

**THESE MINUTES ARE DRAFT UNTIL CONFIRMED AT THE NEXT MEETING OF THIS COUNCIL AND/OR COMMITTEE**

**MINUTES OF ORDINARY COUNCIL MEETING OF THE  
COUNCIL OF THE CITY OF RANDWICK HELD ON  
TUESDAY, 18 OCTOBER 2011 AT 6:08PM**

**Present:**

The Mayor, Councillor S Nash (Chairperson) (West Ward)

Councillor B Hughes (Deputy Mayor) (West Ward)

- |              |  |
|--------------|--|
| North Ward   | - Councillors K Smith, P Tracey & M Woodsmith                  |
| South Ward   | - Councillors R Belleli, C Matthews & A White                  |
| East Ward    | - Councillors T Bowen & M Matson                               |
| West Ward    | - Councillor J Procopiadis                                     |
| Central Ward | - Councillors A Andrews, T Seng & G Stevenson (arrived 7.27pm) |

**Officers Present:**

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoples
Director City Planning	Ms S Truuvert
Director Governance & Financial Services	Mr G Banting
Manager Organisational Staff Services	Ms F Calabrese (arrived 6.55pm)
Acting Manager Administrative Services	Ms J Hartshorn
Manager Development Assessment	Mr K Kyriacou
Communications Manager	Mr J Hay

**Prayer & Acknowledgement of Local Indigenous People**

The Council Prayer was read by Cr Procopiadis. The Acknowledgement of Local Indigenous People was read by Cr Hughes.

**Apologies/Granting of Leave of Absences**

An apology was received from Cr Notley-Smith.

**RESOLVED: (Smith/Andrews)** that the apology received from Cr Notley-Smith be accepted and leave of absence from the meeting be granted.

**Confirmation of the Minutes****CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING  
HELD ON TUESDAY 20 SEPTEMBER 2011**

173/11

**RESOLUTION: (Smith/Andrews)** that the Minutes of the Ordinary Council Meeting held on Tuesday 20 September 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 Smith declared a pecuniary interest in Item GF60/11 as his employer has a business relationship with the Beach Palace Hotel. Cr Smith indicated that he would not take part in the debate or the vote on the matter.
- b) Cr Hughes declared a non significant non pecuniary interest in Item CP102/11 as a number of the objectors are known to him.
- c) Cr Matson declared a non significant non pecuniary interest in Item CP102/11 as he knows the one of the objectors (ex-Councillor Marjory Whitehead).
- d) Cr Matthews declared a non significant non pecuniary interest in Item CP102/11 he knows the one of the objectors (ex-Councillor Marjory Whitehead).
- e) Cr Bowen declared a non significant non pecuniary interest in Item GM34/11 as a former member of the South Maroubra Surf Club.
- e) Cr Matson declared a non significant non pecuniary interest in Item CP106/11 as the mother of a friend of his daughter is present in the public gallery in relation to the matter.
- f) Cr Belleli declared a pecuniary interest in Item MM81/11 as he and his wife's dance school has performed at this event in the past free of charge. Cr Belleli indicated that he would not take part in the debate or the vote on the matter.

**Address of Council by Members of the Public**

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

CP102/11 147-151 ANZAC PARADE, KENSINGTON (DA/1115/2010)

**For** Rosemary McKenzie – representing the Objectors

CP103/11 24B & 24C ARTHUR STREET, RANDWICK (DA/1040/2010)

**Against** Gemma Elliott - Objector

CP104/11 91-95A FRENCHMANS ROAD, RANDWICK (DA/794/2010)

**Against** Ben Larsson - Objector

CP106/11 11 STOREY STREET, MAROUBRA (DA/588/2011)

**Against** Robert Paton - Objector

**For** Maria Amaro - Architect on behalf the Applicant

GM34/11 BUILDINGS FOR OUR COMMUNITY - SOUTH MAROUBRA SURF CLUB PROJECT  
REVISED SCOPE AND BUDGET

**For** Paul Fownes

The meeting was adjourned at 6.35pm and was resumed at 6.55pm.

### **Procedural Motion**

**RESOLVED: (Smith/Woodsmith)** that the development application reports (Items CP102/11 – CP107/11) and Item GM34/11 (for which there was a speaker) be brought forward for immediate consideration. **CARRIED.**

### **Mayoral Minutes**

#### **MM77/11 Mayoral Minute - Implications of the Introduction of a Carbon Tax (F2005/00230)**

174/11

**RESOLUTION: (Mayor, Cr Nash)** that:

- a) the information be received and noted and Councillors be kept informed of developments with respect to the introduction of a Carbon Tax; and
- b) it be noted that Councillors, during the meeting of 18 October, engaged in a vigorous debate over whether or not the conclusions in this Mayoral Minute, in regards to costs for this Council, could be substantiated.

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

#### **MM78/11 Mayoral Minute - 2012 Eastern Suburbs Relay For Life - Cancer Council NSW (F2008/00153)**

175/11

**RESOLUTION: (Mayor, Cr Nash)** that Council support the 2012 Cancer Council Eastern Suburbs Relay for Life event by:

- a) providing media and other community information to encourage staff and the community to participate in the event;
- b) inviting Waverly and Woollahra Council's to also support the event;
- c) working with the Cancer Council to promote the event;
- d) allocating \$3,000 from the 2011-12 Contingency Fund, towards equipment hire, to ensure community safety at the event; and
- e) authorising the Mayor to nominate a replacement to be the Honorary Chair of the Eastern Suburbs Relay For Life organising committee for 2012.

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

#### **MM79/11 Mayoral Minute - Malabar Headland - seeking meeting with the Commonwealth Government (F2004/06759)**

176/11

**RESOLUTION: (Mayor, Cr Nash)** that the Mayoral Minute be received and noted.

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

#### **MM80/11 Mayoral Minute - Malabar Stormwater Diversion (F2004/06144)**

177/11

**RESOLUTION: (Mayor, Cr Nash)** that the Mayoral minute be received and noted.

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

**MM81/11 Mayoral Minute - Donations towards the staging of the Maroubra Fun Run (F2010/00096)**

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

178/11 **RESOLUTION: (Mayor, Cr Nash)** that Council:

- a) Vote to donate \$5,350 to the organisers towards the cost of implementation of the Traffic Control associated with the event.
- b) advise the organisers of the Maroubra Fun Run that Council be given adequate and appropriate acknowledgement for its contribution to the running of this event. Such acknowledgement to include Council's logo for inclusion on promotional literature.

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

**MM82/11 Mayoral Minute - Housing for Health Project with the LaPerouse Aboriginal Community (F2004/07809)**

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179/11 **RESOLUTION: (Mayor, Cr Nash)** that Council vote \$1,645.00 to cover the Tree Application Fee and to carry out all tree related works on the below properties:

- 642 Bunnerong Road, Matraville
- 5 Goolagong Place, La Perouse
- 21 Goolagong Place, La Perouse
- 7 Murrong Place, La Perouse
- 14 Murrong Place, La Perouse
- 21 Elaroo Avenue, La Perouse

and these funds be allocated from the 2011-12 Contingency Fund.

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

Cr Belleli returned to the meeting (8.20pm).

**MM83/11 Mayoral Minute - Positive Pedalers' Day (F2005/00401)**

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180/11 **RESOLUTION: (Mayor, Cr Nash)** that:

- a) Council support Positive Pedalers' Day 2011 in the knowledge that this event will assist in reducing the stigma of HIV and in increasing participation, particularly by HIV+ people, in healthy exercise; and
- b) Council contribute towards refreshments for the event (such contribution to be funded from the 2011-12 Contingency Fund).
- c) The event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event.

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

**MM84/11 Mayoral Minute - Carols by Candlelight - St Mark's Anglican Church - Waiving of Fees (F2010/00096)**

181/11 **RESOLUTION: (Mayor, Cr Nash) that:**

- a) Council vote \$1,667.00 to cover the fees associated with the "Carols by Candlelight" to be held on 10 December 2011, and that these funds be allocated from the 2011-12 Contingency Fund.
- b) The event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event.
- c) The Mayor or his representative is given the opportunity to address the event on behalf of Council.
- d) The event organiser provide Council with information following the event on the number of attendees.

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

**MM85/11 Mayoral Minute - Charity Fundraising Event for the Prince of Wales Hospital Foundation (F2004/07714)**

182/11 **RESOLUTION: (Mayor, Cr Nash) that any Councillors interested in attending the fundraising event, contact the General Manager by 1.00pm on Wednesday 19 October 2011.**

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

**MM86/11 Mayoral Minute - Review of the Planning Act - submission to the NSW Government (F2006/00158)**

183/11 **RESOLUTION: (Mayor, Cr Nash) that Council endorse the attached Council submission on the review of the Planning Act, to be forwarded to the NSW Government as part of the first stage of the review.**

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

**Urgent Business****UB5/11 Cr Anthony Andrews - Bradley Matthews Award and Randwick City Sports Awards (F2010/00035 )**

184/11 **RESOLUTION: (Andrews/Belleli) that the Bradley Matthews Award and Randwick City Sports Awards be held separately and not in the same week.**

Reason for urgency – this is the last Council Meeting prior to the Sports Awards presentation evenings. The Mayor accepted that the matter was urgent based on the reasons given.

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

**Director City Planning Reports****CP102/11 Director City Planning Report - 147-151 Anzac Parade, Kensington  
(DA/1115/2010)**

185/11

**RESOLUTION: (Andrews/Hughes)** that Council's as the consent authority, refuse development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/1115/2010 for alterations and additions to an existing motel at 147-151 Anzac Parade, Kensington for the following reasons:

1. The proposal does not satisfy the zone objectives of the 2C Residential Zone specified in Clause 12 of the Randwick Local Environmental Plan 1998 (Consolidation) in that the scheme is contrary to the following objectives:
  - (a) to provide for a medium density residential environment.
  - (b) to maintain the desirable attributes of established residential areas.
  - (c) to protect the amenity of existing residents.
2. The proposed development will compromise the aims of the RLEP 1998 (Consolidation) in relation to:
  - (e) to ensure the conservation of the environmental heritage and aesthetic character of the City.
  - (g) to promote, protect and enhance the environmental qualities of the City.
  - (h) to recognise the importance of ecological sustainability in the planning and development processes.
3. The proposal does not satisfy the relevant objectives of the Kensington Town Centre as contained within Clause 42C(2) of the Randwick Local Environmental Plan 1998 (Consolidation) in that it does not:
  - (a) achieve a high quality design in all new development and improvements undertaken in the public domain,
  - (b) encourage a vibrant and active town centre that provides a range of facilities and services that benefit the locality,
  - (d) encourage a variety of medium density housing forms that compliment the development within the town centre and that do not have an adverse impact on surrounding residential areas,
  - (g) ensure that social and cultural needs are considered with any development proposals in the town centre,
  - (h) encourage and facilitate the provision of vehicular access and off-street parking to support the local businesses,
  - (l) to improve the overall environmental quality of the Kensington Town Centre.
4. The proposal does not satisfy the SEPP 65 principles in relation to massing, amenity and architectural character.
5. The proposal does not satisfy the objectives or performance criteria for New Built Form set-out in Clause 4.2.1 of Development Control Plan – Kensington Town Centre in that:
  - (a) The proposal fails to achieve a building that responds to the building envelope controls of this plan.
  - (b) The proposal proposes a gross floor area that occupies more than 80-85% of the allowable building envelope.
6. The proposal does not satisfy the objectives or performance criteria for

Setbacks set-out in Clause 4.2.10 of Development Control Plan – Kensington Town Centre in that:

- (a) The proposal has failed to provide visual and acoustic privacy between neighbouring buildings.
  - (b) The proposal fails to minimise negative impact on the amenity of adjacent sites.
7. The proposal provides a total of 29 car parks within a basement car park and does not comply with the parking rate specified in Clause 2.3 of Council's DCP – Parking. Due to the significance of the proposed parking deficiency the proposal is not considered to meet the relevant objectives of the DCP Parking and fails to provide an appropriate level of off street parking through specific standards to meet parking demand.
8. The proposed expansion and intensification of use of the existing restaurant would have adverse amenity impacts on adjoining and nearby residential properties in terms of noise, anti social behaviour and parking.

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

**CP103/11 Director City Planning Report - 24B & 24C Arthur Street, Randwick (DA/1040/2010)**

186/11

**RESOLUTION: (Hughes/Matson)** that Council, as the consent authority, refuses development consent under Sections 80 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 1040/2010 for alterations and additions to the existing multi unit housing development including new upper level to form 6 residential units, provision of 2 additional car park spaces, strata subdivision and associated works, at No. 24B and 24C Arthur Street, Randwick, for the following reasons:

1. The proposal does not comply with the requirements of the DCP - Parking and will adversely impact on the parking capacity of the locality.
2. The SEPP1 objection to the FSR standard is not well founded as the variation to FSR standard will adversely impact on the amenity of adjoining and nearby residents.

**MOTION: (Hughes/Matson) 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 Hughes	Councillor Andrews
Councillor Matson	Councillor Belleli
Councillor Nash	Councillor Bowen
Councillor Procopiadis	Councillor Matthews
Councillor Seng	Councillor White
Councillor Smith	
Councillor Tracey	
Councillor Woodsmith	
<b>Total (8)</b>	<b>Total (5)</b>

**CP104/11 Director City Planning Report - 91-95A Frenchmans Road,  
Randwick (DA/794/2010)**

187/11

**RESOLUTION: (Smith/Woodsmith) -**

- A. That Council supports the objections under State Environmental Planning Policy No. 1 - Development Standards in respect to non-compliance with Clauses 20G(5) of Randwick Local Environmental Plan 1998, relating to height respectively, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning be advised accordingly.
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 794/2010 for construction of a mixed use development, at No. 91-95a Frenchmans Road, Randwick, subject to the following conditions:

**DEVELOPMENT CONSENT CONDITIONS**

**GENERAL CONDITIONS**

The development must be carried out in accordance with the following conditions of consent.

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 environmental amenity.

**Approved Plans & Supporting Documentation**

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>
Streetscape image	Brenchley Architects	25 August 2010	15 September 2010
Schedule of finishes	Brenchley Architects	25 August 2010	15 September 2010
Landscape plan (Drawing numbers 0127-01 to 0172-03)	Peter Glass & Associates	8 April 2010	15 September 2010
Building Section CC(Drawing number 2008-015-A08b)	Brenchley Architects	8 April 2011	21 April 2011
Lower carpark level and lower ground level plan (Drawing number 2008-015-A01)	Brenchley Architects	8 April 2011	21 April 2011
Upper ground level plan (Drawing number 2008-015-A02)	Brenchley Architects	8 April 2011	21 April 2011
First floor plan (Drawing number 2008-015-A03)	Brenchley Architects	8 April 2011	21 April 2011



Second floor plan (Drawing number 2008-015-A04)	Brenchley Architects	8 April 2011	21 April 2011
Third floor plan (Drawing number 2008-015-A05)	Brenchley Architects	8 April 2011	21 April 2011
Building Section CC (Drawing number 2008-015-A08b)	Brenchley Architects	8 April 2011	21 April 2011

<b>BASIX Certificate</b>	<b>No.</b>	<b>Dated</b>	<b>Received</b>
	301615M	30 April 2010	15 September 2010

### **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.

- 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.

#### **Consent Requirements**

- 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**

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

Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Manager Development Assessments prior to issuing a construction certificate for the development.

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

- In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, based on the development cost of **\$4,715,893**, the following applicable monetary levy must be paid to Council: \$47,158.93.

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).

#### **BASIX Requirements**

6. 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.

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

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

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

8. 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.*

#### **Security Deposit Conditions**

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

9. 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) \$3000.00 - Damage / Civil Works Security Deposit

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

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

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

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

#### **RTA/Traffic/Civil Works Conditions**

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

10. Prior to the issuing of an Occupation Certificate the applicant must meet the full cost for Council or a Council approved contractor to:
  - a) Construct a full width concrete heavy duty vehicular crossing and layback at kerb opposite the vehicular entrance to the site.
  - b) Re-construct a kerb and gutter for the full site frontage except opposite the vehicular access.
  - c) Re-construct footpath along the full site frontage in accordance with Council's Urban Design Elements Manual for the Frenchmans Road Commercial Centre (see Landscape Conditions) .
11. 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.
12. 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.
13. The design and construction of the gutter crossing off Frenchmans Road shall be in accordance with AS2890.1:2004 and the RTA's requirements. Details of these requirements can be obtained from the RTA's Project Services Manager, traffic Projects section, Parramatta Ph 8849-2144

A certified copy of the design plans shall be submitted to the RTA for consideration and approval prior to the release of any construction certificate by Council and commencement of road works.

The RTA fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of the works.

14. All works associated with the development shall be at no cost to the RTA.
15. The final location of the bus stop will be subject to the approval of Council's traffic committee and the RTA. Approval shall be obtained prior to the issuing of a final occupation certificate.
16. The layout of the proposed car parking areas associated with the subject development (including grades, turning paths, sight distance requirements, aisle widths and parking bay dimensions shall be in accordance with Australian Standard 2890.1:2004.
17. The developer is to submit detailed drawings and geotechnical reports relating to the excavation of the site and support structures to the RTA for assessment (prior to the approval of any Construction Certificate). The developer is to meet the full cost of the assessment by the RTA.

This report would need to address the following key issues:

- The impact of excavation/rock anchors on the stability of the Frenchmans Road and detailing how the carriageway would be monitored for settlement.
  - The impact of the excavation on the structural stability of Frenchmans Road
  - Any other issues that may need to be addressed (Contact: Geotechnical Engineer Stanley Yuen on Ph 8837-0246 or Graham Yip on Ph; 8837-0245) for details.
18. The proposed driveway off Frenchmans Road shall be a minimum width of 5.5m for a minimum distance of 6.0m within the subject site to allow simultaneous entry and exit movements. Should the driveway narrow after this point then it is to be designed with a minimum 1.5m x 1.5m splay to allow the passing to work.
  19. Plans submitted for the construction certificate shall make the following amendments to the design of the carparking levels to ensure compliance with Australian Standard 2890.1:2004.
    - The first 5m of the driveway internal to the property shall not exceed a grade of 1 in 8 (12.5%). Grades may then increase to a maximum of 1 in 5.5 (18.2%) to assist in matching to the desired basement level. A suitable transition of intermediate grade and minimum length 2m is then required before proceeding onto the carpark level.
    - Carspace 11 on the Lower Ground Level shall be enlarged to 2.7m in width and the adjacent storage area reduced to 0.7m to comply with the clearance requirements of Australian Standard 2890.1:2004
    - Carspace 21 on the Lower Carpark Level shall be enlarged to 2.7m in width and the adjacent bike storage area reduced to 0.825m to comply with the clearance requirements of Australian Standard 2890.1:2004
  20. All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines. Details are to be submitted to the Certifying Authority prior to the release of

the construction certificate showing compliance with this condition.

21. Prior to the commencement of any works on the site an application must be made to Councils Integrated Transport Department, and approved by the Randwick Traffic Committee for a 'Works Zone' to be provided in Frenchmans Road for the duration of the demolition & construction works. The 'Works Zone' shall be a minimum length of 12m and for a minimum duration of three months. The total length and duration is to be justified and shall be included in the application for the work zone. Application for the Works Zone must be submitted at least six (6) weeks prior to the commencement of work on the site to allow for assessment and tabling of agenda for the Randwick Traffic Committee.

The requirement for a Works Zone may be waived if it can be demonstrated in the Construction Traffic Management Plan (to the satisfaction of Council's Traffic Engineers) that all construction related activities (including all loading and unloading operations) may be undertaken wholly within the site.

**NOTE:**

Application for a work zone will have to address how the existing bus stop in front of the property will be affected and indicate any proposed relocation.

22. Prior to the commencement of any works on the site, the applicant shall submit for approval and have approved by Council's Traffic Engineer a detailed 'Construction Traffic Management Plan' (CTMP). The plan shall demonstrate how construction and delivery vehicles will access the development site during the demolition and construction phase of the development.

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

23. The minimum clear distance from the existing footpath in Frenchmans Road to the underside of the proposed awning shall be 3.00 metres. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.
24. All new awnings shall be set back a minimum of 1.0m from the face of kerb. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.
25. Upon completion of the construction of the awning, certification of the structural adequacy of the awning must be provided to the Council.

**Design Alignment levels**

26. The design alignment level (the finished level of concrete, paving or the like) at the property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage.

The design alignment level/s at the property boundary as issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.

Any enquiries regarding this matter should be directed to Council's Development Engineer on 9399 0923.

27. The design alignment level (the finished level of concrete, paving or the like) at the property boundary for driveways, access ramps and pathways or the like, shall be:

- Graded 2.5% from the top of the kerb at all points opposite the kerb, along the full site frontage.

The design alignment levels at the property boundary as issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.

28. The above alignment levels and the site inspection by Council's Development Engineer has been issued at a prescribed fee of \$1073 calculated at \$44.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development. Any enquiries regarding this matter should be directed to Council's Development Engineer on 9399 0923.

### **Service Authority Conditions**

**The following conditions are applied to provide adequate consideration for 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. Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied, must be submitted to the certifying authority prior to a construction certificate being issued for the development.
32. A Road / Asset Opening Permit must be obtained from Council prior to carrying out any public utility service works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.

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

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

33. Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant must liaise with Energy Australia prior to lodging the construction certificate to determine whether or not an electricity substation is required for the development.
34. The applicant shall meet the full cost of the overhead power lines and telecommunication cables located in the vicinity of the development site to be relocated underground and all redundant power poles to be removed. The

applicant shall liaise directly with the relevant service utility authorities to organise for the wires/cables to be relocated. All wires cables must be relocated underground to the satisfaction of the relevant service utility authority prior to the issuing of an occupation certificate for the development.

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

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

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

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

#### **Driveway Design**

36. The gradient of the internal access driveway must be designed and constructed in accordance with AS 2890.1 (2004) – Off Street Car Parking and the levels of the driveway must match the alignment levels at the property boundary (as specified by Council). Details of compliance are to be included in the construction certificate.

The height of the building must not be increased to satisfy the required driveway gradients.

#### **Drainage Conditions**

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

37. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to the RTA for approval, prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset Management  
PO Box 973  
Parramatta CBD NSW 2124.

A plan checking fee may be payable and a performance bond may be required before the RTA's approval is issued. With regard to the Civil Works requirement please contact the RTA's Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

38. **Stormwater drainage plans have not been approved as part of this development consent.** Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:

- a) A detailed drainage design supported by a catchment area plan, at a

- scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
- b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
  - c) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (ie. above the 1 in 20 year storm) to the proposed drainage system.
  - d) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
    - i. Roof areas
    - ii. Paved areas
    - iii. Grassed areas
    - iv. Garden areas
  - e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
  - f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
  - g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.
39. All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.
40. All site stormwater must be discharged (by gravity) to either:
- a) To the kerb and gutter in Frenchmans Road at the front of the property;  
OR
  - b) To Council's street drainage system in Gilderthorpe Avenue by gravity via a private drainage easement through the adjoining private property at 42-44 Gilderthorpe Avenue and a new kerb inlet pit.
41. On-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a **1 in 5** year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by Council. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.

**Should no formal overland escape route be provided for storms greater than the design storm, the on-site detention system shall be sized for**



**the 1 in 100 year storm event.**

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

42. The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.
43. Any onsite detention systems shall be located in areas accessible by residents of all units
44. The maximum depth of ponding in above ground detention areas (and/or infiltration systems with above ground storage) shall be as follows:
  - a) 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)
  - b) 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10.
  - c) 1200mm in landscaped areas where a childproof fence is provided around the outside of the detention area

**Notes:**

- It is noted that above ground storage will not be permitted in basement car parks or in any area which may be used for storage of goods.
  - Mulch/bark must not be used in onsite detention areas
45. Any above ground stormwater detention areas (and/or infiltration systems with above ground storage) must be suitably signposted where required, warning people of the maximum flood level.
  46. The floor level of all habitable and storage areas adjacent to the detention area (and/or infiltration systems with above ground storage) must be a minimum of 300mm above the maximum water level in the detention area for the design storm or alternately a permanent 300mm high water proof barrier is to be constructed.

(In this regard, it must be noted that this condition must not result in any increase in the heights or levels of the building. Any variations to the heights or levels of the building will require a new or amended development consent from the Council prior to a construction certificate being issued for the development).
  47. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
  48. A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention/infiltration area.
  49. Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.

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

50. A sediment/silt arrester pit must be provided:-

- a) Within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system; and

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

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

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

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

Notes:

- a. The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
- b. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.

52. **One** covered car washing bay shall be provided for this development.

- a) The car washing bay must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to an occupation certificate being issued for the proposed development.
- b) The car washing bay must be located outside any required/approved stormwater detention system.

- c) The car washing bay/s may be located within the visitor parking spaces provided they are signposted with '*Exclusive Carwash Bay Use Sat 2:00pm – 5:00pm and Sunday 10:00am – 2:00pm, Visitor parking at other times*'
  - d) The car washing bay/s must be constructed with a minimum 20mm bund around the perimeter of the car washing bay/s (or equivalent)
  - e) A water tap shall be located adjacent to the car washing bay/s.
53. Prior to the issuing of an occupation certificate, the applicant shall submit to Council, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:
- a) The location of the detention basin with finished surface levels;
  - b) Finished site contours at 0.2 metre intervals;
  - c) Volume of storage available in the detention areas;
  - d) The location, diameter, gradient and material (i.e PVC, RC etc) of all stormwater pipes;
  - e) The orifice size(s) (if applicable);
  - f) Details of any pumping systems installed (including wet well volumes).
54. Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with the conditions of development consent. The certification must be provided following inspection/s of the site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the PCA.
55. **As the above site may encounter seepage water within the depth of the basement excavation**, the basement carpark or similar structures are to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard, to the satisfaction of the certifying authority. A copy of the certification is to be forwarded to Council.
- Notes:**
- a) Any subsoil drainage (from planter boxes etc) is to be disposed of within the site and is not to be discharged to Council's kerb & gutter and/or underground drainage system.
  - b) Adequate provision is to be made for the ground water to drain around the basement carpark (to ensure that the basement will not dam or slow the movement of the ground water through the development site).
  - c) Seepage water **must not** be collected and discharged from the site.
56. If any temporary dewatering of the site is required to facilitate construction of any part of the basement car park and/or detention tank a licence under Part V of the Water Act 1912 will be required. The licence must be obtained from the NSW Department of Water and Energy prior to installation of the works. A copy of the license agreement must be forwarded to Council prior to any dewatering being undertaken.
57. A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system

external to the site, in accordance with the requirements of Section 138 of the Roads Act 1993.

### **Stormwater Drainage**

58. 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.

### **Waste Management Conditions**

**The following conditions are applied to provide adequate provisions for**

59. The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.
60. The waste storage areas shall be clearly signposted.
61. Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste Services, a Waste Management Plan detailing waste and recycling storage and disposal for the development site.

The plan shall detail the type and quantity of waste to be generated by the development; demolition waste; construction waste; materials to be re-used or recycled; facilities/procedures for the storage, collection recycling & disposal of waste and the on-going management of waste for the development.

### **Landscape Conditions**

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

62. Landscaping at this site must be installed substantially in accordance with the Landscape Plans by Peter Glass & Associates, drawing no's 0127 - 01 - 03, revision A, dated 20/04/2010; however, prior to the commencement of any site works, these plans must be amended to be consistent with the changes that have been made to the architectural plans, and must be submitted to, and be approved by, the PCA, and must also include the following requirements:
  - a. Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe

the proposed landscape works.

- b. All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas a minimum soil depth of 300mm.
- c. In order to reduce the amount of storm-water generated by the site, as well as to recharge groundwater supplies, a porous/permeable treatment must be used for all hard surfaces not over slab.
- d. To ensure satisfactory maintenance of the landscaped areas, an automatic drip irrigation system shall be installed throughout all planted areas. Details shall be provided showing that the system will be connected to the sites rainwater tanks, with back-up connection to the mains supply, in accordance with all current Sydney Water requirements.
- e. All detention tanks and below ground stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth for the establishment of landscaping.
- f. Any substation required shall be screened from view (in accordance with the authorities requirements for access), with the proposed location, elevation and screening method to be shown.
- g. The proposed overhead awning being setback a minimum distance of **1 metre** from the back of kerb in order to facilitate retention of the existing street tree and to accommodate their future growth.

*NOTE: Point 'g' above must be incorporated into the public domain works as part of the Streetscape Improvement condition shown below.*

63. The PCA must ensure that the landscaping has been installed in accordance with the approved documentation and relevant conditions of consent, prior to the issue of a Final (or any other type of Interim) Occupation Certificate/s, with the owner/s to ensure it is maintained in a healthy and vigorous state until maturity, for the life of the development.

### **Streetscape Improvements**

64. The applicant must meet all costs associated with upgrading the Frenchmans Road site frontage in accordance with Council's Urban Design Elements Manual for the Frenchmans Road Commercial Centre, with all external works to be in accordance with Council's requirements for Civil Works on Council property.

A detailed streetscape plan for the full length and width of this frontage showing existing street trees, street furniture, the bus stop, seat and timetable, as well as proposed paving design, new street furniture, grades, finished levels, extent and location of awnings (setback 1 metre from back from kerb), doors/entranceways, the bus stop and any other details required by Council's Landscape Architect, shall be submitted to, and be approved by, Council's Director of City Services, prior to the commencement of any streetscape works.

The applicant shall liaise with Council's Co-ordinator of Landscape Design on 9399-0911, prior to preparation of the streetscape plan, in order to obtain any detailed, site specific landscape design requirements.

Following approval of the streetscape plan; and prior to commencement of the streetscape works on Council property, the applicant must also liaise with

Council's Pre-paid Works Designer on 9399-0922, regarding scheduling of work, inspections, fees and compliance with Council's requirements for public liability insurance.

The approved streetscape works must be completed to the satisfaction of Council's Landscape Architect and Pre-paid Works Designer, prior to the issue of a Final (or any other type of Interim) Occupation Certificate/s.

### **Tree Removals**

65. Approval is granted for the removal of all existing vegetation within the rear yards of 91-95 Frenchmans Road, as they were observed to be insignificant, including the *Persea americanna* (Avocado Tree) in the southwest corner, in order to accommodate the proposed works as shown, and is subject to full implementation of the approved landscape plan.

### **Tree Management**

66. Permission is granted for the selective pruning of only those branches from the northern aspect of the *Callistemon viminalis* (Weeping Bottlebrush), located in the front yard of the adjoining property to the south, 89 Frenchmans Road, only where they overhang into the subject site and need to be pruned in order to avoid damage to the tree; or; due to their direct conflict with the proposed works.
67. This approval does not imply any right of entry onto a neighbouring property nor does it allow pruning beyond a common boundary; however, where such measures are desirable in the best interests of correct pruning procedures, and ultimately, the ongoing health of this tree, the applicant must negotiate with the neighbour/tree owner for access to perform this work.
68. All pruning must be undertaken by an Arborist who holds a minimum of AQF Level III in Arboriculture, and to the requirements of Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and NSW Work Cover Code of Practice for the Amenity Tree Industry (1998).

### **Protection of neighbouring tree**

69. In order to ensure retention of the *Callistemon viminalis* (Weeping Bottlebrush) located beyond the southeast corner, in the front yard of the adjoining property to the south, 89 Frenchmans Road in good health, the following measures are to be undertaken:
  - a. All documentation submitted for the Construction Certificate application must show the retention of this neighbouring tree, with the position and diameter of both its trunk and canopy to be clearly shown on all drawings.
  - b. Following removal of the existing concrete surfacing on the common entry between no 89 & 91 Frenchmans Road, all initial excavations for the basement entry or southern wall alignment, within a radius of **3.5 metres** of this tree (measured off the outside edge of its trunk at ground level) must be dug by hand, to a minimum depth of 600mm.
  - c. Any roots encountered which are in direct conflict with the proposed works must be cut cleanly by hand, with the affected area to be backfilled with clean site soil as soon as practically possible.

### **Protection of Street Trees**

70. In order to ensure retention of the two juvenile *Angophora costata* (Sydney Red Gums) within Council's Frenchmans Road footpath, being one in front of no 91, and another one just beyond the southern boundary, in front of no 89 in good health, the following measures are to be undertaken:

- a. All documentation submitted for the Construction Certificate application must show the retention of both street trees, with the position and diameter of both of their trunks and canopies to be clearly shown on all drawings.
- b. Any excavations associated with the installation of new services, pipes, stormwater systems or similar over public property, must be setback a minimum distance of **2 metres** off their trunks; or, along either side of the new crossing, so as to minimise root damage and future maintenance issues.
- c. Prior to the commencement of any site works, both trunks are to be physically protected by geo-textile, underfelt or layers of Hessian which shall extend to a height of 2 metres above ground level, to which, 2m lengths of 50mm x 100mm hardwood timbers, spaced at 150mm centres shall be placed, and are to be secured by 8 gauge wires or steel strapping at 300mm spacing. (NO nailing to the tree).
- d. Both trees must also be physically protected by installing a total of four star pickets within their existing tree squares, to which safety tape/para-webbing/shade cloth or similar shall be permanently attached so as to completely enclose each tree for the duration of works.
- e. The measures described above shall be installed prior to the commencement of demolition and construction works, and shall remain in place until all works are completed, to which, signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER".
- f. The applicant is not authorised to perform any works to either of these street trees, and shall contact Council's Landscape Development Officer on 9399-0613 should pruning or any similar such work appear necessary, with the applicant required to cover all associated costs with such work, to Council's satisfaction, prior to the issue of a Final Occupation Certificate.
- g. Within the TPZ, there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, with all Site Management Plans needing to acknowledge these requirements.
- h. Any roots encountered during the course of the approved works must be cut cleanly by hand, and the affected area backfilled with clean site soil as soon as practically possible.
- i. A refundable deposit in the form of cash, credit card or cheque for an amount of **\$2,000.00** shall be paid at the Cashier on the Ground Floor of the Administrative Centre, **prior to a Construction Certificate being issued for the development**, in order to ensure compliance with the conditions listed in this consent, and ultimately, preservation of these street trees.

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

Any contravention of Council's conditions relating to the trees at any time during the course of the works, or prior to the issue of a Final Occupation

Certificate, may result in Council claiming all or part of the lodged security in order to perform any rectification works necessary, as per the requirements of Section 80A (6) of the Environmental Planning and Assessment Act 1979.

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

### **Smoke Alarms**

71. 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**

72. 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.

**Home Building Act 1989**

73. 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.

**Dilapidation Reports**

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

**Construction Noise & Vibration Management Plan**

75. 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, to the satisfaction of the Council. A copy of the strategy must be provided to the Principal Certifying Authority and Council prior to the commencement of works.

**Temporary Site Fencing**

76. 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 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, amenities or articles upon any part of the footpath, nature strip or public place at any time, 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**

77. 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**

78. 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

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.*

#### **Demolition & Construction Waste**

79. A *Demolition and Construction Waste Management Plan* (WMP) must be developed and implemented for the development, to the satisfaction of Council.

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

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

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

#### **Sydney Water**

80. 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**

81. 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**

82. 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](http://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**

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

#### **Inspections During Construction**

84. 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).

#### **Site Signage**

85. 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".

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

86. 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>
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*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.*

### **Sediment & Erosion Control**

87. 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 must be shown in a *Sediment and Erosion Control Plan*, including; a site plan; indicating the slope of land, access points & access control measures, location and type of sediment & erosion controls, location of existing vegetation to be retained, location of material stockpiles and storage areas, location of building operations and equipment, methods of sediment control, details of drainage systems and details of existing and proposed vegetation.

A copy of the Sediment and Erosion Control Plan must be provided to the Principal Certifying Authority and a copy must be maintained on site and be made available to Council officers upon request.

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

88. 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**

89. 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**

90. 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.

91. 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*.

#### **Survey Requirements**

92. A Registered Surveyor's check survey certificate or other suitable documentation must be obtained at the following stage/s of construction to demonstrate compliance with the approved setbacks, levels, layout and height of the building to the satisfaction of the Principal Certifying Authority (PCA):
- prior to construction (pouring of concrete) of the footings or first completed floor slab,
  - upon completion of the building, prior to issuing an occupation certificate,
  - as otherwise may be required by the PCA.

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

#### **Building Encroachments**

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

#### **Finished Ground Levels**

94. The finished ground levels external to the building must be consistent with the development consent and are not to be raised, other than for the provision of approved paving or the like on the ground.

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

95. 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.

#### **Site Amenities**

96. Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, to the satisfaction of WorkCover NSW and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.

### **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**

97. 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**

98. 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.

#### **Swimming Pool Safety**

99. 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.

#### **Spa Pool Safety**

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

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

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

101. 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**

102. 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.

#### **Council's Infrastructure, Vehicular Crossings & Road Openings**

103. 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.

#### **Occupant Safety**

104. 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.

### **Street Numbering**

105. Street numbering must be provided to the front of the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council.

### **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**

106. 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.

### **Use of premises**

107. The premises is to be used as a single residential dwelling only at all times and must not be used for dual or multi-occupancy purposes.

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

108. 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**

109. 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**

110. 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**

111. 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**

112. 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.  
(*Noise from domestic air conditioners*)

**Rainwater Tank Requirements**

113. 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.

**Waste Management**

114. Adequate provisions are to be made within the premises for the storage and removal of waste and recyclable materials, to the satisfaction of Council.

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

**CP105/11 Director City Planning Report - 15 Wood Street, Randwick,  
(DA/461/2011)**

188/11

**RESOLUTION: (Belleli/Andrews) –**

- A. That Council supports the objections under State Environmental Planning Policy No. 1 – Development Standards in respect to non-compliance with Clauses 20E & 20F of Randwick Local Environmental Plan 1998 (Consolidation), relating to Landscaped area and Floor Space Ratio respectively, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning be advised accordingly; and
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/461/2011 for alterations and additions to the existing terrace including new first floor addition to the existing garage, at No. 15 Wood Street, Randwick, subject to the following conditions:

**DEVELOPMENT CONSENT CONDITIONS –**

**GENERAL CONDITIONS**

The development must be carried out in accordance with the following conditions of consent.

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 environmental amenity.

**Approved Plans & Supporting Documentation**

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>
DA01 (Revision D)	Cds interior, architectural design	30/09/2011	28 September 2011
DA05 (Revision D)	Cds interior, architectural design	30/09/2011	28 September 2011
DA06 (Revision C)	Cds interior, architectural design	26/09/2011	28 September 2011
DA07 (Revision D)	Cds interior, architectural design	30/09/2011	28 September 2011
DA08 (Revision D)	Cds interior, architectural design	30/09/2011	28 September 2011
DA09 (Revision D)	Cds interior, architectural design	30/09/2011	28 September 2011

<b>BASIX Certificate</b>	<b>No.</b>	<b>Dated</b>	<b>Received</b>
	A124478	29 September 2011	5 October 2011

### **Amendment of Plans & Documentation**

2. The approved plans and documents must be amended in accordance with the following requirements:
  - a) The proposed metal roofing to the rear outbuilding structure must have a traditional custom-orb profile.
  - b) The sill height of the windows to the rear lane (garage) elevation shall be increased by 800mm and the windows are to be constructed of timber frame.

### **REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED**

The following conditions of consent must be complied with before a 'Construction Certificate' is issued by either Randwick City Council or an Accredited Certifier. All necessary information to demonstrate compliance with the following conditions of consent must be included in the documentation for the construction certificate.

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

External materials, finishes and colours of the building are required to match, as closely as possible, the existing building and any metal roof sheeting is to be pre-painted (e.g. Colourbond) to limit the level of reflection and glare.

- b) 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 Manager Development Assessments prior to issuing a construction certificate for the development.

### **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 \$120,000, the following applicable monetary levy must be paid to Council: \$600.

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).

**Long Service Levy Payments**

6. 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.*

**REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE**

The requirements contained in the following conditions of consent must be complied with and details of compliance must be included in the construction certificate for the development.

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

**Compliance with the Building Code of Australia**

7. 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.

**Structural Adequacy**

8. 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*), certifying the structural adequacy of the existing structure to support the upper floor addition.

**Smoke Alarms**

9. Smoke alarms are required to be installed in accordance with the relevant provisions of the Building Code of Australia (volume 2) smoke alarms must comply with AS3786. Smoke alarms must 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.

**BASIX Requirements**

10. 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.

**Stormwater Drainage**

11. 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 the relevant requirements 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.

#### **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.

**Dilapidation Reports**

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

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

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

**Construction Noise & Vibration Management Plan**

15. 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 on site.

**Temporary Site Fencing**

16. 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**

17. 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**

18. 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 (including asbestos)
- Other relevant details, measures and requirements to be implemented
- Details of re-use, recycling and disposal of waste demolition/building materials
- Date the demolition works will commence

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

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

#### **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**

19. 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**

20. 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.

#### **Inspections During Construction**

21. 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).

#### **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".

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

23. 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</li> </ul>

work permitted

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

#### **Demolition Work Requirements**

24. 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](http://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**

25. 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 (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the Principal certifying authority upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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

#### **Sediment & Erosion Control**

26. 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**

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

- Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.
- The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times. Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.
- 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.
- 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.
- 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.

#### **Support of Adjoining Land, Excavations & Retaining Walls**

28. 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.
29. 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.

30. 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 (e.g. 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*.

#### **Building Encroachments**

31. 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**

32. 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**

33. 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**

34. 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**

35. 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.

The relevant measures must be implemented prior to the issue of an occupation certificate.

### **Council's Infrastructure, Vehicular Crossings & Road Openings**

36. 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.

**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.

**Use of premises**

37. The premises must only be used as a single residential dwelling and must not be used for dual or multi-occupancy purposes.

**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.

**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.

- A1 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.

- A2 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.
- A3 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA) and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards and you are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.
- A4 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.
- A5 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.

- A6 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.
- A7 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.
- A8 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:
- the consent of the owners of such adjoining or supported land to trespass or encroach, or
  - an access order under the *Access to Neighbouring Land Act 2000*, or
  - an easement under section 88K of the *Conveyancing Act 1919*, or
  - an easement under section 40 of the *Land & Environment Court Act 1979*, as appropriate.

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

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

**CP106/11 Director City Planning Report - 11 Storey Street, Maroubra  
(DA/588/2011)**

189/11

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

- A. That Council supports the objections under State Environmental Planning Policy No. 1 – Development Standards in respect to non-compliance with Clauses 20B and 20F of Randwick Local Environmental Plan 1998, relating to Minimum Allotment Size and Floor Space Ratio respectively, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning be advised accordingly.
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/588/2011 for the construction of a new two storey attached dual occupancy development, at No. 11 Storey Street, Maroubra, subject to the following conditions:

**GENERAL CONDITIONS**

The development must be carried out in accordance with the following conditions of consent.

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 environmental amenity.

**Approved Plans & Supporting Documentation**

- The development must be implemented substantially in accordance with the plan 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>
DA01 (Issue A)	Architectural Drafting Services	23 July 2011	30 September 2011

<b>BASIX Certificate</b>	<b>No.</b>	<b>Dated</b>
	389450S	31 July 2011

- The colours must be generally consistent with the submitted External Finishes Schedule received by Council on 4 August 2011.
- The walls and floor slabs connecting the two dwellings must be designed so that they are structurally dependant on each other.

**REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED**

The following conditions of consent must be complied with before a 'Construction Certificate' is issued by either Randwick City Council or an Accredited Certifier. All necessary information to demonstrate compliance with the following conditions of consent must be included in the documentation for the construction certificate.

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**

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

**Security Deposit**

- The following damage / civil works security deposit requirement must 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; and 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:

- \$1000.00 - Damage / Civil Works Security Deposit

The damage/civil works security deposit may be provided by way of a cash, cheque or credit card payment and is refundable upon a satisfactory inspection by Council upon the completion of the civil works which confirms that there has been no damage to Council's infrastructure.

The owner/builder is also requested 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.

To obtain a refund of relevant deposits, a *Security Deposit Refund Form* is to be forwarded to Council's Director of City Services upon issuing of an occupation certificate or completion of the civil works.

#### **Design Alignment levels**

6. The design alignment level (the finished level of concrete, paving or the like) at the property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage.

The design alignment level/s at the property boundary as issued by Council and their relationship to the footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.

7. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$369.00 calculated at \$46.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.

#### **Storage Room Levels**

8. Prior to the issuing of a construction certificate the applicant is to amend the plans to show the proposed floor level for the storage shed located at the rear of the dwelling to be constructed at a minimum RL 24.26 AHD.

#### **Sydney Water**

9. 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.

#### **Stormwater Drainage**

10. Prior to the issue of a construction certificate, detailed drainage plans with levels reduced to Australian Height Datum (AHD), shall be prepared by a suitably qualified Hydraulic Engineer and be submitted to and approved by the certifying authority. A copy of the plans shall be forwarded to Council, if Council is not the certifying authority.

The drainage plans must demonstrate compliance with the Building Code of Australia, Australian Standard AS3500.3:2003 (Plumbing and Drainage - Stormwater Drainage) and the relevant conditions of this development approval.

11. Stormwater runoff shall be discharged either:
  - a) Through a private drainage easement(s) to Council's kerb and gutter (or underground drainage system); OR
  - b) To a suitably sized infiltration area. As a guide the infiltration area shall be sized based on a minimum requirement of 1 m<sup>2</sup> of infiltration area (together with 1 m<sup>3</sup> of storage volume) for every 20 m<sup>2</sup> of roof/impervious area on the site. Infiltration systems shall be located a

minimum 2.1 metres from any side or rear boundary and 3 metres from adjoining structures.

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

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

12. Should a charged system be required to drain any portion of the site, the charged system must be designed with suitable clear-outs/inspection points at pipe bends and junctions.
13. Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the required discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.  
The pump system must also be designed and installed strictly in accordance with Randwick City Council's Stormwater Code.
14. All pump out water must pass through a stilling pit prior to being discharged by gravity to the kerb and gutter.
15. All site stormwater which is discharged into an infiltration/absorption tank and/or discharged from the site, must be taken through a sediment/silt arrester pit. The sediment/silt arrester pit shall be constructed with:-
  - The base of the pit located a minimum 300mm under the invert level of the outlet pipe.
  - The pit must be constructed from cast in-situ concrete, precast concrete or double brick.
  - The grate is to be a galvanised heavy-duty grate that has a provision for a child proof fastening system.
  - A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.
  - A galvanised heavy-duty screen located over the outlet pipe (Mascot GMS Multi-purpose filter screen or similar)
  - A child proof and corrosion resistant fastening system for the access grate (spring loaded j-bolts or similar).
  - The inlet pipeline located on the side of the pit so that the stormwater will discharge across the face of the screen.
  - A sign adjacent to this pit stating that:  
"This sediment/silt arrester pit shall be regularly inspected and cleaned."

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

**Section 94A Development Contributions**

16. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, based on the development cost of \$253,660, the following applicable monetary levy must be paid to Council: \$2,536.60.

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).

**Long Service Levy Payments**

17. 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.*

**REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE**

The requirements contained in the following conditions of consent must be complied with and details of compliance must be included in the construction certificate for the development.

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

**Compliance with the Building Code of Australia**

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

**Smoke Alarms**

19. Smoke alarms are required to be installed in accordance with the relevant provisions of the Building Code of Australia (volume 2) and smoke alarms must comply with AS3786. Smoke alarms must 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.

**BASIX Requirements**

20. 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.

#### **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.

#### **Public Utilities**

21. 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.

#### **Landscaping**

22. A landscape plan prepared by a qualified professional in the Landscape/Horticultural industry (must be a registered member of either AILD or AILA) shall be submitted to, and be approved by the PCA, prior to the commencement of works and must detail the following:

- a) A Planting Plan & Plant Schedule which includes proposed species, botanic and common names, pot size at the time of planting, quantity, location, dimensions at maturity, maintenance practices (hedging, shaping etc), as well as any other landscape details to describe the proposed works;
- b) A predominance of species with low water requirements that can withstand poor quality sandy soils;
- c) A total number of 2 x 25 litre (pot size at the time of planting) trees within the site, comprising one each within the front and rear portions of the site, selecting those species which will attain a minimum height of between 4-7 metres at maturity;

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

23. 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.

***Home Building Act 1989***

24. 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.

***Dilapidation Reports***

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

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

The report (including photographs) are required to detail the current condition and status of any dwelling, associated garage or other substantial structure located upon the adjoining premises. 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.

***Construction Noise & Vibration Management Plan***

26. Noise and vibration emissions during the construction of the building and

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

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

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

### **Temporary Site Fencing**

27. 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 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, amenities or articles upon any part of the footpath, nature strip or public place at any time, 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**

28. 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.

### **Sydney Water**

29. 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.

### **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.

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

30. 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.

### **Inspections During Construction**

31. 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).

**Site Signage**

32. 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".

**Restriction on Working Hours**

33. 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.*

**Sediment & Erosion Control**

34. 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 must be shown in a *Sediment and Erosion Control Plan*, including; a site plan; indicating the slope of land, access points & access control measures, location and type of sediment & erosion controls, location of existing vegetation to be retained, location of material stockpiles and storage areas, location of building operations and equipment, methods of sediment control, details of drainage systems and details of existing and proposed vegetation.

A copy of the Sediment and Erosion Control Plan must be provided to the Principal Certifying Authority and a copy must be maintained on site and be made available to Council officers upon request.

**Public Safety & Site Management**

35. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:
- Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.
  - The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times. Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.
  - 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.
  - 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.

**Support of Adjoining Land, Excavations & Retaining Walls**

36. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 E of the *Environmental Planning & Assessment Regulation 2000*, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.
37. 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.

38. 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*.

#### **Survey Requirements**

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

- prior to construction (pouring of concrete) of the footings or first completed floor slab,
- upon completion of the building, prior to issuing an occupation certificate,
- as otherwise may be required by the PCA.

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

#### **Building Encroachments**

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

#### **Site Amenities**

41. Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, to the satisfaction of WorkCover NSW and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.

### **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**

42. 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**

43. 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.

**Council's Infrastructure, Vehicular Crossings & Road Openings**

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

- a) Construct a new concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.
- b) Replace the Council concrete footpath along the full site frontage to Council's specification.

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.

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

**Stormwater Drainage**

48. Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with Australian Standard 3500.3:2003 (Plumbing & Drainage- Stormwater Drainage)

and the conditions of this development approval. The certification must be provided following inspection/s of the site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the PCA.

#### **Occupant Safety**

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

Options may include one or more of the following measures:

- 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.

The relevant measures must be implemented prior to issue of an occupation certificate.

#### **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**

50. 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.

#### **Street Numbering**

51. Street numbering must be provided to the front of the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council.

#### **Waste Management**

52. Adequate provisions are to be made within the premises for the storage and removal of waste and recyclable materials, to the satisfaction of Council.

#### **Air Conditioning & Equipment**

53. 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**

54. 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**

55. 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.

**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.

- A1 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.

- A2 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.

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

A4 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.

A5 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.

A6 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.

A7 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:

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

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

A8 The finished ground levels external to the building must be consistent with the development consent and are not to be raised, other than for the provision of approved paving or the like on the ground.

A9 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.

- A10 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.
- A11 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.
- A12 Further information and details on Council's requirements for trees on development sites can be obtained from the recently adopted Tree Technical Manual, which can be downloaded from Council's website at the following link, <http://www.randwick.nsw.gov.au> - Looking after our environment – Trees – Tree Management Technical Manual; which aims to achieve consistency of approach and compliance with appropriate standards and best practice guidelines.

**MOTION: (Matson/Hughes)** that the application be deferred for mediation between the applicant and the objector. **LOST.**

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

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

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

**CP107/11 Director City Planning Report - 97 Perry Street, Matraville  
(DA/575/2011)**

190/11

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

- A. That Council supports the objections under State Environmental Planning Policy No. 1 - Development Standards in respect to non-compliance with Clauses 20F(1) of Randwick Local Environmental Plan 1998 (Consolidation), relating to Floor Space Ratio, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning be advised accordingly.
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/575/2011 for alterations and additions to the rear of the existing semi-detached dwelling including new rear pool, rear deck and extension to the existing rear outbuilding, at No.97 Perry Street, Matraville, subject to the following conditions:

## DEVELOPMENT CONSENT CONDITIONS

### GENERAL CONDITIONS

The development must be carried out in accordance with the following conditions of consent.

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 environmental amenity.

#### Approved Plans & Supporting Documentation

- 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>
43/11	Peter Banfield	20/07/2011	28 July 2011

<b>BASIX Certificate</b>	<b>No.</b>	<b>Dated</b>	<b>Received</b>
	A118511	22 July 2011	28 July 2011

#### Amendment of Plans & Documentation

- All new exterior paving within the development site shall be constructed with a permeable brick paving or other similar material that will allow stormwater to infiltrate into the ground (e.g. Rocla permeable paving).

### REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

The following conditions of consent must be complied with before a 'Construction Certificate' is issued by either Randwick City Council or an Accredited Certifier. All necessary information to demonstrate compliance with the following conditions of consent must be included in the documentation for the construction certificate.

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

- 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

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

External materials, finishes and colours of the building are required to match, as closely as possible, the existing building and any metal roof sheeting is to be pre-painted (e.g. Colourbond) to limit the level of reflection and glare.

- 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 Manager Development Assessments prior to issuing a construction certificate for the development.

**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 \$150,000, the following applicable monetary levy must be paid to Council: \$750.

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).

**Long Service Levy Payments**

6. 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.*

**REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE**

The requirements contained in the following conditions of consent must be complied with and details of compliance must be included in the construction certificate for the development.

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

**Compliance with the Building Code of Australia**

7. 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.

**Smoke Alarms**

8. Smoke alarms are required to be installed in accordance with the relevant provisions of the Building Code of Australia (volume 2) smoke alarms must comply with AS3786. Smoke alarms must 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.

**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.

#### **Stormwater Drainage**

10. Prior to the issue of a construction certificate, detailed drainage plans with levels reduced to Australian Height Datum (AHD), shall be prepared by a suitably qualified Hydraulic Engineer and be submitted to and approved by the certifying authority. A copy of the plans shall be forwarded to Council, if Council is not the certifying authority.

The drainage plans must demonstrate compliance with the Building Code of Australia, Australian Standard AS3500.3:2003 (Plumbing and Drainage - Stormwater Drainage) and the relevant conditions of this development approval.

11. Stormwater runoff from the redeveloped portion of the site shall be discharged to the kerb and gutter along the site frontage by gravity (without the use of a charged system).

#### **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.

**Dilapidation Reports**

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

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

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

**Construction Noise & Vibration Management Plan**

15. 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 on site.

**Temporary Site Fencing**

16. 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**

17. 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**

18. 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 (including asbestos)
- Other relevant details, measures and requirements to be implemented
- Details of re-use, recycling and disposal of waste demolition/building materials
- Date the demolition works will commence

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

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

#### **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**

19. 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**

20. 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.
21. 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.

**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.

**Inspections During Construction**

22. 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).

**Site Signage**

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

**Restriction on Working Hours**

24. 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.*

### **Demolition Work Requirements**

25. 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](http://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**

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

### **Sediment & Erosion Control**

27. 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**

28. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:
- Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.
  - The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times. Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.
  - 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.
  - 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.
  - 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.

### **Support of Adjoining Land, Excavations & Retaining Walls**

29. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 E of the *Environmental Planning & Assessment Regulation 2000*, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.
30. 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.

31. 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*.

#### **Building Encroachments**

32. 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**

33. 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.

#### **Landscaping**

34. Permission is granted for the minimal and selective pruning of only those overhanging branches from trees located on the adjoining property at No.99 Perry Street.

This approval does not imply any right of entry onto a neighbouring property nor does it allow pruning beyond a common boundary; however, where such measures are desirable in the best interests of correct pruning procedures, and ultimately, the ongoing health of this tree, the applicant must negotiate with the neighbour/tree owner for access to perform this work.

All pruning must be undertaken by an Arborist who holds a minimum of AQF Level III/V in Arboriculture, and to the requirements of Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and NSW Work Cover Code of Practice for the Amenity Tree Industry (1998).

#### **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**

35. 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**

36. 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**

37. 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.

The relevant measures must be implemented prior to the issue of an occupation certificate.

**Swimming Pool Safety**

38. 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 Requirements**

39. Swimming pools are to be designed, installed and operated in accordance with the following general requirements:
- a) Backwash of the pool filter and other discharge of water is to be drained to the sewer in accordance with the requirements of the Sydney Water Corporation; and
  - a) All pool overflow water is to be drained away from the building and adjoining premises, so as not to result in a nuisance or damage to premises; and
  - b) Water recirculation and filtrations systems are required to comply with AS 1926.3 – 2003: Swimming Pool Safety – Water Recirculation and Filtration Systems; and
  - c) Pool plant and equipment is to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.

**Notification of Swimming Pools**

40. Written notification must be provided to Council advising of the installation and completion of the Swimming 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.

**Council's Infrastructure, Vehicular Crossings, street verge**

41. 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, street trees, 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.
42. 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.

### **Stormwater Drainage**

43. Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with Australian Standard 3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and the conditions of this development approval. The certification must be provided following inspection/s of the site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the PCA.

### **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.

#### **Use of premises**

44. The premises must only be used as a single residential dwelling and must not be used for dual or multi-occupancy purposes.

#### **External Lighting**

45. 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**

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

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

#### **Pool Plant & Equipment**

47. 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 – Rainwater Tanks**

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

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



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

#### **Rainwater Tank Requirements**

49. 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.

#### **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.

A1 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.

A2 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.

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

engineer and building consultant prior to lodgement of your construction certificate.

A4 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.

A5 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.

A6 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.

A7 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.

A8 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:

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

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

A9 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.

A10 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/Tracey) CARRIED UNANIMOUSLY - SEE RESOLUTION.**

**CP108/11 Director City Planning Report - Reporting variation to Development Standard under State Environment Planning Policy No. 1 (SEPP 1) for the month of September, 2011 (F2008/00122)**

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191/11 **RESOLUTION: (Andrews/White)** that the report be received and noted.

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

**CP109/11 Director City Planning Report - The Spot Festival 2011 (F2010/00392)**

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192/11 **RESOLUTION: (Andrews/Smith)** that Council endorse:

- a) Extending the duration of the Spot Festival from 1pm–7pm to a new time of 1pm–8pm; and
- b) the integration of Harmony Day celebrations with The Spot Festival, promoting the key messages to a wider audience, with a smaller event to be held at a council venue to separately mark Harmony Day in the weekend to follow.

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

**General Manager's Reports**

**GM32/11 General Manager's Report - Randwick City Council 2010-11 Annual Report (F2011/00369)**

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193/11 **RESOLUTION: (Andrews/Procopiadis)** that:

- a) the Randwick City Council 2010-11 Annual Report be received and noted;
- b) the General Manager be authorised to make any minor changes if required; and
- c) a copy of the Report be submitted to the Chief Executive, Division of Local Government, Department of Premier and Cabinet.

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

**GM33/11 General Manager's Report - Rules and Procedures of precincts and precinct funding (F2005/00487)**

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194/11 **RESOLUTION: (Andrews/Woodsmith)** that this matter be deferred until after the Councillors' weekend workshop.

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

- a) Council endorses the attached updated Precinct Rules and Procedures;
- b) a further report comes back to Council in 2012 on the progress of precincts in using social media.
- c) if there are packages to be delivered to the Precincts, the Council drivers undertake the deliveries on a monthly basis. **WITHDRAWN.**

**AMENDMENT: (Matson/Hughes)** that:

- a) Council endorses the attached updated Precinct Rules and Procedures;

- b) Council authorises the additional donation of \$200 per year to those precincts who need to rent a larger Post Office box;
- c) a further report comes back to Council in 2012 on the progress of precincts in using social media.
- c) it is noted that Councillors intend to raise matters of clarification in relation to the Precinct Rules and Procedures when they are discussed at the upcoming Councillors' weekend workshop. **LOST.**

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

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Belleli	Councillor Andrews
Councillor Bowen	Councillor Matthews
Councillor Hughes	Councillor Nash
Councillor Matson	Councillor Procopiadis
Councillor Smith	Councillor Seng
Councillor Woodsmith	Councillor Stevenson
	Councillor Tracey
	Councillor White
<b>Total (6)</b>	<b>Total (8)</b>

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

**GM34/11 General Manager's Report - Buildings for our Community - South Maroubra Surf Club Project Revised Scope and Budget (PROJ/10526/2010)**

195/11

**RESOLUTION: (Belleli/Andrews)** that, to complete the South Maroubra Surf Life Saving Club project, including the additional works requested by the Club, the funding shortfall of \$245,000 be funded from Council's Infrastructure Reserves.

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

**Director City Services Reports**

**CS17/11 Director City Services Report - Emergency repairs to lighting fixtures on Maroubra Beach Promenade (F2004/00937)**

196/11

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

- a) the need to repair 30 light fittings at Maroubra Beach Promenade as an emergency measure, and source of funding is noted.
- b) Council resolve to make allowances in next year's budget to proactively refurbish the remaining lights.

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

**Director Governance & Financial Services Reports****GF59/11 Director Governance & Financial Services Report - Hall Hire Policy (F2004/07674)**

197/11

**RESOLUTION: (Matson/Hughes)** that the 'Hall Hire Policy – Community Halls' be adopted, subject to the Insurance clause being amended in line with the advice from Council's insurers.

**MOTION: (Stevenson/Bowen) CARRIED - SEE RESOLUTION** that this matter be deferred until after the Councillors' weekend workshop.

**AMENDMENT (Matson/Hughes) CARRIED AND BECAME THE MOTION. MOTION CARRIED – SEE RESOLUTION.**

**GF60/11 Director Governance & Financial Services Report - Affixing of the Council Seal (F2011/07593)**

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

198/11

**RESOLUTION: (White/Tracey)** that the Council's Seal be affixed to the signing of agreements between Council and David Kingston trading as Beach Palace Hotel in relation to a licence for outdoor dining at 169 Dolphin Street, Coogee.

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

**Cr Belleli was not present in the Chamber during the vote on the above motion.**

Cr Smith returned to the meeting (9.10pm).

Cr Belleli returned to the meeting (9.11pm).

**GF61/11 Director Governance & Financial Services Report - Investment Report - September 2011 (F2004/06527)**

199/11

**RESOLUTION: (Andrews/Procopiadis)** that the investment report for September 2011 be received and noted.

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

Cr Andrews left the meeting at this point (9.17pm) and did not return.

**GF62/11 Director Governance & Financial Services Report - Constitutional Recognition of Local Government (F2008/00656)**

200/11

**RESOLUTION: (Woodsmith/Hughes)** that the draft submission to the Expert Panel on the Constitutional Recognition of Local Government be endorsed and submitted to the Expert Panel prior to the closing date for submissions (4 November 2011), subject to last paragraph being strengthened by the addition of the following words:

'and requests the Expert Panel to give strong consideration to supporting this proposition.'

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

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**GF63/11 Director Governance & Financial Services Report - Ward Boundary Review (F2004/06561)**

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201/11 **RESOLUTION: (Tracey/Woodsmith)** that the report be received and noted.

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

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**GF64/11 Director Governance & Financial Services Report - 2010-11 Disclosure of Interest Returns (F2011/00299)**

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202/11 **RESOLUTION: (Andrews/Procopiadis)** that it be noted that the Register of Disclosure of Interests Returns for 2010-11 has been tabled at the Ordinary Council Meeting of 18 October 2011.

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

### **Petitions**

Nil

### **Motion Pursuant to Notice**

Nil .

### **Confidential reports (closed session)**

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

### **Closed Session**

**MM87/11 Confidential - General Manager Performance Review 2010 -11 (EMP02901)**

*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.*

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203/11 **RESOLUTION: (Woodsmith/White)** that:

- (a) Council receive and note the General Manager's performance review;
- (b) in accordance with section 8.5 of the General Manager's performance based employment contract, the total remuneration package be increased by the amount determined by the Remuneration Tribunal for the State Executive Services for the 2011-12 period; and
- (c) the increase is effective from the 6 October 2011.

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

**CS18/11 Confidential - T12/11 - Randwick City Council Materials Supply and Disposal Panel Contract (F2011/00255)**

*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.*

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204/11 **RESOLUTION: (Woodsmith/White)** that Council:

- a) in accordance with Clause 178(1)(b) of the regulations decline to accept any of the tenders.
- b) in accordance with Clause 178(3)(b) invite fresh tenders based on the same details.
- c) notifies all tenderers of the outcome.

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

**GM35/11 Confidential - 23-27 Adina Avenue, Philip Bay - Expression of Interest - Sale or Lease (F2005/00230)**

*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.*

205/11

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

- a) Council support in principle, the proposal put forward by Majestic Healthcare and provide written confirmation to supports Majestic's application for additional licences to provide aged care and associated facilities at Adina Avenue, Phillip Bay;
- b) Council allow condition entry for Majestic Healthcare to the Adina Avenue premises to allow Majestic to determine the cosmetic and building works necessary to meet licensing and Development Application requirements;
- c) subject to Majestic Healthcare's success in obtaining licensing and appropriate Government funding, that Council enter into a 6+6+6+6 year lease for 23-27 Adina Avenue, Phillip Bay with Majestic Healthcare in line with the Expression of Interest and negotiated terms; and
- d) Council's Common Seal be affixed to the Agreement.

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

**Open Session**

That the meeting move back into open session.

**Notice of Rescission Motions**

Nil.

There being no further business, His Worship the Mayor, Cr M Matson, declared the meeting closed at 9.26pm.

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

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**CHAIRPERSON**