and Open Competition Policy at Randwick City Council (F2004/06244)

The three signatories to the Rescission Motion were withdrawn prior to the meeting. As no further Councillors indicated a desire to sign the Rescission Motion, the Rescission Motion **LAPSED.**

NR2/11 Notice of Rescission Motion - Notice of Rescission Motion from Councillors Andrews, Matthews and Seng - CCTV Cameras for Maroubra Beach (F2009/00498)

The Rescission Motion was **WITHDRAWN** with the consent of the Council.

There being no further business, His Worship the Mayor, Cr M. Matson, declared the meeting closed at 8.35pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 19 April 2011.

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CHAIRPERSON