

**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, 24 APRIL 2012 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                            |
| Central Ward | - Councillors A Andrews, T Seng (from 6.20pm) & G Stevenson |

**Officers Present:**

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoples
Director City Planning	Ms S Truuvert
Director Governance & Financial Services	Mr G Banting
Manager Administrative Services	Mr D Kelly
Manager Development Assessment	Mr K Kyriacou
Communications Manager	Mr J Hay
Manager Organisational Staff Services	Ms F Calabrese
Manager Corporate Improvement	Ms A Warner

One minutes silence was observed by all in attendance as a mark of respect for the former Deputy Prime Minister, The Hon Lionel Bowen AC who passed away recently.

**Prayer & Acknowledgement of Local Indigenous People**

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

**Apologies/Granting of Leave of Absences**

Apologies were received from Crs Notley-Smith and Procopiadis.

**RESOLVED: (Andrews/White)** that the apologies received from Crs Notley-Smith and Procopiadis be accepted and leave of absences from the meeting be granted.

**Confirmation of the Minutes****CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING  
HELD ON TUESDAY 27 MARCH 2012**

93/12

**RESOLUTION: (Belleli/Andrews)** that the Minutes of the Ordinary Council Meeting held on Tuesday 27 March 2012 (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 non significant non pecuniary interest in Item MM30/12 as one of the members on the board of the museum is a member of the Liberal Party.
- (b) Cr Belleli declared a non significant non pecuniary interest in Item MM30/12 as one of the members on the board of the museum is a member of the Liberal Party.
- (c) The Mayor, Cr Nash declared a non significant non pecuniary interest in Item MM30/12 as one of the members on the board of the museum is a member of the Liberal Party.
- (d) Cr Notley-Smith declared a non significant non pecuniary interest in Item MM30/12 as one of the members on the board of the museum is a member of the Liberal Party.
- (e) Cr Seng declared a non significant non pecuniary interest in Item MM30/12 as one of the members on the board of the museum is a member of the Liberal Party.
- (f) Cr Smith declared a non significant non pecuniary interest in Item NM20/12 as he is a member of the Bronte Surf Life Saving Club.
- (g) Cr White declared a non significant non pecuniary interest in Item CP26/12 as he knows the objector to this application.

**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:

MM30/12 FRIENDS OF THE LA PEROUSE MUSEUM - REQUEST FOR FINANCIAL ASSISTANCE

**For** Tony Gentile

MM33/12 CLOVELLY SURF CLUB - REQUEST FOR ADDITIONAL FUNDING

**For** Jim King - President of Clovelly Surf Club

MM35/12 WORLD KINDNESS AUSTRALIA - REQUEST FOR COUNCIL SUPPORT

**For** Michael Lloyd-White

CP23/12 148-158 ANZAC PARADE, KENSINGTON (DA/689/2011)

**Against** Peter Lonergan (on behalf of applicant)

CP24/12 2/30 PERRY STREET, MATRAVILLE (DA/441/2011)

**Against** Susan Parker

**For** Milan Grzic

CP25/12 26/32 PERRY STREET, MATRAVILLE (DA/442/2011)

**Against** Susan Parker

CP26/12 14 RESERVOIR STREET, LITTLE BAY (DA/66/2012)

**For** Anthony Betros – on behalf of applicant

NM20/12 MOTION PURSUANT TO NOTICE FROM CR PROCOPIADIS - ANNUAL FUNDING FOR THE WESTPAC HELICOPTER SERVICE

**For** Craig Roberts

The meeting was adjourned at 6.58pm and was resumed at 7.24pm.

### Mayoral Minutes

#### **MM28/12 Mayoral Minute - Waiving of Fees - St Margaret Mary's Primary School (F2010/00096)**

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94/12 **RESOLUTION: (Mayor, Cr S Nash) that:**

- a) Council vote \$160.00 to cover the application fee for a fundraising activity outside the Randwick Literary Institute on Election Day, Saturday 8 September 2012 and funds be charged to the 2011-12 Contingency Fund; and
- a) the event organiser contact the Australian Electoral Commission to seek their approval.

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

#### **MM29/12 Mayoral Minute - NSW Long Term Transport Master Plan - Discussion Paper (F2005/00932)**

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95/12 **RESOLUTION: (Mayor, Cr S Nash) that:**

- (a) Council endorses the attached submission for forwarding to Transport New South Wales;
- (b) Council calls for a second airport in Sydney or another appropriate location to alleviate airport noise and associated factors for our residents; and
- (c) Council also considers any study of public transport needs in the Randwick City Council area to also include the utilisation of the existing heavy rail network.

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

#### **MM30/12 Mayoral Minute - Friends of the La Perouse Museum - Request for Financial Assistance (F2004/07396)**

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96/12 **RESOLUTION: (Mayor, Cr S Nash) that** Council approve the purchase of the "Altar Stones" that were used in the very first Catholic Christian service held in Australia and a bronze reproduction of the engraved eucalyptus tree trunk which was used to mark the grave of chaplain Pere Receveur, with the \$10,000.00 to come from the 2011-12 Contingency Fund.

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

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**MM31/12 Mayoral Minute - Waiving of Fees for Coogee to Bondi Ocean Swim  
(F2010/00096)**

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97/12 **RESOLUTION: (Mayor, Cr S Nash) that:**

- a) Council vote \$1,074.10 to cover the fees associated with the Coogee to Bondi Ocean Swim and funds be charged to 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 be given the opportunity to address the event on behalf of Council;
- d) the applicant be advised to apply through our Cultural Grants Programme for consideration of any further funding and this application must be received by Council no later than July 2012; and
- e) the organisation provide a report to Council on how the funding (cash and/or in kind) was spent immediately after the event.

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

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**MM32/12 Mayoral Minute - 2012 LGMA Management Challenge  
(F2010/00123)**

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98/12 **RESOLUTION: (Mayor, Cr S Nash) that Council extend their congratulations to all involved in the 2012 LGMA Management Challenge and give their best wishes to the team for the Australasian Final.**

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

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**MM33/12 Mayoral Minute - Clovelly Surf Club - Request for Additional  
Funding (PROJ/10399/2010)**

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99/12 **RESOLUTION: (Mayor, Cr S Nash) that Council provide financial assistance in the amount of \$21,000 in order to complete the third and final stage of the building program for the Clovelly Surf Life Saving Club, with funds to be allocated from Council's 2011-12 Budget or Infrastructure Reserve and repaid by the Buildings for our Community Program at a future stage.**

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

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**MM34/12 Mayoral Minute - Sydney Children's Hospital Gold Coin Week  
(F2004/06257)**

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100/12 **RESOLUTION: (Mayor, Cr S Nash) that:**

- a) Council supports the Sydney Children's Hospital in promoting their annual Gold Coin Week 2012 Campaign by waiving the fees associated with the installation and dismantling of four banners and the hire of Council's banner poles for the Sydney Children's Hospital in the amount of \$7,520.00 (to be allocated from the 2011-12 Contingency Fund); and
- b) the organisers undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during their fundraising week.

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

**MM35/12 Mayoral Minute - World Kindness Australia - Request for Council Support (F2011/00470)**

101/12 **RESOLUTION: (Mayor, Cr S Nash)** that Council:

- a) sign a declaration of support for World Kindness Australia;
- b) invite Council staff to express their interest in becoming Goodwill Ambassadors;
- c) support in principle co-hosting the Goodwill event to be held later in 2012; and
- d) assist World Kindness Australia in other worthwhile community initiatives wherever possible.

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

**MM36/12 Mayoral Minute - Request to Assist the Eastern Beaches Local Area Command with their 150 Years Event Celebrations (F2010/00038)**

102/12 **RESOLUTION: (Mayor, Cr S Nash)** that Council approve the financial and in-kind support be provided to the Eastern Beaches Local Area Command as outlined in this report.

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

**MM37/12 Mayoral Minute - Seeking Council Approval to Re-sign Randwick's Sustainability Agreement with the University of New South Wales (F2005/00104)**

103/12 **RESOLUTION: (Mayor, Cr S Nash)** that Council supports the re-signing of our Sustainability Agreement with UNSW as a meaningful way of extending our collaboration and cooperation on practical environmental improvements and sustainability outcomes for our community.

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

**MM38/12 Mayoral Minute - Extension of 3 Council Ecological Footprint Project with Waverley and Woollahra Councils (F2008/00383)**

104/12 **RESOLUTION: (Mayor, Cr S Nash)** that Council endorse the three (3) year continuation of the 3 Council Ecological Footprint project as outlined above.

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

**MM39/12 Mayoral Minute - Local Government Chief Officer's Group Meeting (F2008/00390)**

105/12 **RESOLUTION: (Mayor, Cr S Nash)** that Council note the General Manager's attendance at the annual conference of the Local Government Chief Executive Officers' Group to be held Alice Springs, Northern Territory in July 2012.

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

**Urgent Business**

Nil.

### Director City Planning Reports

#### CP23/12 Director City Planning Report - 148-158 Anzac Parade, Kensington (DA/689/2011)

106/12

**RESOLUTION: (Hughes/White)** that this application be deferred to allow for the consideration of amended plans by Council officers and that the applicant meet any additional costs incurred by council.

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

#### CP24/12 Director City Planning Report - 2/30 Perry Street, Matraville (DA/441/2011)

107/12

**RESOLUTION: (Andrews/White)** 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/441/2011 for use of Unit 2 as a light industry for the manufacturing, storage and distribution of confectionary, with 24 hours, 7 days a week operation of plant and machinery, at 2/30 Perry Street, Matraville, subject to the schedule of conditions attached to this report:

#### DEVELOPMENT CONSENT CONDITIONS

##### 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:

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received</i>
U.02 (A)	Christo Architects	18.08.11	26 August 2011
A.02 (A)		18.08.11	26 August 2011
Site Plan	Willana Associates	May 2011	15 June 2011

- This development consent does NOT approve any of the building works within the premises, including partitions and plant and equipment, which have already been executed and completed prior to the granting of any approval from Council.

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

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

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

- The proprietor/operator must establish and maintain a formal and documented

system for the recording and resolution of complaints made to the premises by residents. A 24-hour contact number is to be provided for resident complaints (this is to be shown by the installation of a sign at or near the front pedestrian entry to Unit 2 with the contact details being clearly indicated).

All complaints are to be attended to in a courteous and efficient manner and referred promptly to the operations manager. The appropriate remedial action, where possible, is to be implemented immediately and the operations manager is to contact the complainant within 48 hours to confirm details of action taken.

Upon request, the proprietor / operator must make available the incident book to Council officers.

5. **Hours of staff working at the premises** shall be restricted to the following:  
Monday to Friday: 6.30am - 5.30pm
6. The machinery and equipment that operate 24 hours, 7 days a week are limited to the following:
  - Raw materials cool room.
  - Internal chiller units that operate automatically to maintain ambient temperatures.
  - Stirrers in the mixing tanks.

All other plant and equipment must not be in operation between 6.00pm to 6.00am, 7 days a week.

7. **Deliveries to and from the premises** shall only occur between:  
Monday to Friday: 7.30am - 5.00pm
8. **Use of forklifts** shall be restricted to the following hours:  
Monday to Friday: 7.30am - 5.00pm
9. **Use of air conditioning units** shall be restricted to the following hours:  
Monday to Friday: 7:00am - 6.00pm
10. **Waste removal** is restricted to the following hours:  
Monday to Friday: 6.30am - 5.00pm

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

11. A separate approval from Council is required for the installation of any new external mechanical plant or equipment. An acoustic assessment of the new plant or equipment shall be undertaken by a suitably qualified and experienced consultant in acoustics, which demonstrates and certifies that noise and vibration from the development comply with the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW EPA/DECC Noise Control Manual & Industrial Noise Policy and conditions of Council's consent. A copy of the report is to be submitted as part of the application for Council's assessment.
12. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.

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

13. Food safety practices and operation of the food premises must be in accordance with the Food Act 2003, Food Regulation 2010, AS 4674 (2004) and Food Safety Standards at all times, including the requirements and provisions relating to:
- Food handling – skills, knowledge and controls.
  - Health and hygiene requirements.
  - Requirements for food handlers and businesses.
  - Cleaning, sanitising and maintenance.
  - Design and construction of food premises, fixtures, fitting and equipment.

The proprietor of the food business and all staff carrying out food handling and food storage activities must have appropriate skills and knowledge in food safety and food hygiene matters, as required by the Food Safety Standards.

A failure to comply with the relevant food safety requirements is an offence and may result in legal proceedings, service of notices and/or the issuing of on-the-spot penalty infringement notices.

14. The premises must notify the NSW Food Authority in accordance with the Food Safety Standards.
15. Sanitary facilities, plus wash hand basin and paper towel dispenser or hand dryer and appropriate signage, must be provided to the premises and be maintained in a clean and sanitary condition at all times.
16. Adequate provisions are to be made within the premises for the storage, collection and disposal of trade/commercial waste and recyclable materials, to the satisfaction of Council.

The waste storage area must be located within the property and not within any areas used for the preparation or storage of food.

A tap and hose is to be provided within or near the waste storage area and suitable drainage provided so as not to cause a nuisance.

Waste/recyclable bins and containers must not be placed on the footpath (or road), other than for waste collection, in accordance with Council's requirements.

17. Trade/commercial waste materials must not be disposed via council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales.

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

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

FOR	AGAINST
Councillor Andrews	Councillor Belleli
Councillor Bowen	Councillor Stevenson
Councillor Hughes	
Councillor Matson	
Councillor Matthews	
Councillor Nash	
Councillor Seng	

Councillor Smith  
 Councillor Tracey  
 Councillor White  
 Councillor Woodsmith

**Total (11)**

**Total (2)**

**CP25/12 Director City Planning Report - 26/32 Perry Street, Matraville  
 (DA/442/2011)**

108/12

**RESOLUTION: (Andrews/White)** 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/442/2011 for use of Unit 26 as a light industry for manufacturing, storage and distribution of confectionary, with 24 hours, 7 days a week operation of plant and machinery, at 26/32 Perry Street, Matraville, subject to the schedule of conditions attached to this report:

**DEVELOPMENT CONSENT CONDITIONS**

**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:

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received</i>
U.26 (A)	Christo Architects	18.08.11	26 August 2011
A.02 (A)		18.08.11	26 August 2011
Site Plan	Willana Associates	May 2011	15 June 2011

- This development consent does NOT approve any of the building works within the premises, including partitions and plant and equipment, which have already been executed and completed prior to the granting of any approval from Council.

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

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

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

- The proprietor/operator must establish and maintain a formal and documented system for the recording and resolution of complaints made to the premises by residents. A 24-hour contact number is to be provided for resident complaints (this is to be shown by the installation of a sign at or near the front pedestrian entry to Unit 26 with the contact details being clearly indicated).

All complaints are to be attended to in a courteous and efficient manner and

referred promptly to the operations manager. The appropriate remedial action, where possible, is to be implemented immediately and the operations manager is to contact the complainant within 48 hours to confirm details of action taken.

Upon request, the proprietor/operator must make available the incident book to Council officers.

5. **Hours of staff working at the premises** shall be restricted to the following:  
Monday to Friday: 6.30am - 5.30pm
6. The machinery that is allowed to operate 24 hours, 7 days a week is:  
 Cool room for finished goods  
  
All other plant and equipment must not be in operation between 6.00pm to 6.00am, 7 days a week.
7. **Deliveries to and from the premises** shall only occur between:  
Monday to Friday: 7.30am - 5.00pm
8. **Use of forklifts** shall be restricted to the following hours:  
Monday to Friday: 7.30am - 5.00pm
9. **Use of air conditioning unit** shall be restricted to the following hours:  
Monday to Friday: 7:00am - 6.00pm
10. **Waste removal** is restricted to the following hours:  
Monday to Friday: 6.30am - 5.00pm

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

11. A separate approval from Council is required for the installation of any new external mechanical plant or equipment. An acoustic assessment of the new plant or equipment shall be undertaken by a suitably qualified and experienced consultant in acoustics, which demonstrates and certifies that noise and vibration from the development comply with the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW EPA/DECC Noise Control Manual & Industrial Noise Policy and conditions of Council's consent. A copy of the report is to be submitted as part of the application for Council's assessment.
12. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.

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

13. Food safety practices and operation of the food premises must be in accordance with the Food Act 2003, Food Regulation 2010, AS 4674 (2004) and Food Safety Standards at all times, including the requirements and provisions relating to:
  - Food handling – skills, knowledge and controls.
  - Health and hygiene requirements.
  - Requirements for food handlers and businesses.
  - Cleaning, sanitising and maintenance.

- Design and construction of food premises, fixtures, fitting and equipment.

The proprietor of the food business and all staff carrying out food handling and food storage activities must have appropriate skills and knowledge in food safety and food hygiene matters, as required by the Food Safety Standards.

A failure to comply with the relevant food safety requirements is an offence and may result in legal proceedings, service of notices and/or the issuing of on-the-spot penalty infringement notices.

14. The premises must notify the NSW Food Authority in accordance with the Food Safety Standards.
15. Sanitary facilities, plus wash hand basin and paper towel dispenser or hand dryer and appropriate signage, must be provided to the premises and be maintained in a clean and sanitary condition at all times.
16. Adequate provisions are to be made within the premises for the storage, collection and disposal of trade/commercial waste and recyclable materials, to the satisfaction of Council.

The waste storage area must be located within the property and not within any areas used for the preparation or storage of food.

A tap and hose is to be provided within or near the waste storage area and suitable drainage provided so as not to cause a nuisance.

Waste/recyclable bins and containers must not be placed on the footpath (or road), other than for waste collection, in accordance with Council's requirements.

17. Trade/commercial waste materials must not be disposed via council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales.

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

#### **Regulatory**

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

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

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

19. A Principal Certifying Authority must be appointed to inspect the installation of any recommended fire safety measures in accordance with the following condition and to issue the required Occupation Certificate.

20. In accordance with clause 93 of the *Environmental Planning and Assessment Regulation 2000*, the levels of fire safety within the existing building are to be upgraded and the following measures are to be implemented in relation to the use of the premises:-

The existing levels of fire and safety within the building are to be upgraded in accordance with the following requirements and the fire safety certificate provisions of Part 9 of the *Environmental Planning and Assessment Regulation 2000* must be complied with, prior to issuing an occupation certificate:

- a) The existing levels of fire and safety within the premises are to be upgraded to achieve an adequate level of safety in accordance with the provisions of clause 93 of the *Environmental Planning and Assessment Regulation 2000* and a report prepared by a suitably qualified and experienced Building Code of Australia/Fire Safety Consultant is to be submitted to and approved by the appointed certifying authority, **prior to the issuing of an occupation certificate**, in accordance with section 80A(2) of the *Environmental Planning and Assessment Act 1979*.

The report must include an assessment of the existing building and compliance with the Building Code of Australia in relation to parts D and E. The report must also include details of the measures and works considered appropriate to achieve an adequate level of fire safety for the building and the occupants.

The upgrading works are to be implemented prior to issuing an occupation certificate and written confirmation is to be provided to Council accordingly.

A copy of the fire safety certificate, encompassing all the existing and new fire safety measures, is to be submitted to the Council with the occupation certificate.

21. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent, in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979*.

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

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

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

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

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Belleli

Councillor Bowen  
 Councillor Hughes  
 Councillor Matson  
 Councillor Matthews  
 Councillor Nash  
 Councillor Seng  
 Councillor Smith  
 Councillor Tracey  
 Councillor White  
 Councillor Woodsmith

Councillor Stevenson

**Total (11)**

**Total (2)**

**CP26/12 Director City Planning Report - 14 Reservoir Street, Little Bay  
 (DA/66/2012)**

109/12

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

- A. 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. 66/2012 for permission to subdivide the existing allotment into two lots, and erect a new two storey dwelling on each lot with a swimming pool, landscaping, timber decks and fencing at 14 Reservoir Street Little Bay 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**

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:

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>
012/0002-1	GM	02.02.12
012/0002-2	GM	02.02.12
012/0002-3	GM	02.02.12
012/0002-4	GM	02.02.12
012/0002-5	GM	02.02.12
012/0002-6	GM	02.02.12
012/0002-7	GM	02.02.12
012/0002-8	GM	02.02.12
012/0002-9	GM	02.02.12

<i>BASIX Certificate</i>	<i>No.</i>	<i>Dated</i>
	413746S	3 <sup>rd</sup> February 2012
	413747S	3 <sup>rd</sup> February 2012

**Amendment of Plans & Documentation**

2. The approved plans and documents must be amended in accordance with the following requirements:

- a. To maintain privacy into the adjoining property the proposed colourbond fence to the eastern side boundary of No 14A Reservoir Street must be 1800mm in height above the level of the proposed timber decks to the side and rear of the dwelling.

#### **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. 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**

5. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, based on the development cost of \$ 498 050, the following applicable monetary levy must be paid to Council: \$ 4 980.50.

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**

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.*

#### **Security Deposit**

7. 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*:

- \$2500.00 - 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**

8. 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:

#### **Proposed Lot 14A Frontage**

- **150mm above the top of the kerb at all points opposite the kerb.**

#### **Proposed Lot 14 Frontage**

- **400mm above the top of the kerb at all points opposite the kerb.**

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

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

9. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$1365 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.
10. The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the alignment level as specified for the vehicular access. This condition has been attached to accommodate future footpath construction at this location.

#### **Driveway Design**

11. The gradient of the internal access driveways must be designed and constructed so they do not exceed a maximum grade of 1 in 10 (10%) in accordance with Council's DCP-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.

#### **Sydney Water**

12. 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.

13. **Stormwater drainage plans have not been approved as part of this development consent.** 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 to the satisfaction of the *Certifying Authority*.

14. The site stormwater drainage system is to be provided in accordance with the following requirements;

- a) Stormwater runoff from the proposed lots must be discharged (by gravity) either:
- i. Directly to the kerb and gutter at the front of the subject site in Reservoir Street; or
  - ii. Through a private drainage easement(s) to Council's kerb and gutter (or underground drainage system); or
  - iii. To a suitably designed infiltration system (subject to confirmation in a geotechnical investigation that the ground conditions are suitable for the infiltration system)
- b) Should stormwater be discharged to Council's street drainage system, an on-site stormwater detention system must be provided for one of the lots only to ensure that the maximum discharge from that lot does not exceed that which would occur during a **1 in 10** year storm of one hour duration for existing site conditions. All other stormwater run-off from the site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the street drainage system, to the satisfaction of the certifying authority.

An overland escape route or overflow system (to Council's street drainage system) must be provided for storms having an average recurrence interval of 100 years (1 in 100 year storm), or, alternatively the stormwater detention system is to be provided to accommodate the 1 in 100 year storm.

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

Should no formal overland escape route be provided for storms greater than the 1 in 20 design storm, the infiltration system shall be sized for the 1 in 100 year storm event.

- d) Determination of the required cumulative storage (in the on-site detention and/or infiltration system) must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.

Where possible any detention tanks should have an open base to infiltrate stormwater into the ground. Infiltration should not be used if ground water and/or any rock stratum is within 2.0 metres of the base of the tank.

- e) 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 (i.e. above the 1 in 20 year storm) to the proposed drainage (detention/infiltration) system.
- f) A sediment/silt arrestor pit must be provided within the site near the street boundary prior to discharge of the stormwater to Council's drainage system and prior to discharging the stormwater to any absorption/infiltration system.

Sediment/silt arrestor pits are to be constructed generally in accordance with the following requirements:

- The base of the pit being located a minimum 300mm under the invert level of the outlet pipe.
- The pit being constructed from cast in-situ concrete, precast concrete or double brick.
- A minimum of 4 x 90 mm diameter weep holes (or equivalent) 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 being provided 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 being provided for the access grate (e.g. spring loaded j-bolts or similar).
- Provision of a sign adjacent to the pit stating, "This sediment/silt arrestor pit shall be regularly inspected and cleaned".

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

- g) The floor level of all habitable, retail, commercial and storage areas located adjacent to any detention and/or infiltration systems with above ground storage must be a minimum of 300mm above the maximum water level for the design storm or alternately a permanent 300mm high water proof barrier is to be provided.

*(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).*

- h) Infiltration systems/Absorption Trenches must be designed and constructed generally in accordance with "Section 8.5 ABSORPTION TRENCHES" of Randwick City Council's Private Stormwater Code.

- i) The maximum depth of ponding in any above ground detention areas and/or infiltration systems with above ground storage shall be as follows (as applicable):
  - i. 150mm in uncovered open car parking areas (with an isolated maximum depth of 200mm permissible at the low point pit within the detention area)
  - ii. 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)
  - iii. 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10
  - iv. 1200mm in landscaped areas where a safety fence is provided around the outside of the detention area
  - v. Above ground stormwater detention areas must be suitably signposted where required, warning people of the maximum flood level.
- j) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
- k) The site stormwater system must be regularly cleaned and maintained to ensure it operates as required by the design.
- l) Mulch or bark is not to be used in on-site detention areas.
- m) Any Seepage waters encountered are required to be drained and disposed of within the site and are not to be drained into Council's stormwater drainage system.
- n) Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line.

#### **Street Tree Management**

- 15. Approval is granted for the applicant to remove and dispose of (at their own cost) the centrally located *Callistemon viminalis* (Bottlebrush) from Council's Reservoir Street nature strip, during excavations associated with the proposed vehicle crossing for no.14 as shown, and must satisfy themselves as to the location of all site services, prior to the commencement of any works on public property.
- 16. The applicant shall submit a total payment of **\$107.25** (including GST) to cover Council's costs to plant a replacement tree elsewhere in the surrounding area, given a lack of available space across this frontage.

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

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

17. 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**

18. 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**

19. 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.

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

20. 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***

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

**Construction Noise & Vibration Management Plan**

22. Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant 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**

23. 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**

24. 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**

25. 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
- 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**

26. A *Demolition and Construction Waste Management Plan* (WMP) must be development and implemented for the development.

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.

**Demolition & Construction Waste**

27. A *Demolition and Construction Waste Management Plan* (WMP) must be development 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.

**Public Utilities**

28. 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**

29. A landscape plan prepared by a qualified professional in the Landscape/Horticultural industry (must be a registered member of either AILDM 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, and any other details required to describe the works;
  - b) A predominance of species with low water requirements that can withstand poor quality sandy soils and persistent, salt laden winds;
  - c) A total number of 2 x 25 litre/300mm (pot size at the time of planting) feature trees, comprising one each within each of the proposed sites, and selecting those species which will attain a minimum height of between 4-7 metres at maturity
  - d) The use of smaller, decorative species throughout the site in order to enhance presentation of the development to both neighbours and the streetscape.

### **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**

30. 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**

31. 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**

32. 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)	<input type="checkbox"/> Monday to Friday - 7.00am to 5.00pm <input type="checkbox"/> Saturday - 8.00am to 5.00pm <input type="checkbox"/> Sunday & public holidays - No work permitted
Excavating of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like	<input type="checkbox"/> Monday to Friday - 8.00am to 5.00pm <input type="checkbox"/> Saturday - No work permitted <input type="checkbox"/> Sunday & public holidays - No work permitted

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

### **Demolition Work Requirements**

33. All work and activities must be carried out in accordance with the relevant regulatory requirements and Randwick City Council policies, including:

- Work Health and Safety Act 2011
- Occupational Health and Safety (Hazardous Substances) Regulation 2001
- Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
- WorkCover NSW Code of Practice for the Safe Removal of Asbestos
- Australian Standard 2601 (2001) – Demolition of Structures
- The Protection of the Environment Operations Act 1997
- Protection of the Environment Operations (Waste) Regulation 2005
- Relevant Office of Environment & Heritage / Environment Protection Authority (EPA) and WorkCover NSW Guidelines.
- Randwick City Council Asbestos Policy (adopted 13 September 2005)

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

### **Removal of Asbestos Materials**

34. 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**

35. 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**

36. 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**

37. 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.

38. 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.

39. 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**

40. 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**

41. 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**

42. 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**

43. 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.

**Road/Asset Opening Permit**

44. 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.

**Drainage**

45. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the dwellings to the satisfaction of the principal certifying authority.

The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

**Tree Management**

46. Approval is granted for the removal of all existing vegetation within the site due to their small size and insignificance, as well as to accommodate the proposed works as shown, subject to full implementation of the approved landscaping.

**Protection of Street Trees**

47. The applicant will be required to ensure the retention of those two remaining *Callistemon viminalis* (Bottlebrush's) on Council's Reservoir Street verge, being one towards the western site boundary, and one between the proposed vehicle crossing, and must ensure that:
- a. All documentation submitted for the Construction Certificate application must show the retention of these two public trees, with their position and distance to the new crossings needing to be clearly shown on all drawings.
  - b. Any re-grading works on the verge which are required in order to comply with point 'd' of Council's Infrastructure, Vehicular Crossings & Road Opening condition (shown below) must be even and gradual, and not involve drastic changes in level or retaining walls within 2 metres of their trunks.
  - c. Any excavations associated with the installation of new services, pipes, stormwater systems or similar over public property, must be located along the edges of the new crossings
  - d. Both trees must be physically protected by installing a total of four star pickets at a setback of **1.5 metres**, on all four sides, 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. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER".
  - f. The applicant is not authorised to perform any other works to these 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.

#### **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**

48. 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**

49. 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**

50. 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.

**Swimming Pool Safety**

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

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

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

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

**Swimming Pool & Spa Pool Requirements**

52. 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 – 2010: 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**

53. 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**

54. Prior to the issuing of an occupation certificate the applicant must meet the full cost for Council or a Council approved contractor to:
- a) Construct concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the proposed dwelling at No.14.
  - b) Construct concrete vehicular crossing opposite the existing layback at the vehicular entrance to the proposed dwelling at No.14A.
  - c) Construct 1.3m wide footpath along the full site frontage.
  - d) Undertake re-grading works on Council's street verge along the site frontage on Reservoir street as required.
55. 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.
56. 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.
57. That part of the naturestrip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant's expense prior to the issue of a final Occupation Certificate.

#### **Sydney Water**

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

Application for a Section 73 Certificate must be made through an authorised Water Servicing Co-ordinator. For details, please refer to the "Your Business" section of Sydney Water's web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under Developing Your Land" or telephone 13 20 92.

Following the application, a "Notice of Requirements" will be provided, detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Water Servicing Co-ordinator, as building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority prior to issuing an Occupation Certificate or Subdivision Certificate (whichever the sooner).

#### **Stormwater Drainage**

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

#### **Notes:**

- a. The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
  - b. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.
60. Upon completion of the works and prior to the issuing of an Occupation Certificate or Subdivision Certificate (whichever the sooner) , a works-as-

executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced hydraulic consultant/engineer must be forwarded to the Principal Certifying Authority and the Council. The works-as-executed plan must include the following details (as applicable):

- The location of any detention basin/s with finished surface levels;
- Finished site contours at 0.2 metre intervals;
- Volume of storage available in any detention areas;
- The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
- The orifice size/s (if applicable);
- Details of any infiltration/absorption systems; and
- Details of any pumping systems installed (including wet well volumes).

61. Prior to the issuing of an Occupation Certificate or Subdivision Certificate (whichever the sooner), the applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer, which confirms that the design and construction of the stormwater drainage system complies with the Building Code of Australia, Australian Standard AS3500.3:2003 (Plumbing & Drainage-Stormwater Drainage) and conditions of this development consent.

The certification must be provided following inspection/s of the site stormwater drainage system by the Hydraulic Engineers to the satisfaction of the PCA.

#### **Landscaping**

62. The PCA must ensure that the landscaping is installed in accordance with the approved plans and conditions of consent, prior to issuing a Final Occupation Certificate for the development, with the owners to ensure it is maintained in a healthy and vigorous state until maturity.

#### **Waste Management**

63. Prior to the occupation of the development, the owner or applicant is required to contact Council's City Services department, to make the necessary arrangements for the provision of waste services for the additional premises.

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

The following conditions of consent must be complied with prior to the 'Principal Certifying Authority' issuing a 'Subdivision certificate'.

These conditions have been applied to satisfy the provisions of Council's environmental plans, policies and codes for subdivision works.

64. The applicant shall create suitable rights of carriageway, easements for services, support and stormwater lines, as required. The applicant shall be advised that the minimum easement width for any stormwater line is 0.9 metres.
65. A formal subdivision application is required to be submitted to and approved by the Council and all relevant conditions of this development consent are required to be satisfied prior to the release of the subdivision plans.
66. Details of critical stage inspections carried out by the principal certifying authority, together with any other certification relied upon, must be provided to Council prior to the issuing of a subdivision 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**

67. 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**

68. 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.

**Street Numbering**

69. 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**

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

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

71. 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**

72. 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**

73. 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**

74. 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**

75. 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**

76. 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.

#### **Stormwater Detention/Infiltration System**

77. The detention area/infiltration system must be regularly cleaned and maintained to ensure it functions as required by the design.

#### **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 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.
- A11 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: (Andrews/Hughes) CARRIED UNANIMOUSLY - SEE RESOLUTION.**

**CP27/12 Director City Planning Report - 27 Solander Street, Matraville  
(DA/164/2012)**

110/12

**RESOLUTION: (Andrews/Hughes) –**

- A. That Council support the objection under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with Clause 4 of Schedule 1 of the Affordable Rental Housing SEPP 2009, relating to Floor Area, on the grounds that the proposed development is consistent with the objective of the clause and will not adversely affect the amenity of the surrounding locality and that the Department of Planning be advised accordingly.
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/164/2012 to convert the front of the existing dwelling house at ground floor level into a secondary dwelling (granny flat) including a new bathroom and kitchen, at No. 27 Solander 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**

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>
16/12	Peter Banfield	9 March 2012	13 March 2012

#### **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.

#### **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**

- 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**

- 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.

#### **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**

- 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.

1. *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**

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

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

7. 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**

8. 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**

9. 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**

10. 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**

11. 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**

12. 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**

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

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

14. 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)	<input type="checkbox"/> Monday to Friday - 7.00am to 5.00pm <input type="checkbox"/> Saturday - 8.00am to 5.00pm <input type="checkbox"/> Sunday & public holidays - No work permitted

Excavating of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like	<input type="checkbox"/> Monday to Friday - 8.00am to 5.00pm <input type="checkbox"/> Saturday - No work permitted <input type="checkbox"/> Sunday & public holidays - No work permitted
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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.*

### **Work Requirements**

15. The proposed works and the removal, storage, handling and disposal of building materials must be carried out in accordance with the relevant requirements of WorkCover NSW, the NSW Department of Environment, Climate Change & 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.*

### **Sediment & Erosion Control**

16. 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**

17. 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.

#### **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**

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

An Occupation Certificate must not be issued for the development if the development is inconsistent with the development consent. The 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.

19. 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.
20. 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.
21. That part of the naturestrip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant's expense prior to the issue of a final Occupation Certificate.

#### **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**

22. 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).

A9 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/Hughes) CARRIED UNANIMOUSLY - SEE RESOLUTION.**

**CP28/12 Director City Planning Report - 495-503 Bunnerong Road,  
Matraville (DA/106/2012)**

111/12

**RESOLUTION: (Belleli/Andrews) –**

- A. That Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No DA/106/2012 for the fitout and use of the premises as a Woolworths supermarket including new signage at 495-503 Bunnerong Road, Matraville, 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 plans numbered 1 Amendment M, 2 Amendment B and 4 Amendment B, all dated 28/09/2011; and A01, A02, and A03 all dated 1/12/2011, and stamped received by Council on 21 February 2012, the application form, 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:

<i>Document</i>	<i>Prepared by:</i>	<i>Dated</i>
<i>Statement of Environmental Effects</i>	OPRA Architects	16 January 2012

- The acoustic report titled "Proposed Woolworth at 495-503 Bunnerong Rd, Matraville – Environmental Noise Impact Assessment – prepared by Acoustic Logic – dated 31.01.2012" and all the recommendations contained therein form part of this consent.
- The colours, materials and finishes of the external surfaces to the proposed development and the proposed signage are to be consistent with the approved schedule of colours, materials and finishes of the approved development under DA/67/2009 and compatible with adjacent developments to maintain the integrity and amenity of the building and the streetscape.
- Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.
- The installation of roller shutters or security grilles to the shopfront is not permitted, unless a specific development consent has been obtained from Council.

**Should the approval be granted to the application, the following conditions should be included in the development consent:**

**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.*

**Consent Requirements**

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

**Food Safety, Environmental Health & Amenity**

7. The premises is to be designed and constructed in accordance with the Food Act 2003, Food Regulation 2004, Australia & New Zealand Food Standards Code and Australian Standard AS 4674-2004, Design, construction and fit-out of food premises. Details of the design and construction of the premises are to be included in the documentation for the **construction certificate** to the satisfaction of the certifying authority.
8. Details of any proposed mechanical ventilation systems, detailing compliance with the relevant requirements of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2 (including exhaust air quantities and discharge location points) are to be submitted to and approved by the Certifying Authority with the construction certificate and a copy of relevant documentation is to be provided to Council.

**Awning**

9. The minimum clear distance from the footpath in Bunnerong Road to the underside of the proposed under-awning advertising sign, (i.e. the sign to be installed above the footpath in Bunnerong Road), shall be 2.60 metres.

**Compliance with the Building Code of Australia & Relevant Standards**

10. In accordance with section 80A (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).

**Building regulation and construction site management**

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

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

12. Access and facilities for people with disabilities must be provided in accordance with the relevant requirements of the Building Code of Australia, Disability (Access to Premises – Buildings) Standard 2010, relevant Australian Standards and conditions of consent, to the satisfaction of the Certifying Authority. Details of the required access and facilities for people with disabilities are to be included in the plans/specifications for the construction certificate.

**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 an Accredited Certifier or Randwick City Council. 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.

13. The reflectivity index of glass used in the external façade of the development must not exceed 20 percent. Details shall be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.

#### **Section 94A Development Contribution**

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

Category	Cost	Applicable Levy	S94A Levy
Development Cost more than \$200,000	\$2,602,346.00	1%	\$26,023.46

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

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

15. **Prior to a construction certificate being issued** for the 'fit-out' of the *food business*, a certificate or statement must be obtained from a suitably qualified and experienced Food Safety Consultant or Council's Environmental Health Officer, which confirms that the design and construction of the *food business* satisfies the relevant requirements of the *Food Act 2003*, Food Standards Code and AS 4674 (2004) - Design, construction and fit-out of food premises.

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

The following conditions of consent must be complied with prior to the commencement of any works associated with the retail fitout 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.

16. All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water and liquid trade waste materials are to be drained to the sewer (via a suitable grease trap) and details of compliance are to be submitted to the certifying authority **prior to the commencement of any works**.

#### **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**

17. 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.

#### **Street numbering**

18. Street and unit numbering must be provided to the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council, prior to an occupation certificate being issued for the development. In this regard, an application must be submitted to and approved by Council's Director of City Planning, together with the required fee, for the allocation of appropriate street and unit numbers for the development, prior to issue of the Occupation Certificate.
19. **Prior to the issuing of an interim or final occupation certificate**, the premises must be inspected by Council's Environmental Health Officer to ascertain compliance with relevant Food Safety Standards and the written approval of Council (being the relevant Food Authority for this food business) must be obtained prior to the operation of the food business.
20. **Prior to an occupation certificate being issued** for the development a report, must be obtained from a suitably qualified and experienced consultant in acoustics, which demonstrates and certifies that noise and vibration from the development complies with the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW EPA/DECC Noise Control Manual & Industrial Noise Policy and conditions of Council's consent, including (but not limited to) the use and operation of the proposed supermarket and its impact on the residential units, with regard to the internal amenity criteria as set in DA/67/2009 (please refer to advisory note A5). A copy of the report is to be forwarded to the Council prior to issuing any occupation certificate.
21. A certificate or statement must be provided to the certifying authority and the Council, from a suitably qualified person, prior to occupation, which confirms that the mechanical ventilation system satisfies the relevant requirements of the Building Code of Australia and Australian Standards AS 1668 Parts 1 & 2.

#### **REQUIREMENTS PRIOR TO THE COMMENCEMENT OF BUSINESS OPERATION**

The following conditions of consent must be complied with prior to the commencement of any food business operations on the site.

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.

22. **Prior to commencement of food business operations**, the food premises must be registered with Council's Health, Building & Regulatory Services

Department and the NSW Food Authority in accordance with the Food Safety Standards.

23. Trade/commercial waste materials must not be disposed via council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed waste collection and disposal service are to be submitted to Council **prior to commencing operation of the business.**

#### **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.

#### **Environmental Amenity**

24. 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.
25. Public access to any visitor's car parking spaces is to be maintained at all times and an intercom system is to be provided adjacent to the vehicular entrance to the car park, together with appropriate signage providing instructions for use.

#### **Health, safety and amenity**

26. The hours of the operation of the business are restricted to the following:-  
Monday – Sunday 6:00am – 12:00 midnight
27. All deliveries and waste collection services are to occur within the loading dock strictly during the hours of operation of the business. There is to be no queuing of delivery vehicles.
28. All food preparation (cooking, cutting etc) is restricted to the food preparation or kitchen areas only.
29. The design, construction and operation of the food premises must comply with the following requirements, as applicable:-
- a) The floors of kitchens, food preparation areas and the like are to be constructed of materials which are impervious, non slip and non abrasive. The floor is to be finished to a smooth even surface, graded and drained to a floor waste connected to the sewer. The intersection of walls with floor and plinths is to be coved, to facilitate cleaning.
  - b) Walls of the kitchen preparation areas and the like are to be of suitable construction finished in a light colour with glazed tiles, stainless steel, laminated plastics or similar approved material adhered directly to the wall adjacent to cooking and food preparation facilities or areas, to provide a smooth even surface.  
  
The glazed tiling or other approved material is to extend up to the underside of any mechanical exhaust ventilation hoods and a minimum of 450mm above bench tops, wash hand basins, sinks and equipment.
  - c) Walls where not tiled are to be cement rendered or be of rigid smooth faced non-absorbent material (i.e. fibrous cement sheeting, plasterboard

or other approved material) and finished to a smooth even surface, painted with a washable paint of a light colour or sealed with other approved materials.

- d) The ceilings of kitchens, food preparation areas, storerooms and the like are to be of rigid smooth-faced, non absorbent material (i.e. fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material), with a light coloured washable paint finish. 'Drop-down' ceiling panels must not be provided in food preparation or cooking areas.
- e) All stoves, refrigerators, bainmaries, stock pots, washing machines, hot water heaters, large scales, food mixers, food warmers, cupboards, counters, bars etc must be supported on wheels, concrete plinths a minimum 75mm in height, metal legs minimum 150mm in height, brackets or approved metal framework of the like.
- f) Cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particleboard or similar material is not permitted unless laminated on all surfaces.
- g) Fly screens and doors with self-closing devices, are to be provided to all external door and window openings and an electronic insect control device/s are to be provided in suitable locations within the food premises.
- h) A mechanical ventilation exhaust system is to be installed where cooking or heating processes are carried out in the kitchen or in food preparation areas, where required under the provisions of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2.

Emission control equipment shall be provided in mechanical exhaust systems serving the cooking appliances, to effectively minimise the emission of odours, vapours and oils.

- i) Wash hand basins must be provided in convenient positions located in the food preparation areas, with hot and cold water, together with a sufficient supply of soap and clean towels. The hot and cold water must be supplied to the wash hand basins through a suitable mixing device.
  - j) Cool rooms or freezers must have a smooth epoxy coated concrete floor, which is to be sloped to the door. A floor waste connected to the sewer is to be located outside the cool room/freezer. The floor waste should be provided with a removable basket within a fixed basket arrestor and must comply with Sydney Water requirements.
  - k) All cool rooms and freezers must be able to be opened from the inside without a key and fitted with an alarm (bell) that can only be operated from within the cool room/freezer.
  - l) Any space or gap between the top of any cool room or freezer and the ceiling must be fully enclosed and kept insect and pest proof (e.g. plasterboard partition with gaps sealed).
30. A numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius being provided to refrigerators, cool rooms, other cooling appliances and bain-maries or other heated food storage/display appliances. The thermometer is to be located so as to be read easily from the outside of the appliance.

A digital probe type thermometer must also be readily available to check the temperature of food items.

31. All food that is to be kept hot should be heated within one (1) hour from the time when it was prepared or was last kept cold, to a temperature of not less than 60°C and keep this food hot at or above the temperature. Food that is to be kept cold should be cooled, within four (4) hours from the time when it was prepared or was last kept hot, to a temperature of not more than 5°C and keep this food cold at or below that temperature.
32. Food safety practices and the operation of the food premises must be in accordance with the *Food Act 2003*, *Food Regulation 2004*, *Food Standards Code* and *Food Safety Standards* at all times, including the requirements and provisions relating to:
  - Food handling – skills, knowledge and controls.
  - Health and hygiene requirements.
  - Requirements for food handlers and businesses.
  - Cleaning, sanitising and maintenance.
  - Design and construction of food premises, fixtures, fitting and equipment.

The Proprietor of the food business and all staff carrying out food handling and food storage activities must have appropriate skills and knowledge in food safety and food hygiene matters, as required by the *Food Safety Standards*.

Failure to comply with the relevant food safety requirements is an offence and may result in legal proceedings, service of notices and/or the issuing of on-the-spot penalty infringement notices.

33. The food premises must be kept in a clean and sanitary condition at all times, including all walls, floors, ceilings, fixtures, fittings, appliances, equipment, fridges, freezers, cool rooms, shelving, cupboards, furniture, crockery, utensils, storage containers, waste bins, light fittings, mechanical ventilation & exhaust systems & ducting, storage areas, toilet facilities, basins and sinks.
34. There are to be no emissions or discharges from the premises which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.
35. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and *Regulations*.

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

36. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises.
37. Sanitary facilities, plus wash hand basin and paper towel dispenser or hand dryer and appropriate signage, must be provided to the premises and be maintained in a clean and sanitary condition at all times.
38. Adequate provisions are to be made within the confines of the premises for the

storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council.

The waste storage area must be located within the property and not within any areas used for the preparation or storage of food.

A tap and hose is to be provided within or near the waste storage area and suitable drainage provided so as not to cause a nuisance.

Waste/recyclable bins and containers must not be placed on the footpath (or road), other than for waste collection, in accordance with Council's requirements.

39. The sale, supply and consumption of alcohol must not take place at the premises except with or ancillary to the service of food to be consumed on the premises and the relevant liquor licence under the *Liquor Act 2007*.
40. A mechanical ventilation exhaust system is to be installed where cooking or heating processes are carried out in the kitchen or in food preparation areas, where required under the provisions of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2.

Emission control equipment shall be provided in mechanical exhaust systems serving the cooking appliances for barbeque chickens, to effectively minimise the emission of odours, vapours and oils.

#### **GENERAL 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 requirements. 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 Prior to the commencement of any building or shop 'fit-out' works, a *construction certificate* must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.

- A3 The assessment of this development application does not include an assessment of the proposed building work under the Food Act 2003, Food Safety Standards or Building Code of Australia (BCA).

All new building work must comply with relevant regulatory requirements and Australian Standards and details of compliance are to be provided in the *construction certificate* application.

- A4 The design and construction of the premises must satisfy the requirements of the Food Act 2003, Food Standards Code and AS 4674 (2004). Prior to finalising the design and fit-out for the development and prior to a *construction*

*certificate* being obtained, advice should be obtained from an accredited Food Safety Consultant (or Council's Environmental Health Officer).

A5 The applicant and operator are also advised to engage the services of a suitably qualified and experienced Acoustic consultant, prior to finalising the design and construction of the development, to ensure that the relevant noise criteria and conditions of consent can be fully satisfied.

A6 The applicant and operator are advised of **Condition No. 62 of DA/67/2009** which read as follows:

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

62. *The residential units are to achieve the following internal acoustic amenity criteria:*

a) *In naturally ventilated residential units; the repeatable maximum  $L_{Aeq}$  (1 hour) shall not exceed:*

- 35 dB(A) between 10pm and 7am in sleeping areas when the windows are closed;
- 45 dB(A) in sleeping areas when windows are open;
- 45 dB(A) in living areas (24 hours) when the windows are closed, and
- 55 dB(A) in living areas when the windows are open.

b) *In residential units provided with mechanical ventilation, air conditioning or other complying means of ventilation, when doors and windows are shut, the repeatable maximum  $L_{Aeq}$  (1 hour) shall not exceed:*

- 38 dB(A) between 10pm and 7am in sleeping areas;
- 46 dB(A) in living areas (24 hours).

*Details of compliance with the relevant criteria is to be included in the construction certificate application and written confirmation of compliance is to be provided to the Council and the Certifying Authority, by the Acoustic consultant, prior to the construction certificate being issued.*

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

**CP29/12 Director City Planning Report - Reporting Variation to Development Standard under State Environment Planning Policy No. 1 (SEPP1) for the Month of March, 2012 (F2008/00122)**

112/12 **RESOLUTION: (Andrews/Hughes)** that the report be received and noted.

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

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

**GM12/12 General Manager's Report - Authority to Increase Hiring Fees - Snape Park Tennis Centre (F2011/06336)**

113/12 **RESOLUTION: (Matthews/Andrews)** that authority be granted to Rosa Game Pty Ltd to increase their court hire fees to the following:

Monday to Friday (before 4pm)                      \$19.00

Monday to Friday (after 4pm)	\$22.00
Weekends and Public holidays	\$22.00

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

**GM13/12 General Manager's Report - Draft Randwick City Council Operational Plan 2012-13 (F2012/00028)**

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114/12

**RESOLUTION: (Tracey/Matson) that:**

- a) the Draft Randwick City Council Operational Plan 2012-13, which includes the 2012-13 Budget and associated Fees and Charges, and attachments as outlined below, be placed on public exhibition for not less than 28 days, from 1 May to 28 May, inviting submissions from the public;
- b) at the conclusion of the period of public exhibition a meeting of the Council is held to consider any submissions made concerning the Draft Plan, and after taking into consideration such matters as it considers relevant, the Council adopt the Operational Plan;
- c) in accordance with the NSW Department of Local Government Code of Accounting Practice and Financial Reporting (June 2009) Note 2(b), in respect to each broad function of council, expenses that can be reliably attributed have been allocated to that function;
- d) the General Manager be authorised to make any minor changes if required; and
- e) the Mayor refrain from using Council resources to provide misleading information about the carbon tax.

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

- a) the Draft Randwick City Council Operational Plan 2012-13, which includes the 2012-13 Budget and associated Fees and Charges, and attachments as outlined below, be placed on public exhibition for not less than 28 days, from 1 May to 28 May, inviting submissions from the public;
- b) at the conclusion of the period of public exhibition a meeting of the Council is held to consider any submissions made concerning the Draft Plan, and after taking into consideration such matters as it considers relevant, the Council adopt the Operational Plan;
- c) in accordance with the NSW Department of Local Government Code of Accounting Practice and Financial Reporting (June 2009) Note 2(b), in respect to each broad function of council, expenses that can be reliably attributed have been allocated to that function; and
- d) the General Manager be authorised to make any minor changes if required.

**AMENDMENT: (Tracey/Matson) insert an additional clause (e) which reads "the Mayor refrain from using Council resources to provide misleading information about the carbon tax." CARRIED AND BECAME THE MOTION. MOTION CARRIED – SEE RESOLUTION.**

**Director City Services Reports**

Nil.

**Director Governance & Financial Services Reports****GF14/12 Director Governance & Financial Services Report - Affixing of the Council Seal - Malabar Occasional Child Care Centre (F2004/07778)**

115/12 **RESOLUTION: (Andrews/Woodsmith)** that authority is granted to enter into a licence agreement with Malabar Occasional Child Care Centre for a period of five (5) years commencing 1 June 2012.

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

**GF15/12 Director Governance & Financial Services Report - Investment Report - March 2012 (F2004/06527)**

116/12 **RESOLUTION: (Woodsmith/Smith)** that the investment report for March 2012 be received and noted.

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

**GF16/12 Director Governance & Financial Services Report - One Association to Represent Local Government in NSW - Progress Report (F2004/07778)**

117/12 **RESOLUTION: (Woodsmith/Matson)** that this matter be deferred to allow Councillors to further consider all the relevant information.

**MOTION: (Smith/Andrews)** that the report be received and noted.

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

**Petitions**

- (a) The Mayor tabled a petition from local residents requesting the installation of a Bus Shelter outside South Coogee Public School.

**Motions Pursuant to Notice****NM19/12 Motion Pursuant to Notice from Cr Procopiadis - Developing Sister City Relations with Local High Schools (F2005/00294)**

This motion was withdrawn with the consent of Council.

**NM20/12 Motion Pursuant to Notice from Cr Procopiadis - Annual Funding for the Westpac Helicopter Service (F2009/00266)**

118/12 **RESOLUTION: (Smith/White)** that Randwick City Council makes representation to the Premier and the Minister of Police and Emergency Services in support of the ongoing funding, to the sum of \$1.5 million recurring annually, for the Westpac Helicopter Service both in Sydney and the South Coast bases to operate a 24/7 service.

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

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**NM21/12 Motion Pursuant to Notice from Cr Notley-Smith - Proposed Justice of the Peace Desk in one of Randwick City Council Buildings. (F2009/00098)**

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119/12 **RESOLUTION: (Smith/Hughes)** that Council consult with the Eastern Suburbs Justices' Association on the establishment of a Justice of the Peace desk at Randwick City Council's administration centre and/or libraries to attend to the needs of those seeking the services of a Justice of the Peace.

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

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**NM22/12 Motion Pursuant to Notice from Cr Andrews - Funding from RMS to Examine Pedestrian Amenity and Safety Issues at Anzac Parade, Maroubra (F2007/00187)**

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120/12 **RESOLUTION: (Andrews/Matthews)** that Council seek funding from the NSW Roads and Maritime Services (RMS) as part of the Local Government Road Safety program for a project to examine pedestrian amenity and safety issues at Anzac Parade, Maroubra between Maroubra Road and Boyce Road.

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

**Confidential Reports**

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

**Closed Session**

**CS7/12 Confidential - T03/12 - Randwick City Council Materials Supply and Disposal Panel Contract (F2012/00077)**

*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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121/12 **RESOLUTION: (Andrews/White)** that:

1. Council accepts ANL Pty Ltd, The Hills Bark Blower, Jay Transport, Dial A Dump Industries, All Tippers Pty Ltd, DATS Environmental Services Pty Ltd, Polyfabrics Australia Pty Ltd, Arborgreen, DEBCO and Grange Growing Solutions Pty Ltd as the successful tenderers for goods and services required for T03/12 - Randwick City Council Materials Supply and Disposal Panel Contract;
2. the General Manager, or delegated representative, be authorised to sign contract documents on behalf of Council for a three (3) year term with an option to extend for two (2) further terms of twelve (12) months each;
3. in accordance with Clause 178(3)(e) of the regulations, negotiates with suppliers with the view to entering into a contract for the supply of Granular Soil Conditioner, Squat Tubes, Native Tubes, 140mm Pot, 200mm Pot, 300mm Pot, 500mm Pot and Woven Polypropylene bags; and
4. the unsuccessful tenderers be notified.

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

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**GF17/12 Confidential - Draft Randwick City Council Operational Plan 2012-13: Confidential Fees and Charges (F2011/00531)**

*This matter is considered to be confidential under Section 10A(2)(d) of the Local*

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*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.*

122/12 **RESOLUTION: (Andrews/White)** that the Draft Confidential Fees and Charges 2012-13 be noted.

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

**GM14/12 Confidential - Directors' Employment Contract Extensions  
(F2007/00614)**

*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.*

123/12 **RESOLUTION: (Woodsmith/White)** that:

- a) the Director, City Planning be offered a new five (5) year performance based contract with standard terms and conditions to come into effect on 30 April 2012;
- b) the Director City Services be offered a new five (5) year performance based contract with standard terms and conditions to come into effect on 30 April 2012; and
- c) the Director Governance & Financial Services be offered a new five (5) year performance based contract with standard terms and conditions to come into effect on 30 April 2012.

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

**Open Session**

The meeting moved back into open session.

**Notice of Rescission Motions**

Nil.

There being no further business, His Worship the Mayor, Cr S Nash, declared the meeting closed at 9.08pm.

**The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 22 May 2012.**

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**CHAIRPERSON**