

**MINUTES OF ORDINARY COUNCIL MEETING OF THE  
COUNCIL OF THE CITY OF RANDWICK HELD ON  
TUESDAY, 24 MAY 2011 AT 6:14PM**

**Present:**

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

Councillor K Smith (Deputy Mayor) (North Ward)

North Ward	- Councillors P Tracey & M Woodsmith
South Ward	- Councillors R Belleli, C Matthews & A White
East Ward	- Councillors T Bowen & B Notley-Smith (from 7.17pm)
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 Truvert
Acting Director Governance & Financial Services	Mr D Kelly
Manager Development Assessment	Mr K Kyriacou
Communications Manager	Mr J Hay
Property Officer	Mr J Drivas

**Prayer & Acknowledgement of Local Indigenous People**

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

**Apologies/Granting of Leave of Absences**

Nil.

**Confirmation of the Minutes**

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING  
HELD ON TUESDAY 19 APRIL 2011**

102/11

**RESOLUTION: (Belleli/Andrews)** that the Minutes of the Ordinary Council Meeting held on Tuesday 19 April 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 Matson declared a significant non pecuniary interest in Item CP36/11 as he is a representative on the JRPP. Cr Matson indicated that he would not take part in the debate or the vote on the matter.
- b) Cr Nash declared a significant non pecuniary interest in Item CP36/11 as he is a representative on the JRPP. Cr Nash indicated that he would not take part in the debate or the vote on the matter.
- c) Cr Matthews declared a non significant non pecuniary interest in Item CP36/11 as he knows the speaker (a former Councillor).
- d) Cr Matson declared a non significant non pecuniary interest in Item CP36/11 as he knows the speaker (a former Councillor).
- e) Cr Procopiadis declared a significant non pecuniary interest in Item CP34/11 as he knows some of the objectors. Cr Procopiadis indicated that he would not take part in the debate or the vote on the matter.
- f) Cr Andrews declared a non significant non pecuniary interest in Item CP34/11 as he knows the objector from the ALP.
- g) Cr Bowen declared a non significant non pecuniary interest in Item CP31/11 as he used to live next to the property and knows some of the surrounding residents.
- h) Cr Bowen declared a significant non pecuniary interest in Item GF17/11 as his father uses the facility. Cr Bowen indicated that he would not take part in the debate or the vote on the matter.
- i) Cr Belleli declared a significant non pecuniary interest in Item MM41/11 as he and his wife's business provides entertainment for the event. Cr Belleli indicated that he would not take part in the debate or the vote on the matter
- j) Cr Seng declared a significant non pecuniary interest in Item CP35/11 as he has been contacted in relation to this matter by a close friend. Cr Seng indicated that he would not take part in the debate or the vote on the matter.
- k) Cr Andrews declared a significant non pecuniary interest in Item CP35/11 as he has been contacted in relation to this matter by a close friend. Cr Andrews indicated that he would not take part in the debate or the vote on the matter.
- l) Cr Andrews declared a non significant non pecuniary interest in Item MM38/11 as he is a member of the Randwick Rugby Club.
- m) Cr Andrews declared a non significant non pecuniary interest in Item CP31/11 as he knows former Cr Dominic Sullivan who is a neighbour to the property.
- n) Cr White declared a non significant non pecuniary interest in Item CP36/11 as he knows one of the objectors and he knows the speaker (a former Councillor).
- o) Cr Matthews declared a non significant non pecuniary interest in Item CP36/11 as he knows some of the objectors.
- q) Later in the meeting, Cr Hughes, having been elected as an alternate member on the JRPP (see Item GM11/11), declared a significant non pecuniary interest in Item CP36/11 and left the Chamber during the debate and 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:

CP28/11 21 GOVETT STREET, RANDWICK

**Objector** Mr Anthony Betros (representing the objectors)

CP31/11 155-157 ARDEN STREET, COOGEE

**Applicant** Mr Gary Chapman (representing the applicant)

CP34/11 46 KENSINGTON ROAD, KENSINGTON

**Objector** Mr Tim Harcourt (objector in support of the application)

**Applicant** Mr Claude Khoury

CP35/11 165A-167B MAROUBRA ROAD, MAROUBRA

Having declared an interest in this matter earlier in the meeting, Crs Andrews and Seng left the Chamber during the public address.

**Objector** Mr Paul Chilcott

**Applicant** Mr Anthony Betros (representing the applicant)

CP36/11 JRPP REPORT FOR 2-6 GOODWOOD STREET, KENSINGTON

Having declared an interest in this matter earlier in the meeting, the Mayor (Cr Matson) and Cr Nash left the Chamber during the public address.

Cr Smith (Deputy Mayor) assumed the Chair in the Mayor's absence.

**For** Margery Whitehead

The Mayor (Cr Matson) returned to the Chair.

GM13/11 ADMINISTRATION OF KINGSFORD SOUTH PRECINCT

**Against** Mr Andrew Roydhouse

**For** Mr Richard Port

NM15/11 MOTION PURSUANT TO NOTICE FROM CR WHITE - LIGHTING IN UPPER PIONEER PARK

**For** Mr Patrick Keogh

The meeting was adjourned at 7.40pm and was resumed at 7.59pm.

### Mayoral Minutes

#### **MM38/11 Mayoral Minute - Randwick Rugby Foundation - Invitation to Attend Randwick Rugby Hall of Fame Event (F2004/07396)**

103/11 **RESOLUTION: (Mayor, Cr M Matson)** that Council support the Randwick Rugby Club by making a donation to the Randwick Rugby Foundation in the form of booking a table for 10 at the Randwick Rugby Hall of Fame Team Induction Lunch 2011, to be funded from the 2011/12 Council Contingency Fund. Any interested Councillors are to contact the General Manager.

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

#### **MM39/11 Mayoral Minute - Sydney Children's Hospital - Gold Coin Week (F2004/06257)**

104/11 **RESOLUTION: (Mayor, Cr M Matson)** that Council supports the Sydney Children's

Hospital in promoting their annual Gold Coin Week 2011 Campaign by:

- a) the fees associated with the installation and dismantling of two banners and the hire of Council's banner poles for the Sydney Children's Hospital being waived and \$3,600.00 be allocated from the 2010-11 Contingency Fund; and
- b) the organisers undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during their fundraising week.

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

**MM40/11 Mayoral Minute - Bayside Swim Club - Des Renford Aquatic Centre - Waiving of Fees (F2006/00108)**

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105/11 **RESOLUTION: (Mayor, Cr M Matson) that:**

- a) Council vote to waive the \$720.00 fees associated with the Bayside under 12 Open Carnival to be held on Sunday, 12 June, 2011.
- b) Bayside Swim Club undertake to appropriately and prominently acknowledge and promote Council's contribution, prior to and during the event (by Council logo being prominently displayed on all promotional materials such as flyers, newspaper advertisements, etc.).

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

**MM41/11 Mayoral Minute - Waiving of Fees - Matraville Precinct "Carols by Candlelight" Banner (F2004/06257)**

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

106/11 **RESOLUTION: (Mayor, Cr M Matson) that:**

- a) the fees associated with the installation and dismantling of a banner and the hire of Council's banner poles for the Matraville Precinct (intersection of Anzac Parade and Beauchamp Road, Maroubra), be waived and \$1,800.00 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 the Open Day.

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

**MM42/11 Mayoral Minute - Mayors for Peace Australia - Request for Financial Assistance (F2009/00197)**

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107/11 **RESOLUTION: (Mayor, Cr M Matson) that Council contribute \$500.00 to Mayor's for Peace Australia to support the employment of a person two days a week to further the aims and objectives of MFP Australia and ensure its sustainability into the future.**

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

**MM43/11 Mayoral Minute - Future Music Festival 2011 (DA/851/2010)**

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108/11 **RESOLUTION: (Mayor, Cr M Matson) that Council write to the operator of the Future Music Festival requesting that the issues raised by Council and the surrounding**

residents in relation to this year's event be addressed in any new development application.

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

### **Urgent Business**

Nil.

### **Director City Planning Reports**

#### **CP28/11 Director City Planning Report - 21 Govett Street, Randwick (DA/591/2010)**

109/11

**RESOLUTION: (Andrews/Nash)** 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/591/2010 for substantial alterations and additions to existing dwelling including new first floor, construction of plunge pool to rear of dwelling, alterations to garage and associated works (Heritage Conservation Area) at 21 Govett Street, Randwick subject to the schedule of conditions outlined in this report:

**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 amended plans numbered 10/00016-1AM to 10/00016-3AM, dated 02.05.11 and received by Council on the 3 May 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, and paint scheme (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. Unpainted surfaces, eg brickwork/stonework are to remain unchanged.

3. There must be no encroachment of the structure/s or associated articles onto Council's road reserve, footway, nature strip or public place.
4. 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](http://www.sydneywater.com.au) and go to the Building, Developing and Plumbing, then Quick Check or Building and Renovating or telephone 13 20 92.

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

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

6. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, based on the development cost of \$225,000 the following applicable monetary levy must be paid to Council: \$2,250.00.

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

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

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

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](http://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.

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

32. 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.

33. Swimming pools are to be designed, installed and operated in accordance with the following general requirements: -
- a) Backwash of the pool filter and other discharge of water is to be drained

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

34. 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:**

35. 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.

36. The air conditioning plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:
- before 8.00am or after 10.00pm on any Saturday, Sunday or public holiday; or
  - before 7.00am or after 10.00pm on any other day.

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

37. 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, roadway, 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.
38. All external civil work to be carried out on Council property (including the

installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:

- a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
- b) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a *Pre-paid Works Application Form*, prior to issuing an occupation certificate, together with payment of the relevant fees.
- c) If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.
- d) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.

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

39. 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.
40. 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:**

41. Detailed drainage plans shall be submitted to and approved by the certifying authority prior to the issue of a construction certificate. The drainage plans shall demonstrate compliance with the conditions of this development approval.
42. Stormwater runoff from the redeveloped portion of the site shall be discharged either ;
  - a) To the kerb and gutter along the site frontage in Govett Street by gravity (without the use of a charged system);
  - b) To the existing roadway in Huddart Lane by gravity (without the use of a charged system).

**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.

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

**CP29/11 Director City Planning Report - 3 Lion Street, Randwick  
(DA/948/2010)**

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110/11

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

- A. That Council support the objection under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with Clauses 20F and 20G of the Randwick Local Environmental Plan 1998 (Consolidation), relating to maximum floor space ratio and maximum external wall height, on the grounds that the proposed development is consistent with the relevant objectives of the clauses and will not result in a building that out of scale with the character of existing development and the proposal will not have any significant adverse effects on the environmental amenity of the area.
- 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/948/2010 for alterations and additions to the existing dual occupancy building, involving the addition of a third level to be associated with the existing second level unit at 3 Lion Street

Randwick, subject to the following conditions:

1. The development must be implemented substantially in accordance with the amended plans numbered DA.01c, DA.02c, DA.03c, DA.04c, DA.05c, DA.06c, DA.07c, DA.08c dated 3 March 2011 and stamped received by Council on 3 March 2011, and C.01c dated 3<sup>rd</sup> of March 2010, the application form, and any supporting information received with the application, except as may be amended by the details/amendments approved pursuant to the deferred commencement conditions and 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. Further 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 reflectivity index of glass used in the external façade of the development must not exceed 20 percent. Details shall 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 development.
4. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

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

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

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

5. 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 Certificates for this development are fulfilled.
6. In accordance with the provisions of the *Environmental Planning & Assessment Regulation 2000*, relevant BASIX Certificates 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.

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

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

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

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

Category	Cost	Applicable Levy	S94A Levy
Development Cost \$100,000 to \$200,000	\$146,850	0.5%	\$734.25

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

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

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

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. 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*.

11. **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

12. **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.
  - iii) notify the *principal contractor* of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*, and
  - iv) give at least two days notice to the Council, in writing, of the person's intention to commence building works.

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

13. 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.

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

15. 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.

16. **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.

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

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

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

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

18. 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.*

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

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

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

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

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

20. A Certificate prepared by a professional *engineer* shall be submitted to the certifying authority **prior to issuing of a Construction Certificate**, which certifies that the structural adequacy of the existing building to support the loads superimposed by the proposed third floor addition.

**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:**

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

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

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

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

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

- b) A Demolition Work Plan must be developed and implemented in accordance with Australian Standard AS2601-2001, Demolition of Structures.
- c) A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
- d) Asbestos waste must be 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.

23. 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.

24. 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.

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

- a) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.
- b) A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or footway for services or the like.
- c) Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
- d) Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health, Building & Regulatory Services department.
- e) During construction stages, sediment laden stormwater run-off shall be

controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing. Sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction.

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

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

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

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

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

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

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

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

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

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

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

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

27. 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.
28. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:
- a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
  - b) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a *Pre-paid Works Application Form*, prior to issuing an occupation certificate, together with payment of the relevant fees.
  - c) If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.
  - d) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.

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

29. 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.

30. 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.
31. A Road/Asset Opening Permit must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.

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

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

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

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

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

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

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the plan of subdivision, whichever occurs first.

### **Advisory Conditions**

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

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

- A2 The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA) and the construction certificate must not be inconsistent with the development consent.



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

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

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

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.

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

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

**CP30/11 Director City Planning Report - 14-20 Gardeners Road, Kingsford  
(DA/1009/2010)**

111/11

**RESOLUTION: (Nash/Woodsmith)** that the application be deferred to allow Council officers to review the additional information provided against the requirements of the amended SEPP (Affordable Rental Housing).

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

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

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

**CP31/11 Director City Planning Report - 155-157 Arden Street, Coogee  
(DA/58/2008/C)**

112/11

**RESOLUTION: (Andrews/Nash)** 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/58/2008 for permission to modify

the approved development by altering the approved lift over-run, exhaust ducts, electric room, internal changes, external walkway, stairs, planter boxes, new basement ventilation grilles, relocation of skylights, change to storeroom, additional screening and adding floor space at the lower ground level for 155-157 Arden Street, Coogee in the following manner:

**Amend Condition No. 1 to read:**

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

Dwg No.	Title	Revision	Date
DA101	Basement Plan	C	2/7/08
DA102	Floor plan ground level	C	2/7/08
DA103	Floor plan level 1	C	2/7/08
DA104	Floor plan level 2 & 3	D	26/2/10
DA105	Roof plan	B	2/7/08
DA106	Sections sheet 1	B	29/5/08
DA107	Sections sheet 2	B	29/5/08
DA108	North & west elevation	C	14/7/09
DA109	South & east elevation	C	2/7/08
DA118	Sections sheet 3	A	29/5/08
DA119	Sections sheet 4	A	29/5/08
DA134	Sandstone wall alignment	C	26/2/10
DA136	Sandstone wall and stair details	C	22/2/10
DA137	Sandstone wall details	B	26/2/10

the application form and on any supporting information received with the application, as amended by the following: -

- Section 96 'A' application dated 4 May 2010 and received by Council on 5 May 2010,
- Section 96 'B' application dated 3 November 2010 and received by Council on 4 November 2010,
- **Section 96 'C' plans numbered SK01 through to SK09, dated 17 January 2011 and received by Council on 25 February 2011, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application,** except as may be amended by the following conditions and as may be shown in red on the attached plans:

**Add the following condition**

114. An amended BASIX certificate shall be submitted to the satisfaction of the principle certifying authority prior to the issue of a stage 2 construction certificate.

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

**CP32/11 Director City Planning Report - 112-124 Anzac Parade, Kensington.  
(DA/736/2008/B)**

113/11

**RESOLUTION: (Andrews/Nash)** that Council as the responsible Consent Authority grant consent under Section 96(2) of the Environmental Planning and Assessment Act 1979 to modify Development Consent No DA/736/2008 and DA/736/2008/A by addition of a goods lift & reconfiguration of service areas; amendments to landscaping plan; reconfigure floor plan of residential and retail areas; amend conditions (parking

& landscaping); and change floor levels.

**Amend Condition No 1 to read:**

1. The development must be implemented substantially in accordance with the plans numbered DA08B to DA24B, received by Council on 27 January 2009, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans and as modified by plans numbered DA08C to DA10C and DA19C received by Council 22 June 2009, and DA20C to DA22C received by Council 2 July 2009 and DA11D to DA13D received by Council 28 August 2009, and DA16, DA17, DA23 and DA24 received by Council 3 September 2009 only to the extent outlined on the plans and described in the application **and as modified by plans numbered DA08D, DA09D, DA11E to DA13E, DA14D, DA15D, DA16E, DA17E, DA19D, DA20D, DA23E and DA24E received by Council on the 22<sup>nd</sup> of February 2011 and DA10E, DA21E and DA22E received by Council on the 18<sup>th</sup> of March 2011.**

**Amending Condition No. 72f to read:**

- 72f. Those planter boxes and garden beds on slab where groundcovers, succulents grasses and shrubs are proposed (up to a maximum of 1.5m mature height), are to have a minimum soil depth of 300mm, with a minimum soil depth of 600mm to apply for larger species, with those that will achieve a mature height of 3 meters or more to have a minimum soil depth of 900mm.

**Amending Condition No. 136 to read:**

136. Design details for privacy screens between units 28a, 29a and 30a and sun-shading screens for units 28a, 29a, 30a, 31a, 32a, and 33a must be submitted to Council's Director of City Planning for approval before a Construction Certificate is issued. The approved design must be shown on the Construction Certificate plans.

**Amending Condition No. 137 to read:**

137. Plans submitted for the construction certificate must reflect the following parking allocation for the development.
  - 69 spaces for the residential component of the development including a minimum of 10 spaces for visitor parking.
  - 7 spaces for the commercial component of the development.

**Insert the following Conditions after Condition No. 137:**

138. No changes may be made to the floor plans of apartments 5a, 14a and 23a as approved by DA/736/2008/A.
139. Retail shop-front signage (fin signs/projecting wall signs) as shown in the S96 application and drawings DA/736/2008/B are not approved as part of this consent.
140. No changes may be made to the floor plans of apartments 5b, 11b, 17b, 22b, and 24b as approved by DA/736/2008/A.

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

**CP33/11 Director City Planning Report - 19 Franklin Street, Matraville  
(DA/204/2010/A)**

114/11

**RESOLUTION: (Andrews/Nash)** 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/204/2010 for permission to modify the approved development by increasing the floor area at first floor level, alteration to windows for first floor bathrooms and additional awnings on east and west elevations for 19 Franklin Street, Matraville in the following manner:

**Amend Condition No. 1 to read:**

1. The development must be implemented substantially in accordance with the plans numbered Sheet no 1 of 2 and 2 of 2, dated April 2010 and received by Council on 14 April 2010, the application form and on any supporting information received with the application, as amended by the **Section 96 plans numbered 13/10A Sheet 1 of 2 and Sheet 2 of 2, dated 2 February 2011 and received by Council on 23 March 2011, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application**, except as may be amended by the following conditions and as may be shown in red on the attached plans.

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

**CP34/11 Director City Planning Report - 46 Kensington Road, Kensington  
(DA/996/2010)**

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

115/11

**RESOLUTION: (Nash/Andrews)** that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 996/2010 for alterations and additions to the dwelling, including a new garage and carport, in ground swimming pool, and cabana, front fence and associated site works at 46 Kensington Road, Kensington subject to the following conditions:

1. The development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council's approved stamp, except where amended by Council in red and/or by other conditions of this consent:

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Received</b>
A00	Draftsmart	14/02/11	21 <sup>st</sup> February 2011
A02	Draftsmart	14/02/11	21 <sup>st</sup> February 2011
A03	Draftsmart	14/02/11	21 <sup>st</sup> February 2011
A04	Draftsmart	14/02/11	21 <sup>st</sup> February 2011
B01	Draftsmart	14/02/11	21 <sup>st</sup> February 2011

<b>BASIX Certificate</b>	<b>No.</b>	<b>Dated</b>	<b>Received</b>
	A99075	8 November 2010	12 November 2010

**Amendment of Plans & Documentation**

2. The approved plans and documents must be amended in accordance with the following requirements:
  - a) To reduce the visual impact of the overall height of the building and overshadowing upon the amenity and outlook of the adjoining properties

the overall height of the building is must reduced by 300mm. The reduction in overall height can be accommodated by the reduction in the floor to ceiling height of the ground and first floor levels. Details are to be provided with the Construction Certificate plans.

- b) To improve privacy to the adjoining property the upper level windows within the southern elevation serving the retreat living area must have sill heights of a minimum of 1500mm above floor level. Plans are to be amended and provided with the Construction Certificate.

#### **REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

**The following conditions of consent must be complied with prior to the issue of a 'Construction Certificate' by either Randwick City Council or an Accredited Certifier. All necessary information to demonstrate compliance with the following conditions of consent must be submitted with the construction certificate application.**

**These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979, Environmental Planning & Assessment Regulation 2000, Council's development consent conditions and to achieve reasonable levels of environmental amenity.***

#### **Consent Requirements**

3. The requirements and amendments detailed in the 'General Conditions' must be complied with and be included in the construction certificate plans and associated documentation.

#### **External Colours, Materials & Finishes**

4. The colours, materials and finishes of the external surfaces are to be consistent with the schedule of colours and finishes received with the application on the 12<sup>th</sup> November 2010.

#### **Section 94A Development Contributions**

5. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, based on the development cost of \$ 650 000, the following applicable monetary levy must be paid to Council: \$ 6 500.00.

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

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

#### **Compliance with the Building Code of Australia**

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

#### **Long Service Levy Payments**

7. The required Long Service Levy payment, under the *Building and Construction Industry Long Service Payments Act 1986*, must be forwarded to the Long Service Levy Corporation or the Council, 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.*

### **Stormwater Drainage**

8. A surface water/stormwater drainage system must be provided in accordance with the following requirements, to the satisfaction of the Certifying Authority and details are to be included in the construction certificate:-
- a) Surface water/stormwater drainage systems must be provided in accordance with Part 3.1.2 of the Building Code of Australia (Volume 2);
  - b) The surface water/stormwater must be drained and discharged to the street gutter or, subject to site suitability, the stormwater may be drained to a suitably designed absorption pit;
  - c) Any absorption pits or soaker wells should be located not less than 3m from any adjoining premises and the stormwater must not be directed to any adjoining premises or cause a nuisance;
  - d) 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;
  - e) Details of any proposed drainage systems or works to be carried out in the road, footpath or nature strip must be submitted to and approved by Council before commencing these works.

### **BASIX Requirements**

9. In accordance with section 80A(11) of the *Environmental Planning & Assessment Act 1979* and clause 97A of the *Environmental Planning & Assessment Regulation 2000*, the requirements and commitments contained in the relevant BASIX Certificate must be complied with.

The required commitments listed and identified in the BASIX Certificate must be included on the construction certificate plans, specifications and associated documentation, 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.

### **Energy & Water Efficiency**

10. The following energy efficiency and water saving measures are to be implemented in all new and upgraded building work and details included in the construction certificate:
- a) 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.
  - b) New 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.

- c) New 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.

### **Smoke Alarms**

- 11. Smoke alarms are required to be installed in each Class 1 building or 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 are to be included in the construction certificate.

### **REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS**

**The following conditions of consent must be complied with prior to the commencement of any works on the site. The necessary documentation and information must be provided to the Council or the 'Principal Certifying Authority', as applicable.**

**These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979, Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity.**

### **Construction Certificate, Principal Certifying Authority & Commencement of Works**

- 12. 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 any 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.

**Home Building Act 1989**

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

Details of the Licensed Building Contractor and a copy of the relevant Certificate of Home Warranty Insurance or a copy of the Owner-Builder Permit (as applicable) must be provided to the Principal Certifying Authority and Council, in writing.

**Construction Noise & Vibration Management Plan**

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

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

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

**Temporary Site Fencing**

15. Temporary site safety fencing must be provided 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 site fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.

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

Temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

If it is proposed to locate any site fencing, hoardings or amenities upon any part of the footpath, nature strip or public place, a Local Approval application must be submitted to and approved by Council's Health, Building & Regulatory Services before placing any item or article on the road, footpath or nature strip.

**Construction Site Management Plan**

16. A *Construction Site Management Plan* must be developed and implemented prior to the commencement of any works. The construction 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;
- provisions for temporary stormwater drainage;
- construction noise and vibration management;
- construction traffic management details.

The site management measures must be implemented prior to the commencement of any site works and be maintained throughout the works, to the satisfaction of Council.

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

#### **Demolition Work Plan**

17. A Demolition Work Plan must be prepared for the development in accordance with Australian Standard AS2601-2001, Demolition of Structures and relevant environmental/occupational health and safety requirements.

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
- Recycling, reuse and waste disposal of remediation materials

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

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

#### **Notes**

- *It is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.*
- *Refer to the conditions within the "Requirements During Construction & Site Work", for further details and requirements relating to demolition work, removal of any asbestos and public safety.*

**Sydney Water**

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

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

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

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

**Public Utilities**

19. A *Public Utility Impact Assessment* must be carried out to identify all public utility services located on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the building works.

Documentary evidence from the relevant public utility authorities confirming that their requirements have been or are able to be satisfied, must be submitted to the Principal Certifying Authority prior to the commencement of any works.

The owner/builder must make the necessary arrangements and meet the full cost for telecommunication companies, gas providers, Energy Australia, Sydney Water and other authorities to adjust, repair or relocate their services as required.

**REQUIREMENTS DURING CONSTRUCTION & SITE WORK**

**The following conditions of consent must be complied with during the demolition, excavation and construction of the development.**

**These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979, Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity during construction.**

**Demolition Work Requirements**

20. 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 & Water and Randwick City Council policies, including:

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

*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.*

### **Removal of Asbestos Materials**

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
- A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence. A copy of the relevant licence must be provided to the Principal Certifying Authority.
- 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*. Details of the landfill site (which must be lawfully able to receive asbestos materials) must be provided to the Principal Certifying Authority.
- A Clearance Certificate or Statement, prepared by a suitably qualified person (ie an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the Principal certifying authority upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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

### **Site Signage**

22. 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".

### **Sediment & Erosion Control**

23. Sediment and erosion control measures must be implemented throughout the site works in accordance with the manual for Managing Urban Stormwater –

Soils and Construction, published by Landcom, to Council's satisfaction. Details are to be included in the *Construction Site Management Plan*.

#### **Public Safety & Site Management**

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

- a) Building materials, sand, soil, waste materials, construction equipment or other activities must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
- b) Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line or any public place and the stockpiles must be protected with adequate sediment control measures.
- c) Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.
- d) 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 department.
- e) Any part of Council's road, footway or nature strip which is damaged as a result of the work must be repaired or replaced to Council's satisfaction.
- f) Temporary safety fencing is to be provided to any swimming pools under construction, 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.

#### **Excavations, Back-filling & Retaining Walls**

25. 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 must be properly guarded and supported to prevent them from being dangerous to life, property or buildings.

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

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

#### **Support of Adjoining Land**

26. 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.

27. Prior to undertaking any demolition, excavation or building work in the following circumstances, a report must be obtained from a *professional engineer* which details the methods of support for the dwelling or associated structure on the adjoining land, to the satisfaction of the *Principal Certifying Authority*:

- when undertaking excavation or building work within the zone of influence of the footings of a dwelling or associated structure that is located on the adjoining land;
- when undertaking demolition work to a wall of a dwelling that is built to a common or shared boundary (eg. semi-detached or terrace dwelling);
- when constructing a wall to a dwelling or associated structure that is located within 900mm of a dwelling located on the adjoining land.

The demolition, excavation and building work and the provision of support to the dwelling or associated structure on the adjoining land, must also be carried out in accordance with the abovementioned report, to the satisfaction of the *Principal Certifying Authority*.

#### **Restriction on Working Hours**

28. 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"> <li>• Monday to Friday - 7.00am to 5.00pm</li> <li>• Saturday - 8.00am to 5.00pm</li> <li>• Sunday &amp; public holidays - No work permitted</li> </ul>
Excavating of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like	<ul style="list-style-type: none"> <li>• Monday to Friday - 8.00am to 5.00pm</li> <li>• Saturday - No work permitted</li> <li>• Sunday &amp; public holidays - No work permitted</li> </ul>

*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.*

### **Inspections During Construction**

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

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).

### **Building Encroachments**

30. There must be no encroachment of any structures or building work onto Council's road reserve, footway, nature strip or public place.

### **Road/Asset Opening Permit**

31. A *Road/Asset Opening Permit* must be obtained from Council prior to commencing any excavations or works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the *Road / Asset Opening Permit* must be complied with.

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

## **REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

**The following conditions of consent must be complied with prior to the 'Principal Certifying Authority' issuing an 'Occupation Certificate'.**

***Note: For the purpose of this consent, any reference to 'occupation certificate' shall also be taken to mean 'interim occupation certificate' unless otherwise stated.***

**These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent and to maintain reasonable levels of public health, safety and amenity.**

### **Occupation Certificate Requirements**

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

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

### **BASIX Requirements**

33. 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.

#### **Occupant Safety**

34. 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:

- The window having a minimum sill height of 1.5m above the internal floor level,
- Providing a window locking device at least 1.5m above the internal floor level,
- 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,
- 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),
- Other appropriate effective safety measures or barrier.

#### **Swimming Pool Safety**

35. 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.

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.

#### **Swimming Pool & Spa Pool Requirements**

36. Swimming pools (and spa pools) are to be designed, installed and operated in accordance with the following general requirements:

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

Filtration Systems; and

- d) Pool plant and equipment is to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.

**Notification of Swimming Pools & Spa Pools**

37. 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*.

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.

**OPERATIONAL CONDITIONS**

**The following operational conditions must be complied with at all times, throughout the use and operation of the development.**

**These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979, Environmental Planning & Assessment Regulation 2000, Council's development consent and to maintain reasonable levels of public health and environmental amenity.***

**External Lighting**

38. External lighting to the premises must be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.

**Protection of the Environment Operations Act 1997 – Swimming Pools & Spa Pools**

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

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

**Pool Plant & Equipment**

40. 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:

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

**Protection of the Environment Operations Act 1997 – Air Conditioners**

41. 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.



**Air Conditioning & Equipment**

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

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

**Protection of the Environment Operations Act 1997 – Rainwater Tanks**

43. 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.

**Rainwater Tank Requirements**

44. 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 tanks 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 rainwater tanks 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:**

45. The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
46. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and

guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:

- a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
- b) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a *Pre-paid Works Application Form*, prior to issuing an occupation certificate, together with payment of the relevant fees.
- c) If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.
- d) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.

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

47. 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.
48. Prior to the issuing of a construction certificate the approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

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

**ADVISORY NOTES**

**The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, or other relevant legislation and Council's policies. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.**

- 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 requirements is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million. Alternatively, Council may issue a penalty infringement notice (for up to \$1,500) for each offence. Council may also issue notices and orders to demolish unauthorised or non-complying building work, or to comply with the requirements of Council's development consent.

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.

Council's *Building Approvals & Certification team* can issue Construction Certificates and be your Principal Certifying Authority for the development, to undertake inspections and ensure compliance with the development consent, relevant building regulations and standards of construction. For further details contact Council's *Building Approvals & Certification team* on 9399 0944.

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

For further information please contact Council's Building Approvals & Certification team on 9399 0944.

- 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.
- Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.
- 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: (Nash/Andrews) CARRIED UNANIMOUSLY - SEE RESOLUTION.**

**CP35/11 Director City Planning Report - 165A-167B Maroubra Road,  
Maroubra (DA/503/2008/C)**

Having declared an interest in this matter earlier in the meeting, Crs Andrews and Seng left the Chamber during the debate and the vote on the matter.

116/11

**RESOLUTION: (Woodsmith/Belleli)** that Council, as the responsible Consent Authority refuse consent under Section 96 of the Environmental Planning and Assessment Act 1979 to modify Development consent No DA/503/2008 by deleting Condition No. 90 of the original consent relating to underground cabling at 165A-167B

Maroubra Road, Maroubra.

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

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

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

**PROCEDURAL MOTION: (Hughes/Bowen)** that Item GM11/11 (Joint Regional Planning Panel - resignation of Council nominee) be brought forward for discussion prior to CP36/11. **CARRIED.**

**CP36/11 Director City Planning Report - JRPP Report for 2-6 Goodwood Street, Kensington (DA/182/2011)**

Having declared an interest in this matter earlier in the meeting, The Mayor (Cr Matson) and Cr Nash left the Chamber during the debate and the vote on the matter.

Cr Hughes, having been elected as an alternate member on the JRPP (see Item GM11/11), declared a significant non pecuniary interest in this item and left the Chamber during the debate and the vote on the matter.

117/11 Cr Smith (Deputy Mayor) assumed the Chair in the Mayor's absence.

**RESOLUTION: (Andrews/Notley-Smith)** that Council endorse the recommendation in the attached assessment report for the Joint Regional Planning Panel.

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

The Mayor (Cr Matson) returned to the Chair.

**CP37/11 Director City Planning Report - Reporting Variation to Development Standard under State Environment Planning Policy No. 1 (SEPP 1) for the Month of April, 2011 (F2008/00122)**

118/11 **RESOLUTION: (Andrews/Nash)** that the report be received and noted.

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

**CP38/11 Director City Planning Report - Reviewable Conditions (F2004/08303)**

119/11 **RESOLUTION: (Woodsmith/Hughes)** that:

a) The Delegation of Authority Policy be amended in the following manner:

1. A Development application that was determined at an Ordinary or Planning Committee and is the subject of a reviewable condition and where there are no resident objections to the review and no further extension of the hours of operations, the decision on the review shall be made under delegated authority.
  2. A Development application that was determined at an Ordinary or Planning Committee and is the subject of a reviewable condition and involves objections received during notification of the review, the decision on the review shall be made by Council.
  3. A Development application that was determined under delegated authority and is the subject of a reviewable condition, the decision on the review shall be made under delegated authority.
- b) The Code of Meeting Practice shall be amended to allow for reviews to be referred to Council at the written request of three (3) Councillors.

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

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

#### **GM8/11 General Manager's Report - University of NSW Army Regiment - Freedom of Entry Parade (F2011/00172)**

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120/11

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

- a) Council Agree to host the Freedom of Entry Parade as part of The Spot Food and Film Festival on 11 March 2012; and
- b) the Mayor be authorised to send an official invitation to the University of NSW Army Regiment inviting them to perform the Freedom of Entry Parade.

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

#### **GM9/11 General Manager's Report - ALGA - 2011 Regional Cooperation and Development Forum (F2004/06670)**

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121/11

**RESOLUTION: (Andrews/Procopiadis)** that any Councillors interested in attending the ALGA's 2011 Regional Cooperation and Development Forum to be held in Canberra (immediately preceding the 2011 National General Assembly of Local Government), advise the General Manager as soon as possible for registration purposes.

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

#### **GM10/11 General Manager's Report - Review of the 2009-13 Management Plan - March 2011 Quarterly Report (F2009/00516)**

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122/11

**RESOLUTION: (Procopiadis/Tracey)** that the information contained in the March 2011 Quarterly review of the 2009-13 Management Plan be received and noted.

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

#### **GM11/11 General Manager's Report - Joint Regional Planning Panel - Resignation of Council Nominee (F2009/00256)**

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123/11

**RESOLUTION: (Tracey/Bowen)** that Cr Hughes be nominated as an alternate member on the JRPP to replace Cr Bowen.

**MOTION: (Hughes/Woodsmith)** that any interested Councillors nominate in writing and a vote then be conducted to elect an alternate member on the JRPP.

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

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

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

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

**GM12/11 General Manager's Report - NSW Police Force (Eastern Suburbs Local Area Command) - Request for Financial Assistance (F2004/07501)**

124/11

**RESOLUTION: (Belleli/Procopiadis)** that:

- a) Council fund the cost of replacing two (2) off-road motor cycles for the Eastern Beaches Local Area Command up to the value of \$12,000.00 from the 2010-11 Council Budget; and
- b) Council write to the Police Minister requesting reimbursement for the replacement cost of the off-road motor cycles.

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

**GM13/11 General Manager's Report - Administration of Kingsford South Precinct (F2004/08212)**

125/11

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

- a) the Council note the contents of this report and the findings of the Morley Report, and the findings of the Bingham Report.
- b) in relation to the Kingsford South precinct:
  - (i) the Council inform the Kingsford South precinct that Andrew Roydhouse is no longer acceptable to the Council to hold a precinct executive or leadership position;

- (ii) the Council inform the Kingsford South precinct that it will no longer communicate with precinct through Andrew Roydhouse, or accept communications from the precinct through Andrew Roydhouse;
  - (iii) the Council inform the Kingsford South precinct of the need to hold elections to replace Andrew Roydhouse as a member of the precinct executive;
  - (iv) the General Manager takes steps to ensure that the Kingsford South precinct meetings are monitored for the next 12 months to ensure that Andrew Roydhouse does not exercise an executive or leadership role in precinct meetings;
  - (v) the General Manager include in his discussions with the current chair of the precinct the requirements of the precinct executive, and in particular the chair, to guide the precinct as set out in the Precinct Rules and Procedures; and
  - (v) a future report be provided to the Council on the precinct compliance with these requirements.
- c) in relation to the findings of the Morley Report:
- (i) the Council, in consultation with the Precinct Coordination Committee, commence a process of making the following changes to the Precinct Rules and Procedures:
    - Specifying that no one person should remain on the Executive (regardless of the actual position they hold) for longer than two years and outlining the circumstances in which approval may be given by the General Manager to waive this requirement;
    - Requiring each Precinct to include an appropriate Privacy Notification Statement on the attendance sheet that clearly spells out why Council requires people to provide their personal information and what Council proposes to do with it;
    - Include guidelines for the use of social media by Precincts; and
    - Include provisions or procedures for dealing with non-compliance by Precincts.
  - (ii) a further report be provided to the Council to seek endorsement to the changes to the Precinct Rules and Procedures, after consultation with precincts and the Precinct Coordination Committee.

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

**AMENDMENT: (Belleli/Nil)** that this matter be deferred for one month to allow mediation between the relevant parties. **LAPSED FOR WANT OF A SECONDER.**

**AMENDMENT: (Bowen/Tracey)** that:

- a) the Council note the contents of this report and the findings of the Morley Report, and the findings of the Bingham Report.
- b) the Kingsford South precinct be requested to provide an undertaking to comply with Council policy and the Precinct Rules and Procedures and if the precinct does not comply, then the matter be reported back to Council following any breach.
- c) mediation be undertaken between the West Ward Councillors and the Kingsford South Precinct Committee executive, with a view to re-establishing relationships, and a report to come back to Council on the outcomes of the mediation process within the next three months.
- d) in relation to the findings of the Morley Report:
  - (i) the Council, in consultation with the Precinct Coordination Committee,

commence a process of making the following changes to the Precinct Rules and Procedures:

- Specifying that no one person should remain on the Executive (regardless of the actual position they hold) for longer than two years and outlining the circumstances in which approval may be given by the General Manager to waive this requirement;
  - Requiring each Precinct to include an appropriate Privacy Notification Statement on the attendance sheet that clearly spells out why Council requires people to provide their personal information and what Council proposes to do with it;
  - Include guidelines for the use of social media by Precincts; and
  - Include provisions or procedures for dealing with non-compliance by Precincts.
- (ii) a further report be provided to the Council to seek endorsement to the changes to the Precinct Rules and Procedures, after consultation with precincts and the Precinct Coordination Committee. **LOST.**

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

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

### Director City Services Reports

Nil.

### Director Governance & Financial Services Reports

#### **GF14/11 Director Governance & Financial Services Report - Investment Report - April 2011 (F2004/06527)**

126/11 **RESOLUTION: (Woodsmith/Hughes)** that the investment report for April 2011 be received and noted.

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

#### **GF15/11 Director Governance & Financial Services Report - Budget Review - March 2011 Quarter (F2009/00344)**

127/11 **RESOLUTION: (Andrews/Procopiadis)** that:

- a) the report in relation to the March 2011 budget review be received and noted; and
- b) the proposed March 2011 budget variations shown in the attachment to this report be adopted.

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



**GF16/11 Director Governance & Financial Services Report - Correction of Minutes (F2004/06565)**

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128/11 **RESOLUTION: (Smith/Procopiadis) that:**

- a) the Minutes of the Ordinary Council Meeting of 23 November 2010 be corrected by removing Cr Matthews' name from the division on page 162 in relation to Item CP105/10 (Development Application Report - 2 Wolseley Road, Coogee).
- b) the Minutes of the Planning Committee Meeting of 8 March 2011 be corrected to reflect the basis for Cr Matthews' declaration of interest on page 2 in relation to Item D14/11 (Development Application Report - 2 Wolseley Road, Coogee) as 'he knows the applicant.'

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

**GF17/11 Director Governance & Financial Services Report - Lease to South Eastern Sydney & Illawarra Area Health Service, Annabel House - 21 Munda Street, Randwick (F2004/07367)**

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

129/11 **RESOLUTION: (Procopiadis/Woodsmith) that Council grants consent to entering into a licence agreement with the South Eastern Sydney & Illawarra Area Health Service for a period of five (5) years for the property at 21 Munda Street, Randwick and Council's Common Seal to be affixed to the agreements.**

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

**Petitions**

Nil.

**Motions Pursuant to Notice****NM15/11 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr White - Lighting in Upper Pioneer Park (F2004/06135)**

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130/11 **RESOLUTION: (White/Andrews) that Council prepare a report on extending the lighting on the upper field at Pioneer Park.**

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

Note: The meeting moved into closed committee to discuss the legal advice received on the following matter and then moved back into open session to make the following resolution.

**NM16/11 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Procopiadis - Lease - Kensington Bowling Club (DA/22/2010)**

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131/11 **RESOLUTION: (Procopiadis/Woodsmith) that:**

- a) a confidential report, containing the relevant legal advice, be brought back to Council addressing all relevant issues concerning the Kensington Bowling Club entering into a commercial arrangement and thereby changing the terms of the lease; and

- b) the confidential report also address how this will affect the viability of the Club.

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

## Confidential Reports

### **MM44/11 Confidential - General Manager's Employment Contract (F2006/00437)**

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

132/11

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

- a) Council notes the contract negotiations were achieved with the Mayor Councillor Matson (GRN), Deputy Mayor Councillor Smith (LIB), Councillor Bowen (ALP) with the assistance of Mr Garry Byrne;
- b) Council approve the terms of the attached 5 year contract of employment for Mr Ray Brownlee, General Manager with a commencing total remuneration package of \$350,000 per annum; and
- c) the new contract will be effective as of 4th July, 2011.

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

### **CS5/11 T10/11 - South Maroubra Surf Life Saving Club Project - Alterations and Additions Upgrade Works (F2011/00165)**

*This matter is considered to be confidential under Section 10A(2) (d) Of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.*

133/11

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

- a) Council accepts the tender offered by J+CG Constructions at a lump sum price of \$922,186.00 to carry out T10/11 South Maroubra Surf Life Saving Club - Alterations and Additions;
- b) Council delegates the General Manager authority to sign a contract with J+CG Constructions to carry out the work; and
- c) the unsuccessful tenderers are notified.

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

### **GF18/11 Confidential - T06/11 - Tender for Street Banners (F2007/00519)**

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

134/11

**RESOLUTION: (Andrews/Matthews) that Council:**

- a) accepts AJ Signage Solutions Pty Ltd (for Category A - Supply and Printing) and Universal Signage Solutions Pty Ltd (for Category B - Installation, Dismantling, Cleaning, Repairing, Storage, and Banner Pole Inspections) as the successful

tenderers for T06/11 Street Banners, subject to completion of a three month trial period to Council's satisfaction;

- b) accepts Evan Evans Pty Ltd (for Category A) and Screengraphics Printing Pty Ltd (for Category B) as shortlisted tenderers for this contract, in the event AJ Signage Solutions Pty Ltd and/or Universal Signage Solutions Pty Ltd are removed from this contract;
- c) authorises the General Manager to sign the contract documents on behalf of Council for a three (3) year term with an option to extend for two (2) further terms of twelve months each; and
- d) notifies the unsuccessful tenderers.

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

**GF19/11 Confidential - T09/11 - Licence & Operation of Coffee Cart in Foyer of Bowen Library and Community Centre (F2010/00351)**

*This matter is considered to be confidential under Section 10A(2) (d) Of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.*

135/11

**RESOLUTION: (Andrews/Matthews)** that Council:

- a) accepts Coffees R Us/The Bean King as the successful tenderers for T9/11 to licence and operate a coffee cart in the foyer of the Bowen Library & Community Centre;
- b) authorises the affixing of the Council Seal and the General Manager to sign the contract documents on behalf of Council for a two (2) year term with an option to extend for a further term of two (2) years; and
- c) notifies the unsuccessful tenderers.

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

**GF20/11 Confidential - T05/11 - Tender for the Smash Repairs of Council Motor Vehicles & Trucks (F2011/00091)**

*This matter is considered to be confidential under Section 10A(2) (d) Of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.*

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**RESOLUTION: (Andrews/Matthews)** that Council:

- a) accepts BT Ryan Smash Repairs for the repair of Council trucks;
- b) accepts Californian Smash Repairs, Masada Prestige Paint & Panel, Maroubra Automotive Refinishers and Franklin Smash Repairs as panel smash repairers for Council vehicles;
- c) authorises the General Manager to sign the contract documents on behalf of Council for a three (3) year term with an option to extend for two (2) further terms of twelve months each; and

d) notifies the unsuccessful tenderers.

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

**Notice of Rescission Motions**

**NR3/11 Notice of Rescission Motion - Notice of rescission Motion from Crs Andrews, Seng and Nash - 21 Storey Street, Maroubra (DA/960/2010)**

Crs Andrews, Seng and Nash indicated that they had withdrawn their signatures from the Rescission Motion. The Rescission Motion, therefore, **LAPSED**.

There being no further business, His Worship the Mayor, Cr M Matson, declared the meeting closed at 10.08 pm.

**The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 28 June 2011.**

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**CHAIRPERSON**