

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, 26 JUNE 2012 AT 6.02PM**

Present:

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

Councillor B Hughes (Deputy Mayor) (West Ward)

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|--------------|--|
| 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 & B Notley-Smith (from 9.10pm) |
| West Ward | - Councillor J Procopiadis |
| Central Ward | - Councillors A Andrews, T Seng & G Stevenson |

Officers Present:

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoples
Director City Planning	Ms S Truuvert
Director Governance & Financial Services	Mr G Banting
Manager Administrative Services	Mr D Kelly
Manager Development Assessment	Mr K Kyriacou
Communications Manager	Mr J Hay
Coordinator Property & Insurance	Ms S Plunkett
Manager Corporate & Financial Planning	Mr M Woods

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.

One minute silence was observed for the 90 asylum seekers who lost their lives in the recent tragedy off Christmas Island.

Apologies/Granting of Leave of Absences

Nil.

Confirmation of the Minutes**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY 22 MAY 2012**

136/12

RESOLUTION: (Smith/Andrews) that the Minutes of the Ordinary Council Meeting held on Tuesday 22 May 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 Matson declared a non significant non pecuniary interest in Item CP32/12 as he knows office holders of the Coogee Precinct Committee who have made submissions on this matter.
- (b) Cr Bowen declared a non significant non pecuniary interest in Item CP32/12 as he knows office holders of the Coogee Precinct Committee who have made submissions on this matter.
- (c) Cr Bowen declared a non significant non pecuniary interest in Item CP35/12 as he knows one of the objectors.
- (d) Cr Bowen declared a non significant non pecuniary interest in Item MM48/12 as he knows the speaker addressing Council on the matter.
- (e) Cr Andrews declared a non significant non pecuniary interest in Item CP35/12 as he knows a former Council employee involved with this application.
- (f) Cr Matthews declared a non significant non pecuniary interest in Item CP35/12 as he knows a former Council employee involved with this application.
- (g) Cr Matson declared a non significant non pecuniary interest in Item CP35/12 as he knows a former Council employee involved with this application.
- (h) Cr Procopiadis declared a non significant non pecuniary interest in Item CP35/12 as he knows a former Council employee involved with this application.
- (i) Cr Woodsmith declared a non significant non pecuniary interest in Item CP35/12 as she knows a former Council employee involved with this application.
- (j) Cr Stevenson declared a pecuniary interest in Item NM33/12 as he has in the past received hospitality from the Australian Turf Club. Cr Stevenson will not be taking part in the debate or voting on the matter.
- (k) The Mayor, Cr Nash declared a non significant non pecuniary interest in Item NM33/12 as in the past he received hospitality from the Australian Turf Club.
- (l) Cr Stevenson declared a non significant non pecuniary interest in item CP34/12 as he knows one of the objectors on this matter.
- (m) Cr Stevenson declared a significant non pecuniary interest in item CS8/12 as he has done some work for some of the companies who tendered. Cr Stevenson did not take part in the debate or voting on this matter.
- (n) Cr Belleli declared a significant non pecuniary interest Item MM42/12 as his wife and his dance school performs free at the event. Cr Belleli did not take part in the debate or voting on this matter.

PROCEDURAL MOTION: (Smith/Andrews) that item GM16/12 be brought forward and dealt with as the first item of business. **CARRIED.**

MOTION: (Smith/Andrews) that:

- a) the Recommended Operational Plan 2012-13 be adopted as per the attached, and that the General Manager be authorised to make any minor changes as requested by the Council or the NSW Division of Local Government;

- b) the Recommended Annual Budget 2012-13 be adopted as per the attached;
- c) the Recommended General Fees & Charges be adopted for 2012-13 as per the attached;
- d) Council make and levy the Ordinary Residential Rate for 2012-13, under s494 and s498(1)(a) and (2) of the Local Government Act 1993, as a rate of 0.193290 cents in the dollar on the land value of all rateable land within the City of Randwick being categorised as Residential;
- e) Council make and levy the Ordinary Business Rate for 2012-13, under s494 and s498(1)(a) & (2) of the Local Government Act 1993, as a rate of 0.637410 cents in the dollar on the land value of all rateable land within the City of Randwick being categorised as Business;
- f) Council make and levy the Special Environmental Rate for 2012-13 under s495 and s498(1)(b) and (2) of the Local Government Act 1993, as a rate of 0.015558 cents in the dollar on the land value of all rateable land within the City of Randwick;
- g) Council make and levy the minimum ordinary Residential rate for 2012-13 under s548(1)(a), (2), (4) & (5) of the Local Government Act 1993, as \$653.27;
- h) Council make and levy the minimum ordinary Business rate for 2012-13 under s548(1)(a), (2), (4) & (5) of the Local Government Act 1993, as \$1,052.72;
- i) Council make and levy the Domestic Waste Management Charge for 2012-13 under S496 of the Local Government Act 1993, as \$465.11;
- j) Council make and levy a Domestic Waste Management Charge for an additional 140 litre bin for 2012-13 under S496 of the Local Government Act 1993, as \$231.85;
- k) Council make and levy the Stormwater Management Service Charge for residential properties for 2012-13 under S496A of the Local Government Act 1993, as \$25.00;
- l) Council make and levy the Stormwater Management Service Charge for residential strata properties for 2012-13 under S496A of the Local Government Act 1993, as \$12.50;
- m) Council make and levy the Stormwater Management Service Charge for business properties for 2012-13 under S496A of the Local Government Act 1993, as \$25.00 plus an additional \$25.00 for each 350m² or part thereof by which the parcel of land exceeds 350m²;
- n) Council make and levy the Stormwater Management Service Charge for company title properties for 2012-13 under S496A of the Local Government Act 1993, calculated in accordance with the rating category of the land and then apportioned according to the number of shares held by each shareholder;
- o) the interest rate on overdue rates for 2012-13 be set at 10% which is the maximum rate as determined by the Minister for Local Government; under s566(3) of the Local Government Act 1993; and
- p) the responsible financial officer be delegated to make changes as adopted by Council.
- q) Council note that the Mayor has never misled Council on the impact of the carbon tax.

PROCEDURAL MOTION: (Bowen/Matson) that consideration of this matter be deferred until later in the meeting to allow the gallery to address Council on their items of interest. **LOST.**

DISSENT MOTION: (Matson/Hughes) on the ruling of the Mayor that the procedural motion moved by Councillors Bowen and Matson was lost. **LOST ON CASTING VOTE OF MAYOR.**

AMENDMENT: (Matson/Hughes) that the recommendation on the business paper be adopted.

PROCEDURAL MOTION: (Smith/Seng) that this matter be deferred to the end of meeting for consideration. **CARRIED.**

Note: As the procedural motion to defer this matter to the end of the meeting was carried, the above motion and amendment were not voted upon at this time.

Note: Cr Smith left the meeting at this point and did not return.

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:

MM48/12 NATIONAL MONUMENT FOR FALLEN LIFE SAVERS

For Tony Waller

CP31/12 8 HINCKS STREET, KINGSFORD (DA/436/2011/A)
RECOMMENDED FOR REFUSAL

Applicant Ray Broderick

CP32/12 17 GARNET STREET, SOUTH COOGEE (DA/534/2011)
RECOMMENDED FOR APPROVAL

Objector John Giannakopoulos

Applicant Annette Downie

CP34/12 22 MILFORD STREET, RANDWICK (DA/874/2011)
RECOMMENDED FOR APPROVAL

Objector James Phillips

Applicant Cameron Bruce

CP35/12 59 BURNIE STREET, CLOVELLY (DA/94/2012)
RECOMMENDED FOR REFUSAL

Objector Mark Soulos

Applicant Andrew Martin – representing the Applicant

NM24/12 MOTION PURSUANT TO NOTICE FROM CR MATSON - LIGHT RAIL AND
ALISON ROAD CYCLING AND PEDESTRIAN SHARED PATH

For Blanka Golebiowska

NM28/12 MOTION PURSUANT TO NOTICE FROM CR MATSON - CONCERN OVER LAND & ENVIRONMENT COURT FINDING FOR 86 DUDLEY STREET

For Michael Richards

NM31/12 MOTION PURSUANT TO NOTICE FROM CR MATSON - COMMUNITY CONCERN ABOUT THE NEW SPEED HUMP IN ARDEN STREET, COOGEE

For Gary Blandy

NM34/12 MOTION PURSUANT TO NOTICE FROM CR ANDREWS - PROPOSED MONUMENT AT LITTLE BAY

For Eileen Slarke

The meeting was adjourned at 7.57pm and was resumed at 8.22pm.

Mayoral Minutes

MM41/12 Mayoral Minute - Waiving of Fees - Clovelly Community Bank (F2010/00096)

137/12 **RESOLUTION: (Mayor, Cr S Nash) that:**

- a) Council vote \$160.00 to cover the application fee for the Clovelly Community Bank to celebrate their 10th Birthday outside the bank at 222-226 Clovelly Road, Clovelly and funds be charged to the 2012-13 Contingency Fund;
- b) The activity organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the activity; and
- c) The Mayor or his representative be given the opportunity to address the activity on behalf of Council.

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

MM42/12 Mayoral Minute - 2012 Maroubra Fun Run & Oktoberfest - Request for Financial Assistance (F2005/00182)

Note: A rescission motion was submitted on this matter in accordance with Council's Code of Meeting Practice and will be considered at the Ordinary Council Meeting to be held on 24 July 2012.

Having declared a significant non pecuniary interest in this matter, Cr Belleli left the meeting during the debate and the vote on the matter.

138/12 **RESOLUTION: (Matthews/Andrews) that:**

- a) Council donate \$10,000 to the organisers to cover the cost of the stage, the application and the required traffic calming associated with the event, with funding from the 2012-13 Contingency Fund;
- b) Council advise the organisers of the Maroubra Fun Run that Council is agreeable to being advertised as a Major Sponsor of the event both in promotional material and on the day of the event;
- c) the Mayor or his representative be given the opportunity to address the event on behalf of Council; and

- d) Council allocate \$10,000 for future Maroubra Fun Runs to contribute towards the cost of the event, with funding being budgeted for in Council's Events Budget.
- e) the event be renamed the Randwick City Council Maroubra Fun Run & Oktoberfest.

MOTION: (Mayor, Cr S Nash) that:

- a) Council donate \$10,000 to the organisers to cover the cost of the stage, the application and the required traffic calming associated with the event, with funding from the 2012-13 Contingency Fund;
- b) Council advise the organisers of the Maroubra Fun Run that Council is agreeable to being advertised as a Major Sponsor of the event both in promotional material and on the day of the event;
- c) the Mayor or his representative be given the opportunity to address the event on behalf of Council; and
- d) Council allocate \$10,000 for future Maroubra Fun Runs to contribute towards the cost of the event, with funding being budgeted for in Council's Events Budget.

AMENDMENT: (Matthews/Andrews) CARRIED AND BECAME THE MOTION.

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

MM43/12 Mayoral Minute - Proposed Display of Royal Correspondence from Buckingham Palace to Commemorate the Queen's Diamond Jubilee (F2012/06574)

This Mayoral Minute was withdrawn by the Mayor at the meeting.

MM44/12 Mayoral Minute - Mayors for Peace - Request for Support of International Peace Day (F2009/00197)

- 108/12 **RESOLUTION: (Mayor, Cr S Nash)** that Council support the promotion of the International Day of Peace "Minute of Silence – Moment of Peace" Ceremony by holding a one minute silence at all Council locations at midday on 21 September 2012.

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

MM45/12 Mayoral Minute - Waste Survey Results (F2005/00917)

- 109/12 **RESOLUTION: (Mayor, Cr S Nash)** that the report be received and noted.

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

MM46/12 Mayoral Minute - Request to Support Energy Saving Initiative in Support of St Vincent de Paul Society Charity Store in Randwick (F2011/00302)

- 110/12 **RESOLUTION: (Mayor, Cr S Nash)** that Council approve an amount up to \$1,700 for the Repower Australia project being organised by the Australian Youth Climate Coalition based at the University of New South Wales for the purposes of making the local St Vincent de Paul Society Shop at Randwick more energy efficient and helping

the organisation reduce its energy bills.

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

MM47/12 Mayoral Minute - Seeking Approval for Photographic Exhibition of Eastern Suburbs Wetlands at Randwick Community Centre for Biodiversity Month in September (F2004/08272)

111/12 **RESOLUTION: (Mayor, Cr S Nash)** that Council approves the exhibition of Mr Poleson's wetland photographs at the Randwick Community Centre during Biodiversity month in September.

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

MM48/12 Mayoral Minute - National Monument for Fallen Life Savers (F2007/00506)

112/12 **RESOLUTION: (Mayor, Cr S Nash)** that:

- a) a national monument, consisting of an appropriate monument/sculpture, a wall of remembrance listing all fallen lifesavers and terrace seating be set up at the southern end of Coogee Beach to honour our fallen lifesavers who have given their lives in wars throughout history;
- b) a trust be established to oversee all aspects of this project and to monitor and add to the monument on an ongoing basis. The Trust would consist of the following members;
 - The Mayor of Randwick City Council;
 - The Federal Member for Kingsford Smith;
 - The State Member for Coogee;
 - Mr Phil Vanny AM, CEO Surf Life Saving NSW;
 - Mr Barry Collins from the Returned Soldiers League (RSL);
 - A representative from Randwick Barracks;
 - Mr Tony Waller, President Coogee Surf Life Saving Club;
 - Mr Pat Garcia, Coogee Surf Life Saving Club;
 - The General Manager of Randwick City Council;
- c) this project is to be a joint partnership involving Council, the State and Federal Governments and Surf Life Saving Australia;
- d) Council provide the initial funding for the preliminary concept and design documentation from the Infrastructure Reserve; and
- e) Council calls on the State and Federal Government to assist with funding for this project.

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

MM49/12 Mayoral Minute - myRANDWICK Smartphone App (F2011/00484)

113/12 **RESOLUTION: (Mayor, Cr S Nash)** that Council notes the development of Council's new smartphone app myRANDWICK and its proposed launch in July 2012.

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

Urgent Business

Nil.

Director City Planning Reports

CP31/12 Director City Planning Report - 8 Hincks Street, Kingsford (DA/436/2011/A)

114/12

RESOLUTION: (Andrews/Hughes) that Council, as the consent authority, refuse development consent under Section 96 of the Environmental Planning and Assessment Act 1979 to Development Application No. DA/436/2011 for permission to increase the external wall height by 400mm, provide translucent glazing to 1.75m for south facing windows and change the roof pitch of the building, at 8 Hincks Street, Kingsford for the following reasons:

1. The proposed development fails to comply with the objectives of the Zone No 2A (Residential A Zone) in that it will compromise the amenity of surrounding residential areas, is not compatible with the dominant character of existing development and will not maintain the character of established residential areas.
2. The proposal is not considered to have minimised environmental impacts on the locality and does not satisfy the provisions of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended. In particular, the proposed height is excessive in scale in relation to the existing and likely development along this side of Isis Lane and will dominate and detract from the local streetscape and the amenity of neighbouring properties.
3. The proposal in its current form is not within the public interest and does not satisfy Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

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

CP32/12 Director City Planning Report - 17 Garnet Street, South Coogee (DA/534/2011)

115/12

RESOLUTION: (Matson/Hughes) that the application be deferred for the submission of amended plans better addressing concerns raised by the objectors and Councillors with respect to the rear dwelling boundary line, the rear balcony and upper level and the aluminium cladding.

MOTION: (Matson/Woodsmith) that the application be deferred to allow for the submission of amended plans incorporating the following changes:

- increase of setback of the dwelling's rear solid building line and balcony at the upper level by 1 metre.
- deletion of all solid features including perimeter louvers and roof overhang to rear balcony at the upper floor level to allow for an open structure.
- reduction of building height by 1.5 metres overall at gridline 4 which would include the already offered reduction in the upper level plans.
- removal of southern boundary screen and provision of fence to height of 1.8 metres. **LOST.**

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

FOR	AGAINST
Councillor Hughes	Councillor Andrews

Councillor Matson
Councillor Woodsmith

Councillor Belleli
Councillor Bowen
Councillor Matthews
Councillor Nash
Councillor Procopiadis
Councillor Seng
Councillor Stevenson
Councillor Tracey
Councillor White

Total (3)

Total (10)

MOTION: (White/Andrews) that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 534/2011 for demolition of existing structures and construction of a part 2- and part 3-storey dwelling with detached garage fronting Garnet Street, landscaping and associated works, at No. 17 Garnet Street, South Coogee, subject to the following conditions:

DEVELOPMENT CONSENT CONDITIONS

GENERAL CONDITIONS

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

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

Approved Plans & Supporting Documentation

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

Plan Number/ Title	Dated	Received	Drawn By
DA-01(M)	08/06/12	8 June 2012	Chenchow Little Pty. Ltd.
DA-02(J)	08/06/12	8 June 2012	
DA-03(J)	08/06/12	8 June 2012	
DA-04(J)	08/06/12	8 June 2012	
DA-05(K)	08/06/12	8 June 2012	
DA-06(K)	08/06/12	8 June 2012	
DA-07(J)	08/06/12	8 June 2012	
DA-08(I)	08/06/12	8 June 2012	
Vertical Batten Screen Details (Amendment A)	Undated	28 Dec 2011	ATC Landscape Architects & Swimming Pool Designers
L/01(C)	19/05/11	14 Jul 2011	

BASIX Certificate No.	Project Name	Dated
377871S_03	17 Garnet Street, Coogee_02	8 June 2012

Amendment of Plans & Documentation

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

(a) The batten screens along the southern elevation of the development shall

be configured in a manner that achieves 50% openness.

(b) The north-facing window to the living / kitchen areas at the first (top) level of the dwelling shall be constructed with fixed and translucent glazing.

3. No air-conditioning units shall be mounted on the roofs of the development.
4. The metal roofs and batten screens of the development shall be finished in a manner that minimises glare and light reflection to the surrounding dwellings. Details demonstrating compliance are to be incorporated in the Construction Certificate documentation to the satisfaction of the Council / Accredited Certifier.
5. The reflectivity index of glazing for windows and balcony balustrades is to be no greater than 20%. Written confirmation of the reflectivity index of glazing materials is to be submitted with the Construction Certificate application to the satisfaction of the Council / Accredited Certifier.
6. Any fencing located on the eastern and western property boundaries of the site shall have a maximum height of 1800mm, as measured from the existing ground levels.

On sloping sites or at changes in ground levels, the maximum height of the fence may exceed the above-mentioned specified height by up to 150mm maximum adjacent to any required 'step-downs' or changes in ground level.

The applicant and owner are advised that the relevant provisions of the Dividing Fences Act 1991 are to be satisfied accordingly and any necessary approvals or agreements should be obtained from the owner/s of the adjoining land beforehand.

7. Any gate openings shall be designed and constructed so that the gates will not open over the footpath or a public place.

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

8. 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

9. The colours, materials and finishes of the external surfaces to the buildings are to be consistent with the Schedule of Proposed External Finishes (Amendment B), undated, prepared by Chenchow Little Pty. Ltd. and stamp-received by Council on 28 December 2011.
10. The masonry walls along the southern boundary of the site shall be appropriately rendered and painted in a manner that is consistent with the approved Schedule of Proposed External Finishes.

Section 94A Development Contributions

11. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, based on the development cost of \$1,761,422, the following applicable monetary levy must be paid to Council: **\$17,614.22**.

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.

Long Service Levy Payments

12. 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

13. 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*:

- \$3000.00 - 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

14. The design alignment level (the finished level of concrete, paving or the like) at the property boundary for driveway and pathway in Garnet St shall be:

RL 59.95.

The design alignment level at the property boundary as issued by Council must be indicated on the building plans for the construction certificate.

The above alignment level and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of **\$462.00**

calculated at \$46.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.

Sydney Water

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

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

Stormwater Drainage

16. 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.

17. Stormwater runoff shall be discharged via a pipeline/s thru the Cairo St boundary wall, of the subject site, at the eastern end of the site and then in an easterly direction, with sufficient groundcover, and discharged thru Council's sandstone retaining wall at/near its base.

Note: No seepage water is to be discharged from the site.

The applicant is to liaise with either Council's Co-ordinator Engineering Services or Council's Drainage Assets Engineer in regards to the construction method of the pipeline along Council's road reserve and the size and position of the discharge pipe in Council's retaining wall. These requirements/details are to be determined prior to the issuing of a Construction Certificate and shown in detail on the plans submitted for the Construction Certificate.

18. All site stormwater which is discharged from the site, must be taken through a sediment/silt arrester pit. The sediment/silt arrester pit shall be constructed with:-
- The base of the pit located a minimum 300mm under the invert level of the outlet pipe.
 - The pit must be constructed from cast in-situ concrete, precast concrete or double brick.
 - The grate is to be a galvanised heavy-duty grate that has a provision for a child proof fastening system.
 - A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.
 - A galvanised heavy-duty screen located over the outlet pipe (Mascot GMS Multi-purpose filter screen or similar)
 - A child proof and corrosion resistant fastening system for the access grate (spring loaded j-bolts or similar).
 - The inlet pipeline located on the side of the pit so that the stormwater will discharge across the face of the screen.

- A sign adjacent to this pit stating that:
"This sediment/silt arrester pit shall be regularly inspected and cleaned."

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

Protection of Council trees

19. In order to ensure retention of the significant, heritage listed *Phoenix canariensis* (Canary Island Date Palm) on Council's Garnet Street verge, to the north of the existing vehicle crossing, as well as the two smaller trees on the Cairo Street public verge, being from west to east, a *Lagunaria patersonii* (Norfolk Island Hibiscus) and a smaller *Pittosporum crassifolium* (Karo) in good health, the following measures are to be undertaken:
- a. All documentation submitted for the Construction Certificate application must show the retention of these three public trees, with the position and diameter of their trunks and crowns/canopies to be clearly and accurately shown on all drawings.
 - b. All Construction Certificate plans must also show that the northern edge of the crossing will not be altered, for a minimum radius of **1500mm**, measured off the base of the trunk of the Palm at ground level, with any amendments to the existing crossing needing to be performed outside this exclusion zone.
 - c. In order to prevent the introduction or transfer of the harmful plant pathogen, *Fusarium sp*, to which this species of palm is particularly susceptible, any tools or machinery to be used for external works on Council property must be disinfected and sterilised, prior to commencement, as well as regularly during the course of the works by soaking for **5 minutes** in the following mixture:
 - i. 50% household bleach or 5% quaternary ammonium (eg, Phytoclean, Avis Chemicals); then;
 - ii. Rinsing affected equipment with clean water and/or 70% alcohol to remove disinfectant.
 - d. The PCA must ensure that removal of the concrete surface on the northern half of the existing vehicle crossing over Council property is undertaken by hand, not machinery, so as to avoid the indiscriminate damage of roots, with Council's Landscape Development Officer (9399-0613) to be contacted (giving at least 2 working days notice) to inspect this work being performed, as well as to confirm that the required sterilising of equipment is being performed.
 - e. Following removal of the surfacing described above, but prior to performing excavations for forming up or constructing the new crossing, Council's Landscape Development Officer must inspect any roots encountered, and where permission is granted for their pruning in order to accommodate the proposed works, they must be cut cleanly by hand (using only sterilised tools), with the affected area to be backfilled with clean site soil as soon as practically possible so that roots are not left exposed to the atmosphere.
 - f. Any imported soils to be used on the verge beneath the palm must adhere to AS4419 – 2003: Soils for landscaping & garden use, with a certificate of compliance to be provided to the PCA (with a copy to be forwarded to Council if not the PCA), prior to issuing a Final Occupation Certificate.

- g. Any excavations associated with the installation of new services, pipes, stormwater systems or similar over the Garnet Street verge must be located along the southern side of the crossing, and if required along the Cairo Street verge, a minimum distance of 2.5 metres to the east of the most eastern street tree, so as to minimise root damage.
- h. Prior to the commencement of any site works, the trunk of the palm is to be physically protected by geo-textile, underfelt or layers of Hessian, to a height of 2 metres above ground level, to which, 2m lengths of 50mm x 100mm hardwood timbers, spaced at 150mm centres shall be placed around its diameter, and are then to be secured by 8 gauge wires or steel strapping at 300mm spacing. (NO nailing to the trunk).
- i. The palm is also to be protected by the installation of 1.8 metre high steel mesh/chainwire fencing, which shall be located along the northern edge of the vehicle crossing to its south, against the western side of its trunk, against the southern side of the power pole to its north, and setback 2m off the front property boundary to its east, in order to completely enclose it for the duration of works, with erosion control measures to be placed along the base of the fencing in order to prevent soil/sediment being washed into the TPZ.
- j. Both of the street trees on the Cairo Street verge must be physically protected by installing a minimum of four star pickets at a setback of 1.5 metres on all four sides (measured off the outside edge of their trunks at ground level), 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.
- k. The fencing described in points 'i' & 'j' above must be installed prior to the commencement of demolition and construction works, and shall remain in place until all works are completed, to which signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE, DO NOT ENTER".
- l. The applicant is not authorised to perform any works to these public 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.
- m. Within the TPZ's described in point 'i' & 'j' above, there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of in the area and no stockpiling of soil or rubble, with all Site Management Plans needing to acknowledge these requirements.
- n. A refundable deposit in the form of cash, credit card or cheque for an amount of **\$2,500.00** shall be paid at the Cashier on the Ground Floor of the Administrative Centre, prior to a construction certificate being issued for the development, in order to ensure compliance with the conditions listed in this consent, and ultimately, preservation of these public trees.

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

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

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

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

Smoke Alarms

21. 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

22. 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

23. Prior to the commencement of any building works, the following requirements must be complied with:
- a) a Construction Certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.

A copy of the construction certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
 - b) a *Principal Certifying Authority* (PCA) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and
 - c) a *principal contractor* must be appointed for the building work, or in relation to residential building work, an *owner-builder* permit may be obtained in accordance with the requirements of the *Home Building Act 1989*, and the PCA and Council are to be notified accordingly; and
 - d) the *principal contractor* must be advised of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*; and
 - e) at least two days notice must be given to the Council, in writing, prior to commencing any works.

Home Building Act 1989

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

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

Dilapidation Reports

25. A dilapidation report prepared by a professional engineer, building surveyor or other suitably qualified independent person must be submitted to the satisfaction of the Principal Certifying Authority prior to commencement of any demolition, excavation or building works, in the following cases:
- excavations for new dwellings, additions to dwellings, swimming pools or the like which are proposed to be located within the *zone of influence* of the footings of any dwelling, associated garage or other substantial structure located upon an adjoining premises,
 - new dwellings or additions to dwellings sited up to shared property boundaries (e.g. additions to a semi-detached dwelling or terraced dwellings),
 - excavations for new dwellings, additions to dwellings, swimming pools or the like which are within rock and may result in vibration and or potential damage to any dwelling, associated garage or other substantial structure located upon an adjoining premises,
 - as otherwise may be required by the Principal Certifying Authority.

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

located upon the adjoining premises. A copy of the dilapidation report is to be given to the owners of the premises encompassed in the report/s before commencing any works.

Construction Noise & Vibration Management Plan

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

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

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

Temporary Site Fencing

27. Temporary site safety fencing must be provided to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres).

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

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

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

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

Construction Site Management

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

- location and construction of protective fencing/hoardings to the perimeter of the site;
- location of site storage areas/sheds/equipment;
- location of building materials for construction;
- provisions for public safety;
- dust control measures;
- site access location and construction;
- details of methods of disposal of demolition materials;
- protective measures for tree preservation;

- provisions for temporary sanitary facilities;
- location and size of waste containers/bulk bins;
- details of proposed sediment and erosion control measures;
- provisions for temporary stormwater drainage;
- construction noise and vibration management;
- construction traffic management details.

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

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

Demolition Work Plan

29. 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

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

The Waste Management Plan must provide details of the type and quantities of demolition and construction waste materials, proposed re-use and recycling of

materials, methods of disposal and details of recycling outlets and land fill sites.

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

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

31. A detailed *Construction Site Traffic Management Plan* must be submitted to and approved by Council, prior to commencement of any site work.

The Construction Site Traffic Management Plan must be prepared by a suitably qualified person and must include the following details, to the satisfaction of Council:

- A description of the demolition, excavation and construction works
- A site plan/s showing the site, roads, footpaths, site access points and vehicular movements
- Any proposed road and/or footpath closures
- Proposed site access locations for personnel, deliveries and materials
- Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site)
- Provision for loading and unloading of goods and materials
- Impacts of the work and vehicular movements on the road network, traffic and pedestrians
- Proposed hours of construction related activities and vehicular movements to and from the site
- Current/proposed approvals from other Agencies and Authorities (including NSW Roads & Traffic Authority, Police and State Transit Authority)
- Any activities proposed to be located or impact upon Council's road, footways or any public place
- Measures to maintain public safety and convenience

Public Utilities

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

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

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

REQUIREMENTS DURING CONSTRUCTION & SITE WORK

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

These conditions have been applied to satisfy the relevant requirements of the

Environmental Planning & Assessment Act 1979, Environmental Planning & Assessment Regulation 2000 and to provide reasonable levels of public health, safety and environmental amenity during construction.

Inspections During Construction

33. 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

34. 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

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

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> • Monday to Friday - 7.00am to 5.00pm • Saturday - 8.00am to 5.00pm • Sunday & public holidays - No work permitted
Excavating of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like	<ul style="list-style-type: none"> • Monday to Friday - 8.00am to 5.00pm • Saturday - No work permitted • 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

36. All work and activities must be carried out in accordance with the relevant

regulatory requirements and Randwick City Council policies, including:

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

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

Removal of Asbestos Materials

37. 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 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence. A copy of the relevant licence must be provided to the Principal Certifying Authority.
- On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.
- Asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2005*. Details of the landfill site (which must be lawfully able to receive asbestos materials) must be provided to the Principal Certifying Authority.
- A Clearance Certificate or Statement, prepared by a suitably qualified person (ie an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the Principal certifying authority upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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

Sediment & Erosion Control

38. 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

39. 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

40. 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.

41. 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.

42. 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

43. 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

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

Site Amenities

45. 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

46. 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.

Tree Management

47. 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.

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 has 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.

Council's Infrastructure, Vehicular Crossings & Road Openings

51. Prior to the issuing of an occupation certificate the applicant must meet the full cost for Council or a Council approved contractor to:
- a) Reconstruct concrete vehicular crossing opposite the vehicular entrance to

the site, if required.

52. Should the pedestrian gate entrance to the property via Cairo Street be removed then the applicant is to, prior to issuing of an occupation certificate, meet the full cost for Council or a Council approved contractor to remove the concrete footpath and retaining wall located along the southern side boundary on Council's road reserve in Cairo Street and replace them with turf.
53. The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.

Note: The applicant is to submit to Council copy of photos showing the existing condition of the roadway of both Cairo Street and Garnet Street as well as the nature strip of Cairo Street prior to the commencement of any demolition works.

54. 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.

Landscaping

55. The PCA must ensure that landscaping at this site is installed substantially in accordance with the Proposed Landscape Plan by A Total Concept Landscape Architects, project 1, dwg L/01, revision C, dated 19/05/11, prior to issuing a Final (or any other type of Interim) Occupation Certificate/s, with the owner/s to ensure it is maintained in a healthy and vigorous state until maturity.

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

56. 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

57. 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

58. 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

59. 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

60. 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

61. 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.

Rainwater Tank Requirements

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

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

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

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

- c) The operation of plant and equipment associated with rainwater tanks are to be restricted to the following hours if the noise emitted can be heard within a habitable room in any other residential premises:
- before 8.00am or after 8.00pm on weekends or public holiday; or
 - before 7.00am or after 8.00pm on weekdays.

Waste Management

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

ADVISORY NOTES

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

- 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 and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.
- A10 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.
- A11 The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.
- A12 Further information and details on Council's requirements for trees on development sites can be obtained from the recently adopted Tree Technical Manual, which can be downloaded from Council's website at the following link, <http://www.randwick.nsw.gov.au> - Looking after our environment – Trees – Tree Management Technical Manual; which aims to achieve consistency of approach and compliance with appropriate standards and best practice guidelines. **LOST.**

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

FOR	AGAINST
Councillor Andrews	Councillor Bowen
Councillor Belleli	Councillor Hughes

Councillor Nash	Councillor Matson
Councillor Procopiadis	Councillor Matthews
Councillor Seng	Councillor Stevenson
Councillor White	Councillor Tracey
	Councillor Woodsmith
Total (6)	Total (7)

MOTION: (Matson/Hughes) CARRIED – SEE RESOLUTION.

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Bowen	Councillor Procopiadis
Councillor Hughes	Councillor Seng
Councillor Matson	Councillor Stevenson
Councillor Matthews	
Councillor Nash	
Councillor Tracey	
Councillor White	
Councillor Woodsmith	
Total (9)	Total (4)

**CP33/12 Director City Planning Report - 66 Beach Street, Coogee
(DA/581/2011)**

116/12

RESOLUTION: (Andrews/Hughes) –

- A. That Council supports the objections under State Environmental Planning Policy No. 1 – Development Standards in respect to non-compliance with Clauses 20G (1) & (3) of Randwick Local Environmental Plan 1998, relating to Building Heights, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning be advised accordingly.
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/581/2011 for substantial alterations and additions to the existing residential flat building, including construction of an additional level with master bedroom and ensuite for Unit 3, changes to internal floor layout, installation of new decks, reconfiguration of parking and landscaping, at 66 beach Street, Coogee, 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:

Plan	Drawn by	Dated	Received
WD 1.05 (Revision L)	Pauluhlmann Architect	16/03/2012	17 April 2012
WD 1.06 (Revision L)	Pauluhlmann Architect	13/04/2012	17 April 2012
WD 1.07 (Revision I)	Pauluhlmann Architect	16/03/2012	17 April 2012
WD 1.08 (Revision K)	Pauluhlmann Architect	13/04/2012	17 April 2012
WD 2.03 (Revision L)	Pauluhlmann Architect	13/04/2012	17 April 2012
WD 2.04 (Revision K)	Pauluhlmann Architect	13/04/2012	17 April 2012
WD 2.05 (Revision A)	Pauluhlmann Architect	16/03/2012	17 April 2012
WD 3.01 (Revision F)	Pauluhlmann Architect	16/06/2012	17 April 2012
WD 3.02 (Revision H)	Pauluhlmann Architect	13/04/2012	17 April 2012
Landscape Plan (Issue B)	Melissa Wilson - Landscape Architects	05/04/2012	17 April 2012

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements and details are to be included in the *Construction Certificate*:
 - a. A privacy screen having a height of 600mm above the balustrade level must be provided to the northern end within the opening of the rear first floor deck. The privacy screen must be constructed of metal or timber and the total area of any openings within the privacy screen must not exceed 25% of the area of the screen. Alternatively, the privacy screen may be provided with translucent, obscured, frosted or sandblasted glazing in a suitable frame.
 - b. The proposed decks to the front of the building line on the ground and first floor levels must be reduce in width, so that the decks shall not exceed a maximum width of 3.2m.
 - c. Prior to the issuing of an Occupation Certificate the applicant must demonstrate to Council that the Strata Plan has been amended to reflect the substantial alterations and additions to the site.
 - d. Prior to the issue of a Construction Certificate, the BASIX Certificate shall be amended to reflect the approved plans.

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.

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 \$1,056,894, the following applicable monetary levy must be paid to Council: \$10,568.94.

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.

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.

Sydney Water Requirements

7. The relevant requirements of the *Sydney Water Act 1994* must be complied with and a *Section 73 Compliance Certificate* under the *Sydney Water Act 1994* must be obtained from Sydney Water.

An 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 then the "e-developer" icon 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.

A copy of Sydney Water's 'Notice of Requirements' must be submitted to the Certifying Authority prior to issuing a Construction Certificate.

The Section 73 Certificate is required to be obtained before an *occupation certificate* or *subdivision certificate* is issued, whichever the sooner.

Design Alignment levels

8. The design alignment level (the finished level of concrete, paving or the like) at the property boundary for access ramps and pathways or the like, must match the back of the existing Council footpath along the Beach Street site frontage.
9. The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$135.00 (inclusive of GST).

This amount is to be paid prior to a construction certificate being issued for the development.

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 & 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).
11. 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.

BASIX Requirements

12. 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.

Site stability and construction work

13. A report must be obtained from a suitably qualified and experienced *professional engineer*, which includes the following details, to the satisfaction of the Certifying Authority for the development: -
 - a) Geotechnical details which confirm the suitability and stability of the site for the development and relevant design and construction requirements to be implemented to ensure the stability and adequacy of the development and adjacent land.
 - b) Details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings.
 - c) Details to demonstrate that the proposed methods of excavation and construction are suitable for the site and should not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration.

- d) The adjoining land and buildings located upon the adjoining land must be adequately supported at all times throughout demolition, excavation and building work, to the satisfaction of the *Principal Certifying Authority*.
- e) Written approval must be obtained from the owners of the land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place) and details must be provided to the *Certifying Authority*.

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.

Certification and Building Inspection Requirements

14. 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

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

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

Dilapidation Reports

16. A dilapidation report prepared by a *professional engineer* or suitably qualified and experienced building surveyor shall be submitted to the *certifying authority* prior to the commencement of demolition, excavation or building works detailing the current condition and status of all buildings and ancillary structures located upon all of the premises adjoining the subject site (e.g. dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandah's, fences, retaining walls, swimming pools and driveways etc).

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

Construction Noise & Vibration Management Plan

17. A *Construction Noise & Vibration Management Plan*, prepared in accordance with the Department of Climate Change Guidelines for Construction Noise and Assessing Vibration, by a suitably qualified person, is to be developed and implemented prior to commencing site work and throughout the course of construction.

- a) 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.

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.

- b) The *Construction Noise & Vibration Management Plan* must include details of measurements, analysis and relevant criteria and demonstrate that the noise and vibration emissions from the work satisfy the relevant provisions of the *Protection of the Environment Operations Act 1997*, current DECC Guidelines for Construction Noise and Assessing Vibration and Councils conditions of consent.
- c) A further report/correspondence must be obtained from the consultant as soon as practicable upon the commencement of works, which reviews and confirms the implementation and suitability of the noise and vibration strategies in the *Construction Noise & Vibration Management Plan* and which demonstrates compliance with relevant criteria.
- d) Any recommendations and requirements contained in the *Construction Noise & Vibration Management Plan* and associated reports are to be implemented accordingly and should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to Council and the PCA.

A copy of the *Construction Noise & Vibration Management Plan* and associated acoustic/vibration report/s must be maintained on-site and a copy must be provided to Council and the Principal Certifying Authority accordingly.

Temporary Site Fencing

18. Temporary site safety fencing must be provided to the perimeter of the site throughout demolition, excavation and construction works.

Temporary site fences must have a height of 1.8 metres and be a cyclone wire fence (with geotextile fabric attached to the inside of the fence to provide dust control), or heavy-duty plywood sheeting (painted white), or other material approved by Council.

A 'B Class' overhead type hoarding is required to be provided to protect the public, located adjacent to the development, prior to the commencement of any works on the site which comprise:

- any works or hoisting of materials over a public footway or adjoining premises, or
- any building or demolition works on buildings which are over 7.5m in height and located within 3.6 metres of the street alignment.

All site fencing and hoardings must 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.

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 separate Local Approval application must be submitted to and approved by Council's Health, Building & Regulatory Services before placing any fencing, hoarding or other article on the road, footpath or nature strip.

Construction Site Management

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

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

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

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

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

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

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

Notes

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

Public Liability

21. The owner/builder is required to hold Public Liability Insurance, with a minimum liability of \$10 million and a copy of the Insurance cover is to be provided to the Principal Certifying Authority and Council.

Public Utilities

22. A *Public Utility Impact Assessment* must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.
23. The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.

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

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

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

Building & Demolition Work Requirements

25. All work and activities must be carried out in accordance with the relevant regulatory requirements, including:

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

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

Removal of Asbestos Materials

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

- 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 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence. A copy of the relevant licence must be provided to the Principal Certifying Authority.
- On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.
- Asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2005*. Details of the landfill site (which must be lawfully able to receive asbestos materials) must be provided to the Principal Certifying Authority.

- A Clearance Certificate or Statement, prepared by a suitably qualified person (ie an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the Principal certifying authority upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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

Sediment & Erosion Control

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

Details 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 Council. A copy must also be maintained on site and be made available to Council officers upon request.

Dust Control

28. During demolition excavation and construction works, dust emissions must be minimised, so as not to result in a nuisance to nearby residents or result in a potential pollution incident.

Adequate dust control measures must be provided to the site prior to the works commencing and the measures and practices must be maintained throughout the demolition, excavation and construction process, to the satisfaction of Council.

Dust control measures and practices may include: -

- *Provision of geotextile fabric to all perimeter site fencing (attached on the prevailing wind side of the site fencing).*
- *Covering of stockpiles of sand, soil and excavated material with adequately secured tarpaulins or plastic sheeting.*
- *Installation of a water sprinkling system or provision hoses or the like.*
- *Regular watering-down of all loose materials and stockpiles of sand, soil and excavated material.*
- *Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds.*
- *Landscaping and revegetation of disturbed areas.*

Public Safety & Site Management

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

- 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.

Excavations, Back-filling & Retaining Walls

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

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

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

Support of Adjoining Land

31. 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.

Site Signage

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

Restriction on Working Hours

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

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> Monday to Friday - 7.00am to 5.00pm Saturday - 8.00am to 5.00pm Sunday & public holidays - No work permitted
Excavating of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like	<ul style="list-style-type: none"> Monday to Friday - 8.00am to 1.00pm only Saturday - No work permitted Sunday & public holidays - No work permitted
Additional requirements for all development	<ul style="list-style-type: none"> Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - No work permitted

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

Survey Requirements

34. 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 footings and retaining structures,
 - prior to construction (pouring of concrete) of each 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

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

Tree Management

36. Despite being shown for retention on the submitted plans, approval is granted for removal of the following trees (**should the applicant wish**) as part of the proposed works, subject to full implementation of the approved landscaping:
- The *Plumeria acutifolia* (Frangipani, Tree A on the existing tree schedule) in the front yard, halfway across the width of the front (eastern) boundary, as it is not a significant specimen, and may be destabilized by the proposed terracing/retaining walls in this same area as shown;
 - The two *Syagrus romanzoffianum* (Cocos Palms, Trees D) located centrally in the rear yard, as this species is exempt from the provisions of Council's Tree Preservation Order (TPO) due to their low landscape value;

- c) The large *Cinnamomum camphora* (Camphor Laurel) in the rear yard, halfway across the width of the rear (western) site boundary, as despite performing a valuable screening function, is in poor condition due to repeated heavy topping and the resulting poorly attached sucker growth and deadwood, and is also recognized as an environmental weed.
37. If Tree E is removed as described above, it will need to be replaced with suitable evergreen species in this same area of the site, that will achieve a mature height of at least 4 metres, so as to maintain reasonable levels of screening and privacy between the subject site and 111-113 Arden Street to the west, with the landscape plan to be amended accordingly to comply with this requirement.
- Pruning of neighbours tree**
38. Permission is granted for the selective pruning of those two, 2nd order structural leaders from the western and northern aspects of the *Eucalyptus robusta* (Swamp Mahogany), being one growing to the west at a height of 2.5m above ground level, over the laneway, and one leading to the northwest at a height of 3m, which overhangs into the subject site, only where needed in order to facilitate access and avoid damage to the trees from trucks or similar during the course of works.
39. This approval does not imply any right of entry onto a neighbouring property nor does it allow pruning beyond a common boundary; however, where such measures are desirable in the best interests of correct pruning procedures, and ultimately, the ongoing health of this tree, the applicant must negotiate with the neighbour/tree owner for access to perform this work.
40. All pruning must be undertaken by an Arborist who holds a minimum of AQF Level V in Arboriculture, and to the requirements of Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and NSW Work Cover Code of Practice for the Amenity Tree Industry (1998).

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

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

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

Occupation Certificate Requirements

41. 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.

Fire Safety Certificate Requirements

42. Prior to issuing an interim or final Occupation Certificate, a single and complete

Fire Safety Certificate, which encompasses all of the essential fire safety measures contained in the *fire safety schedule* must be obtained and be submitted to Council, in accordance with the provisions of the *Environmental Planning and Assessment Regulation 2000*. The *Fire safety Certificate* must be consistent with the *Fire Safety Schedule* which forms part of the Construction Certificate.

A *Fire Safety Statement* must be provided to the Council on an annual basis, each year following the issue of a *Fire Safety Certificate*, which confirms that all the fire safety measures are operating in accordance with the relevant standards of performance.

A copy of the *Fire Safety Certificate/Fire Safety Statement* must be displayed in the building entrance/foyer at all times and a copy must also be forwarded to Fire and Rescue NSW.

Structural Certification

43. A Certificate must be obtained from a *professional engineer*, which certifies that the building works satisfy the relevant structural requirements of the Building Code of Australia and approved design documentation, to the satisfaction of the *Principal Certifying Authority*. A copy of which is to be provided to Council.

Sydney Water Certification

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

BASIX Requirements & Certification

45. 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 any relevant BASIX commitments and requirements have been satisfied.

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

Occupant Safety - Windows

46. 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 safety measures must be implemented prior to the issue of an Occupation Certificate.

Noise Control Requirements & Certification

47. The operation of 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 Office of Environment and Heritage (EPA) Noise Control Guidelines.

48. A report must be obtained from a suitably qualified and experienced consultant in acoustics, which demonstrates and certifies that noise and vibration from any plant and equipment (e.g. mechanical ventilation systems and air-conditioners) satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Office of Environment and Heritage (EPA) Noise Control Manual, Industrial Noise Policy and Council's development consent.

A copy of the report must be provided to the *Principal Certifying Authority* and Council prior to an occupation certificate being issued.

Council's Infrastructure, Vehicular Crossings, street verge

49. 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.
50. 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.

Landscaping

51. The PCA must ensure that landscaping at this site is installed substantially in accordance with the Landscape Plan by Melissa Wilson - Landscape Architect, sheet 1 of 1, dwg no LS01, Issue B dated 05/04/12, prior to issuing a Final (or

any other type of Interim) Occupation Certificate/s, with the owners to ensure it is maintained in a healthy and vigorous state until maturity.

52. That part of the nature-trip 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.

Environmental Amenity

53. 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.
54. 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.

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.

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 Demolition, building or excavation work must not be commenced until;:
- A Construction Certificate has been obtained from an Accredited Certifier or Council
 - An Accredited Certifier or Council 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), Disability (Access to Premises – Buildings) Standards 2010 and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards. You are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.

- A4 Any proposed amendments to the design and construction of the building may require a new development application or a section 96 amendment to the existing consent to be obtained from Council, before carrying out such works
- A5 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.
- 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 External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the building, or cause a nuisance or damage to any adjoining land.
- A9 Finished ground levels external to the building are to be consistent with the development consent and are not to be raised, other than for the provision of approved paving or the like on the ground.
- A10 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.
- A11 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.

A12 The necessary development consent and a construction certificate or a complying development certificate (as applicable) must be obtained for proposed external plant and equipment, if not included in this consent.

A13 An application must be submitted to an approved by Council prior to the installation and operation of any proposed greywater or wastewater treatment systems, in accordance with the *Local Government Act 1993*.

Greywater/Wastewater treatment systems must comply with the relevant requirements and guidelines produced by NSW Health, NSW Office of Environment and Heritage and other relevant regulatory requirements.

A14 Swimming/spa 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.

A15 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.

A16 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.

A17 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.

A18 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.

**CP34/12 Director City Planning Report - 22 Milford Street, Randwick
(DA/874/2011)**

Note: A rescission motion was submitted on this matter in accordance with Council's Code of Meeting Practice and will be considered at the Planning Committee Meeting to be held on 10 July 2012.

117/12

RESOLUTION: (Matthews/Andrews) that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/874/2011 for alterations and additions to the existing dwelling, including a new first floor addition and associated works, at 22 Milford Street, Randwick, subject to the following conditions:

DEVELOPMENT CONSENT CONDITIONS

GENERAL CONDITIONS

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

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

Approved Plans & Supporting Documentation

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

<i>Plan</i>	<i>Issue</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
Sheet 2 of 8- Site Plan	F	Cape Cod Pty Ltd	23 February 2012	24 February 2012
Sheet 3 of 8- Ground Floor Plan				
Sheet 4 of 8- First Floor Plan				
Sheet 5 of 8- North, south and west elevations.				
Sheet 6 of 8- east Elevation and Section AA				

<i>BASIX Certificate</i>	<i>No.</i>	<i>Dated</i>
Alterations and Additions	A122080_02	23 February 2012

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a. The existing hedge within the private open space shall be retained and protected throughout works. The hedge shall be maintained at a similar height throughout the ongoing occupancy of the development, in order to provide privacy to the neighbouring site.
 - b. Obscuring measures to openings shall be implemented in accordance with the detail on the approved plans. In addition:
 - The proposed east facing first floor windows labelled 'W3' and 'W4' on the approved plans shall be obscured to, or feature a minimum sill height of 1500mm above first floor level. In the instance the windows are obscured, opaque/ frosted glass or louvers may be used, at the preference of the applicant.

Further to the above measures, where louvres are used for obscuring treatment, a minimum of 75% of the required obscured area shall remain obstructed at all times through spacing and fixing of the louvres.

Surrender of previous consent

3. Prior to the release of a Construction Certificate, the original copy of the Development Consent DA/239/2010 and stamped plans must be surrendered to Council.

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

4. 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

5.
 - a) The colours, materials and finishes of the external surfaces are to be compatible with the existing building and adjacent development to maintain the integrity and amenity of the building and the streetscape.
 - b) All materials used within the development shall be treated so as to minimise the impact of reflectivity upon neighbouring sites. This may be achieved through powder coating or anodizing treatments.
 - c) The colours, materials and finishes of the external surfaces to the building are to be consistent with the approved drawings of Condition 1 and the submitted 'External Finishes and Colour Schedule', received by Council on 14 November 2011.

Section 94A Development Contributions

6. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, based on the development cost of \$527,830, the following applicable monetary levy must be paid to Council: \$5278.30

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

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

Long Service Levy Payments

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

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

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

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

Structural Adequacy

9. Certificate of Adequacy supplied by a *professional engineer* shall be submitted to the certifying authority (*and the Council, if the Council is not the certifying authority*), certifying the structural adequacy of the existing structure to support the first floor addition.

Smoke Alarms

10. Smoke alarms are required to be installed in accordance with the relevant provisions of the Building Code of Australia (volume 2) smoke alarms must comply with AS3786. Smoke alarms must be connected to the consumer mains electric power supply and provided with a battery back-up. Details of compliance are to be included in the construction certificate.

BASIX Requirements

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

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

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

Stormwater Drainage

12. A surface water/stormwater drainage system must be provided in accordance with the following requirements, to the satisfaction of the Certifying Authority and details are to be included in the construction certificate:-
 - a) Surface water/stormwater drainage systems must be provided in accordance with the relevant requirements of the Building Code of Australia (Volume 2);

- b) The surface water/stormwater must be drained and discharged to the street gutter or, subject to site suitability, the stormwater may be drained to a suitably designed absorption pit;
- c) Any absorption pits or soaker wells should be located not less than 3m from any adjoining premises and the stormwater must not be directed to any adjoining premises or cause a nuisance;
- d) External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the building, or cause a nuisance or damage to the adjoining premises;
- e) Details of any proposed drainage systems or works to be carried out in the road, footpath or nature strip must be submitted to and approved by Council before commencing these works.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

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

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

Construction Certificate, Principal Certifying Authority & Commencement of Works

13. Prior to the commencement of any building works, the following requirements must be complied with:
- a) a Construction Certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.

A copy of the construction certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
 - b) a *Principal Certifying Authority* (PCA) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and
 - c) a *principal contractor* must be appointed for the building work, or in relation to residential building work, an *owner-builder* permit may be obtained in accordance with the requirements of the *Home Building Act 1989*, and the PCA and Council are to be notified accordingly; and
 - d) the *principal contractor* must be advised of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*; and
 - e) at least two days notice must be given to the Council, in writing, prior to commencing any works.

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

Building Act 1989.

Home Building Act 1989

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

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

Dilapidation Reports

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

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

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

Construction Noise & Vibration Management Plan

16. 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

17. 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

18. 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

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

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

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

- of workers and community
- Measures to be implemented to minimise any airborne dust and asbestos
- Methods and location of disposal of any hazardous materials (including asbestos)
- Other relevant details, measures and requirements to be implemented
- Details of re-use, recycling and disposal of waste demolition/building materials
- Date the demolition works will commence

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

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

Notes

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

Sydney Water

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

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

If suitable, the plans will be appropriately stamped. For Quick Check agent details please refer to Sydney Water's web site at www.sydneywater.com.au 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

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

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

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

REQUIREMENTS DURING CONSTRUCTION & SITE WORK

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

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

Inspections During Construction

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

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

Site Signage

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

Restriction on Working Hours

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

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> • Monday to Friday - 7.00am to 5.00pm • Saturday - 8.00am to 5.00pm • Sunday & public holidays - No work permitted
Excavating of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like	<ul style="list-style-type: none"> • Monday to Friday - 8.00am to 5.00pm • Saturday - No work permitted • 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

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

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

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

Removal of Asbestos Materials

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

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

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

Sediment & Erosion Control

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

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

Public Safety & Site Management

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

- Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.
- The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times. Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.
- Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.
- Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health, Building and Regulatory Services department.
- Temporary safety fencing is to be provided to any swimming pools under construction, pending the completion of all building work and the pool must not be filled until a fencing inspection has been carried out and approved by the principal certifying authority.

Support of Adjoining Land, Excavations & Retaining Walls

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

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

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

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

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

- when undertaking excavation or building work within the zone of

influence of the footings of a dwelling or associated structure that is located on the adjoining land;

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

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

Building Encroachments

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

Road/Asset Opening Permit

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

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

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

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

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

35. 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

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

Options may include one or more of the following measures:

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

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

Council's Infrastructure, Vehicular Crossings & Road Openings

37. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:

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

OPERATIONAL CONDITIONS

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

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

Use of premises

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

External Lighting

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

Protection of the Environment Operations Act 1997 – Air Conditioners

40. 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

41. 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

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

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

(Noise from domestic air conditioners)

Rainwater Tank Requirements

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

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

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

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

- c) The operation of plant and equipment associated with rainwater tanks are to be restricted to the following hours if the noise emitted can be heard within a habitable room in any other residential premises:
- before 8.00am or after 8.00pm on weekends or public holiday; or
 - before 7.00am or after 8.00pm on weekdays.

ADVISORY NOTES

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

- A1 The requirements and provisions of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000*, must be fully complied with at all times.

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

- A2 Demolition, building or excavation work must not be commenced until;

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

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

- A4 Council's *Building Approvals & Certification team* can issue Construction Certificates and be your Principal Certifying Authority for the development, to undertake inspections and ensure compliance with the development consent, relevant building regulations and standards of construction. For further details contact Council's *Building Approvals & Certification team* on 9399 0944.

- A5 A Local Approval application must be submitted to and be approved by Council's Building Approvals & Certification team prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:

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

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

- A6 Specific details of the location of the building/s should be provided in the

Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place, to the satisfaction of the Certifying Authority.

A7 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.

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

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

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

MOTION: (Matson/Woodsmith) that Council, as the consent authority, refuse development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/874/2011 for alterations and additions to the existing dwelling, including a new first floor addition and associated works, at 22 Milford Street, Randwick, for the following reasons:

1. Loss of views from the site.
2. Loss of accustomed heritage value views for the broader community from the site in accordance with section 79(c)(1b) of the Environmental Planning & Assessment Act, being the likely impacts of the development, including environmental impacts on both the natural and built environments and social and economic impacts on the locality, that is the loss of views from a recognised heritage component of the landscape.
3. The suitability of the site for the proposed development. The suitability of the site is inappropriate because of its close proximity and potential to block accustomed heritage value view lines by the community.
4. The proposed development is not in the public interest and does not satisfy section 79(c)(1e) of the Environmental Planning & Assessment Act 1979, as amended. This is made manifest by the heritage value of the site and the obvious recognition of the site by Council's Heritage Planner. **LOST.**

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

FOR	AGAINST
Councillor Matson	Councillor Andrews
Councillor Stevenson	Councillor Belleli
Councillor Woodsmith	Councillor Bowen

	Councillor Hughes
	Councillor Matthews
	Councillor Nash
	Councillor Procopiadis
	Councillor Seng
	Councillor Tracey
	Councillor White
Total (3)	Total (10)

AMENDMENT: (Stevenson/Bowen) that the application be deferred for mediation between the applicant and objectors regarding the roof height due to the historical significance of this building. **LOST.**

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

FOR	AGAINST
Councillor Stevenson	Councillor Andrews
Councillor Woodsmith	Councillor Belleli
	Councillor Bowen
	Councillor Hughes
	Councillor Matson
	Councillor Matthews
	Councillor Nash
	Councillor Procopiadis
	Councillor Seng
	Councillor Tracey
	Councillor White
Total (2)	Total (11)

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

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

FOR	AGAINST
Councillor Andrews	Councillor Bowen
Councillor Belleli	Councillor Matson
Councillor Hughes	Councillor Stevenson
Councillor Matthews	Councillor Tracey
Councillor Nash	Councillor Woodsmith
Councillor Procopiadis	
Councillor Seng	
Councillor White	
Total (8)	Total (5)

**CP35/12 Director City Planning Report - 59 Burnie Street, Clovelly
(DA/94/2012)**

118/12

RESOLUTION: (Matthews/White) that the application be deferred for consideration of amended plans.

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

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews

Councillor Matthews	Councillor Bowen
Councillor Nash	Councillor Hughes
Councillor Procopiadis	Councillor Matson
Councillor Seng	Councillor Tracey
Councillor Stevenson	Councillor Woodsmith
Councillor White	
Total (7)	Total (6)

CP36/12 Director City Planning Report - Reporting Variation to Development Standard under State Environment Planning Policy No. 1 (SEPP 1) for 1 April to 31 May 2012 (F2008/00122)

119/12 **RESOLUTION: (Andrews/Procopiadis)** that the report be received and noted.

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

Note: Cr Notley-Smith arrived at this point in the meeting - the time being 9.10pm.

CP37/12 Director City Planning Report - Sydney Metropolitan Strategy: Sydney over the next 20 years: A Discussion Paper (F2004/08420)

120/12 **RESOLUTION: (Matson/Hughes)** that the Council endorse the attached submission on the Discussion Paper: Sydney over the next 20 years with the inclusion of SSROC support to complete the freight rail line from Muldoon to Dumbarton to relieve freight rail congestion out of Port Botany. **CARRIED.**

AMENDMENT: (Hughes/Woodsmith) that Council endorse the submission on the Discussion Paper: Sydney over the next 20 years subject to putting forward the position of no 2nd Sydney airport in the Sydney basin. **LOST.**

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

FOR	AGAINST
Councillor Hughes	Councillor Andrews
Councillor Matson	Councillor Belleli
Councillor Woodsmith	Councillor Bowen
	Councillor Matthews
	Councillor Nash
	Councillor Notley-Smith
	Councillor Procopiadis
	Councillor Seng
	Councillor Stevenson
	Councillor Tracey
	Councillor White
Total (3)	Total (11)

MOTION: (Matson/Hughes) CARRIED – SEE RESOLUTION.

CP38/12 Director City Planning Report - Community Partnerships Grants Program 2012-13 Recommendations for Allocation (F2008/00139)

121/12 **RESOLUTION: (Belleli/Tracey)** that Council approve funds totalling \$57,090.00 to be allocated to the organisations listed in the table attached to the report (Attachment 1: Applications Recommended for Funding).

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

General Manager's Reports**GM15/12 General Manager's Report - Do Something Near You Volunteering Website (F2009/00215)**

122/12

RESOLUTION: (Andrews/Hughes) that Council endorse the development of a new "volunteering" page on the Council website, featuring links to the volunteering websites Do Something Near You, Go Volunteer and Volunteering NSW and information regarding specific Council volunteering programs.

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

GM16/12 General Manager's Report - Randwick City Council Operational Plan 2012-13 (F2012/00027)

123/12

RESOLUTION: (Andrews/Belleli) that:

- a) the Recommended Operational Plan 2012-13 be adopted as per the attached, and that the General Manager be authorised to make any minor changes as requested by the Council or the NSW Division of Local Government;
- b) the Recommended Annual Budget 2012-13 be adopted as per the attached;
- c) the Recommended General Fees & Charges be adopted for 2012-13 as per the attached;
- d) Council make and levy the Ordinary Residential Rate for 2012-13, under s494 and s498(1)(a) and (2) of the Local Government Act 1993, as a rate of 0.193290 cents in the dollar on the land value of all rateable land within the City of Randwick being categorised as Residential;
- e) Council make and levy the Ordinary Business Rate for 2012-13, under s494 and s498(1)(a) & (2) of the Local Government Act 1993, as a rate of 0.637410 cents in the dollar on the land value of all rateable land within the City of Randwick being categorised as Business;
- f) Council make and levy the Special Environmental Rate for 2012-13 under s495 and s498(1)(b) and (2) of the Local Government Act 1993, as a rate of 0.015558 cents in the dollar on the land value of all rateable land within the City of Randwick;
- g) Council make and levy the minimum ordinary Residential rate for 2012-13 under s548(1)(a), (2), (4) & (5) of the Local Government Act 1993, as \$653.27;
- h) Council make and levy the minimum ordinary Business rate for 2012-13 under s548(1)(a), (2), (4) & (5) of the Local Government Act 1993, as \$1,052.72;
- i) Council make and levy the Domestic Waste Management Charge for 2012-13 under S496 of the Local Government Act 1993, as \$465.11;
- j) Council make and levy a Domestic Waste Management Charge for an additional 140 litre bin for 2012-13 under S496 of the Local Government Act 1993, as \$231.85;
- k) Council make and levy the Stormwater Management Service Charge for residential properties for 2012-13 under S496A of the Local Government Act 1993, as \$25.00;
- l) Council make and levy the Stormwater Management Service Charge for residential strata properties for 2012-13 under S496A of the Local Government

Act 1993, as \$12.50;

- m) Council make and levy the Stormwater Management Service Charge for business properties for 2012-13 under S496A of the Local Government Act 1993, as \$25.00 plus an additional \$25.00 for each 350m² or part thereof by which the parcel of land exceeds 350m²;
- n) Council make and levy the Stormwater Management Service Charge for company title properties for 2012-13 under S496A of the Local Government Act 1993, calculated in accordance with the rating category of the land and then apportioned according to the number of shares held by each shareholder;
- o) the interest rate on overdue rates for 2012-13 be set at 10% which is the maximum rate as determined by the Minister for Local Government; under s566(3) of the Local Government Act 1993; and
- p) the responsible financial officer be delegated to make changes as adopted by Council.
- q) Council note that the Mayor has never misled Council on the impact of the carbon tax.

PROCEDURAL MOTION: (Andrews/Procopiadis) that this matter be brought forward and dealt with at this point in the meeting. **CARRIED.**

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

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

FOR	AGAINST
Councillor Andrews	Councillor Stevenson
Councillor Belleli	
Councillor Bowen	
Councillor Hughes	
Councillor Matson	
Councillor Matthews	
Councillor Nash	
Councillor Notley-Smith	
Councillor Procopiadis	
Councillor Seng	
Councillor Tracey	
Councillor White	
Councillor Woodsmith	
Total (13)	Total (1)

AMENDMENT: (Matson/Hughes) that the recommendation be adopted, subject to an additional clause stating that it be noted that individual Councillors and parties disagree with the Mayor's interpretation of the financial impact to Council of the carbon tax. **LOST.**

AMENDMENT: (Matson/Woodsmith) that the recommendation be adopted, subject to an additional clause stating that it be noted that some of the Councillors and Parties are of the view that the Mayor is incorrect. **LOST.**

PROCEDURAL MOTION: (Andrews/Matson) that the amendment moved by Councillors Tracey and Bowen be put. **CARRIED.**

AMENDMENT: (Tracey/Bowen) that the recommendation be adopted, subject to

the domestic waste management charge in 2012-13 being reduced by \$20.40, which is the effect of the carbon tax, as the Clean Energy Future Fact Sheet states that the first time Council will have to pay a carbon price on waste deposits is the 2013-14 financial year. **LOST.**

Note: Cr White left the meeting at this point and did not return.

Director City Services Reports

Nil.

Director Governance & Financial Services Reports

GF18/12 Director Governance & Financial Services Report - Review of Code of Meeting Practice (F2004/06570)

124/12 **RESOLUTION: (Matson/Woodsmith)** that the amended Code of Meeting Practice be adopted for immediate implementation subject to:

- clause 25(c)(v) being amended to allow speakers on rescission motions; and .
- clause 71 being amended to provide that mobile phone voice conversations are not allowed in the Council Chamber.

AMENDMENT: (Stevenson/Bowen) that the amended Code of Meeting Practice be adopted for immediate implementation subject to video recorders being added to clauses 70(1) and 70(2) **LOST.**

AMENDMENT:(Matson/Bowen) that the amended Code of Meeting Practice be adopted for immediate implementation subject to the use of mobile phones being allowed during meetings to receive incoming calls and texts. Outgoing calls or texts are to be made outside the Council Chamber. **LOST.**

MOTION: (Matson/Woodsmith) CARRIED – SEE RESOLUTION.

PROCEDURAL MOTION: (Andrews/Procopiadis) that Item GM16/12 be dealt with now. **CARRIED.**

GF19/12 Director Governance & Financial Services Report - Recent amendments to the Local Government Act 1993 (F2004/07403)

125/12 **RESOLUTION: (Andrews/Hughes)** that the report be received and noted.

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

GF20/12 Director Governance & Financial Services Report – Budget estimate for September 2012 Randwick City Council election (F2011/00330)

126/12 **RESOLUTION: (Andrews/Procopiadis)** that the report be received and noted.

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

GF21/12 Director Governance & Financial Services Report - Destination 2036 - release of Action Plan and establishment of Independent Local Government Review Panel (F2004/08248)

127/12 **RESOLUTION: (Andrews/Belleli)** that the report be received and noted.

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

GF22/12 Director Governance & Financial Services Report - Review of Model Code of Conduct (F2004/06569)

128/12 **RESOLUTION: (Woodsmith/Andrews)** that the Division of Local Government (Department of Premier and Cabinet) be advised that Council supports the draft Model Code of Conduct for Local Councils in NSW and the draft Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW.

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

GF23/12 Director Governance & Financial Services Report - 532 Anzac Parade, Kingsford - George Young Hotels (F2011/06336)

129/12 **RESOLUTION: (Andrews/Procopiadis)** that the Council's Seal be affixed to the signing of agreements between Council and George Young Hotels Pty Limited in relation to a Licence Agreement for 532-536 Anzac Parade, Kingsford.

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

GF24/12 Director Governance & Financial Services Report - Affixing the Seal - South East Sydney Local Health District - 1B Prince Edward Street, Malabar - Malabar Midwifery Clinic (F2011/06336)

130/12 **RESOLUTION: (Procopiadis/Andrews)** that the Council's Seal be affixed to the signing of agreements between Prince Edward Street (R81519) Reserve Trust and South East Sydney Local Health District in relation to a Licence Agreement for 1B Prince Edward Street, Malabar.

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

GF25/12 Director Governance & Financial Services Report - Affixing of the Council Seal - South Maroubra Surf Life Saving Club (F2011/07367)

131/12 **RESOLUTION: (Matthews/Andrews)** that the Council's Seal be affixed to the signing of agreements between The Arthur Byrne Reserve Trust and South Maroubra Surf Life Saving Club Incorporated in relation to the South Maroubra Surf Life Saving Club for a period of twenty (20) years commencing 1 July 2011.

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

Petitions

Nil.

Motion Pursuant to Notice

NM23/12 Motion Pursuant to Notice from Cr Procopiadis - Developing Sister City Relationships with Local High Schools (F2005/00294)

132/12 **RESOLUTION: (Procopiadis/Andrews)** that the Chair of the Youth Committee organise a breakfast/workshop with the Captains and Vice Captains of all High Schools in Randwick (boys and girls) for the purpose of their schools forming an ongoing relationship with our Sister Cities, both here and overseas.

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

Note: Cr Notley-Smith left the meeting at this point and did not return.

NM24/12 Motion Pursuant to Notice from Cr Matson - Light Rail and Alison Road Cycling and Pedestrian Shared Path (F2004/08175)

133/12

RESOLUTION: (Matson/Hughes) that:

- a) Council notes concerns by bicyclists that opinions for maintaining the Alison Road cycling and pedestrian shared path under Council's draft budget need to be incorporated into any light rail infrastructure initiative identified by the State Government. Accordingly Council engage in discussions with the State Government in the advent of an identified Alison Road route and will argue for a multi-modal design incorporating a generous cycle way should the existing bike path be unable to be retained.
- b) subject to the State Government's identification of a light rail route along Alison Road and the nullification of the proposed \$200,000 from the draft budget, Council will re-allocate the budgeted item towards commensurate cycling infrastructure. An option similar in scale to the Alison Road shared path is the construction of a shared path along Anzac Parade between Doncaster Avenue and University Mall (entrance to UNSW).
- c) any light rail proposal include construction and operation of a greenway style cycle path in conjunction with the light rail route.

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

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Bowen	Councillor Matthews
Councillor Hughes	
Councillor Matson	
Councillor Nash	
Councillor Seng	
Councillor Stevenson	
Councillor Tracey	
Councillor Woodsmith	
Total (9)	Total (2)

Note: Cr Procopiadis was not present at the meeting during the vote on the above motion.

NM25/12 Motion Pursuant to Notice from Cr Matson - Implementation of Alternate Energy Systems (F2008/00363)

134/12

RESOLUTION: (Matson/Tracey) that Council:

- a) notes that the Climate Commission reiterated, on 14 May 2012, previous warnings that the range of sea projected levels for this century are 0.5 metre with an upper range of 1.0 metre depending on the dynamics of polar ice sheet melting;
- b) notes that the Commission is calling this the "critical decade" in which to stabilize the climate for the second half of this century at a level we can live in; and

- c) undertakes to write to the NSW State Government urging it to vigorously pursue the implementation of alternative energy systems in NSW in response to projected negative climate changes and to report back on how it intends to reduce greenhouse gas emissions in NSW and to what extent.

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

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

FOR	AGAINST
Councillor Andrews	Councillor Matthews
Councillor Belleli	
Councillor Bowen	
Councillor Hughes	
Councillor Matson	
Councillor Nash	
Councillor Seng	
Councillor Stevenson	
Councillor Tracey	
Councillor Woodsmith	
Total (10)	Total (1)

Note: Cr Procopiadis was not present at the meeting during the vote on the above motion.

NM26/12 Motion Pursuant to Notice from Cr White - Interpretation Sign for La Perouse Market Gardens (F2006/00254)

135/12

RESOLUTION: (Matthews/White) that Council install a sign interpreting the Chinese/La Perouse Market Gardens erected in Bi-Centennial Park near the border with the Gardens, just beyond the internal car park which overlooks the Gardens. The layout/design of the sign would conform to other signs in the park.

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

NM27/12 Motion Pursuant to Notice from Cr Stevenson - Surfing Walk of Fame (F2010/00026)

136/12

RESOLUTION: (Stevenson/Belleli) that Randwick Council re-establish the Surfing Walk of Fame selection committee with the objective to selecting inductees in the current year or in conjunction with a national surfing contest that will be run at Maroubra beach this summer.

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

NM28/12 Motion Pursuant to Notice from Cr Matson - Concern over Land & Environment Court Finding for 86 Dudley Street (DA/452/2010/A)

MOTION: (Matson/Hughes) that Council seek legal advice on whether the Commissioner erred in his assessment of the SEPP1 objections lodged by the applicant for the 86 Dudley Street DA in 2011. **LOST.**

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

FOR	AGAINST
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Councillor Bowen	Councillor Andrews
Councillor Hughes	Councillor Belleli
Councillor Matson	Councillor Matthews
Councillor Stevenson	Councillor Nash (casting vote)
Councillor Tracey	Councillor Procopiadis
Councillor Woodsmith	Councillor Seng
Total (6)	Total (6)

PROCEDURAL MOTION: (Matson/Tracey) that the meeting be extended for a further 15 minutes. **CARRIED.**

NM29/12 Motion Pursuant to Notice from Cr Matson - Discussion with Defence over the Special Uses Zoning for Surplus Land at Bundock Street (F2011/00370)

137/12

RESOLUTION: (Matson/Hughes) that Council:

- a) Write to the Moverly Precinct Committee explaining why Council could not continue with the proposed residential zoning for 17 hectares of the surplus Defence Force land at Bundock Street; and
- b) Seek a meeting with Kingsford-Smith Federal MP Peter Garrett to seek his support for:
 - i) A reversion to the previously proposed residential zoning as the more suitable zoning to control building on the land;
 - ii) Defence agreeing to a suitable zoning acceptable to Council for the road accessing the Randwick Community Centre; and
 - iii) Defence agreeing to an open space zoning for the Argyle Crescent site adjacent to the Randwick Environment Park to enable that site to be added into the Park.

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

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Bowen	Councillor Matthews
Councillor Hughes	
Councillor Matson	
Councillor Nash	
Councillor Procopiadis	
Councillor Seng	
Councillor Stevenson	
Councillor Tracey	
Councillor Woodsmith	
Total (10)	Total (2)

NM30/12 Motion Pursuant to Notice from Cr Matson - Pedestrian issues at the Roundabout at Dolphin and Arden Streets, Coogee (F2004/06183)

138/12

RESOLUTION: (Matson/Woodsmith) that:

- a) A report come back to a Council meeting on the possible removal of the hedge around the perimeter of the garden bed in the middle of the Dolphin and Arden Street round-about to improve views of on-coming traffic for pedestrians attempting to cross in the vicinity of the round-about; and
- b) A report come back to a Council meeting on the effectiveness of a zebra crossing to improve pedestrian safety on Arden Street north of the round-about.

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

Cr Matthews asked that his name be recorded as voting against the above resolution.

NM31/12 Motion Pursuant to Notice from Cr Matson - Community concern about the new speed hump in Arden Street, Coogee (F2004/06183)

139/12 **RESOLUTION: (Matson/Andrews)** that a report be submitted to the Randwick Traffic Committee from Council officers assessing options for reducing the severity of the recently installed speed hump in Arden Street, such as an extended length design or its replacement by a chicane.

AMENDMENT: (Stevenson/Bowen) that the recently installed speed humps in Arden Street, Coogee be removed until a report is considered by the Traffic Committee. **LOST.**

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

NM32/12 Motion Pursuant to Notice from Cr Bowen - Office of Environment & Heritage Study (F2004/08158)

140/12 **RESOLUTION: (Bowen/Stevenson)** that a response to the recent report from the Office of Environment and Heritage study on metropolitan Councils' recycling rates of household waste, which ranked Randwick Council recycling rate of 38.2% at 34 of the 38 metropolitan councils, Council resolve that:

- 1) that the General Manager brief Council on reviewing all aspects of Council's rate of recycling by a minimum of 10% in the next 12 months;
- 2) Council confirm its commitment to achieving a 66% rate of recovery of recyclable materials from household waste within the next 2 years in accordance with Council's adopted policy and the State Government's target; and
- 3) Council notes Liverpool Council has a recovery rate 70.5% and resolves to liaise with Liverpool Council in order to improve Council's rate of recovery.

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

NM33/12 Motion Pursuant to Notice from Cr Bowen - Proposed Hotel at Randwick Racecourse (DA/689/2006)

Having declared a pecuniary interest in this item, Cr Stevenson left the meeting during the debate and the vote on the matter.

MOTION: (Bowen/Tracey) that Council:

- a) Council notes the planning authority for the proposal hotel at Randwick Racecourse is the director of the Department of Planning and Infrastructure, not the Council, and the consent authority is the Minister for Planning and Infrastructure; and
- b) Calls on the State Liberal Government to honour their election commitment to return planning decision back to Councils and have this application assessed and determined by Randwick City Council. **LOST.**

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

FOR	AGAINST
Councillor Bowen	Councillor Andrews
Councillor Hughes	Councillor Belleli

Councillor Matson
 Councillor Tracey
 Councillor Woodsmith
Total (5)

Councillor Matthews
 Councillor Nash (casting vote)
 Councillor Procopiadis
Total (5)

Note: Cr Seng was not present at the meeting during the vote on the above motion.

NM34/12 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Andrews - Proposed Monument at Little Bay (F2007/00506)

141/12

RESOLUTION: (Andrews/Bowen) that Council consider a report on the possible funding of a small bronze sculpture monument by Eileen Slarke to be erected at the spot where Christo and Jean Claude wrapped the coast of Little Bay in 1969 as part of the adopted budgetary allocation for public arts projects for 2012-13.

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

Confidential reports (closed session)

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

Closed Session

CS8/12 Confidential - T02/12 Heffron Park Redevelopment - Stage 2 (F2012/00074)

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.

Having declared a significant non pecuniary interest in this matter, Cr Stevenson left the Council Chamber and did not take part in the debate or the vote on the matter.

142/12

RESOLUTION: (Andrews/Procopiadis) that:

- a) Council accepts the tender offered by Statewide Civil Pty Ltd at a lump sum price of \$1,176,482.50 (ex GST) to carry out T02/12 Heffron Park Redevelopment Stage 2;
- b) the General Manager, or delegated representative, be authorised to execute contract documents on behalf of Council; and
- c) unsuccessful tenderers are notified.

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

GF27/12 Confidential - SSROC Tender for the Supply and Delivery of Industrial Footwear - Tender Number 07/2012SSROC (F2012/00071)

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.

143/12 **RESOLUTION: (Andrews/Procopiadis) that:**

- a) under Regulation 178(1)(a) of the Local Government (General) Regulation 2005, Protector Alsafe Pty Ltd be accepted as the successful tenderer; and
- b) the General Manager, or delegated representative, be authorised to enter into a preferred supplier agreement with Protector Alsafe Pty Ltd for a period of two years, with an optional one year extension.

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

**GF28/12 Confidential - 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 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.

144/12 **RESOLUTION: (Andrews/Matson) that the recommended Confidential Fees and Charges 2012-13 be adopted for the 2012-13 financial year.**

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

**GF30/12 Confidential - Des Renford Leisure Centre - Tender T06/12
(F2012/00130)**

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

145/12 **RESOLUTION: (Andrews/Procopiadis) that:**

- a) all tenders be declined and that Council enter into negotiation with Cockram Construction NSW Pty Ltd. The reasons for declining all tenders and negotiating with Cockram include:
 - That, following a competitive process, the confirmation that the ICAC do not believe that this process falls within the definition of 'direct negotiations' that agencies should avoid.
 - Reputational risk in delaying the delivery of the services to be provided at the leisure centre.
 - Waste of public funds in re-tendering where no better result is expected from repeating the tender process.
 - The remaining ten (10) tenders were non-conforming.
 - The unacceptable financial/risk review of the only other shortlisted tender.
 - The requirement to negotiate with Cockram on their error, level of security required on the contract and cross-company guarantee.
- b) a tender probity group be formed to ensure governance and transparency through the tender selection process. That this group include four (4) Councillors (being the Mayor and Crs Matson, Stevenson and Andrews) and relevant staff. The tender probity group will act as a review body without recommendations to Council.
- c) a further report be provided to Council if negotiations with Cockram

Construction NSW Pty Ltd are successful to allow the progression of the construction of the Des Renford Leisure Centre.

d) the unsuccessful tenderers be advised.

AMENDMENT: (Stevenson/Bowen) that a decision on this matter be deferred until a fully costed business plan has been brought back to Council detailing how the business that is going to operate out of this facility will be run, prior to the next stage of negotiation. **LOST.**

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

Open Session

That the meeting move back into open session.

Notice of Rescission Motions

NR4/12 Notice of Rescission Motion from Crs Andrews, Belleli & White - 32-34 Grosvenor St, Kensington (DA/618/2011/A)

146/12

RESOLUTION: (Andrews/White) that the resolution passed at the Planning Committee meeting held on Tuesday 12 June 2012 reading as follows:

'**RESOLUTION: (Tracey/Bowen)** that the Section 96 application be deferred to enable legal advice to be sought in relation to costs and prospects.'

BE AND IS HEREBY RESCINDED.

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

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

FOR	AGAINST
Councillor Andrews	Councillor Hughes
Councillor Belleli	Councillor Matson
Councillor Bowen	Councillor Woodsmith
Councillor Matthews	
Councillor Nash	
Councillor Procopiadis	
Councillor Seng	
Councillor Stevenson	
Councillor Tracey	
Councillor White	
Total (9)	Total (3)

147/12

RESOLUTION: (Andrews/White) that Council as the responsible Consent Authority grant consent under Section 96 of the Environmental Planning and Assessment Act 1979 to modify Development Consent No DA/618/2011 for permission to correct an error in the survey which failed to show ROW and to increase western set back and alter exterior treatment at 32-34 Grosvenor Street, Kensington, in the following manner:

A. Amend Condition No. 1 as follows:

1. The development must be implemented substantially in accordance with the plans numbered 1.00 Revision C, 1.01 Revision C, 1.02 Revision C, 1.03 Revision C, 1.04 Revision C, 2.00 Revision E, 2.01 Revision D, 2.02 Revision D,

2.03 Revision D, 3.00 Revision C, 3.01 Revision D, 3.02 Revision D, 3.03 Revision C, 4.00 Revision C, 4.02 Revision C, 4.03 Revision A, 4.04 Revision A, 4.05 Revision A, and 4.06 Revision A, and all dated 10 November 2011, and stamped received by Council on 11 November 2011, the application form, and on any supporting information received with the application, **except as may be amended by the Section 96 "A" plans numbered 1.00 Revision C, 1.01 Revision C, 2.00 Revision D, 2.01 Revision C, 2.02 Revision C, 2.03 Revision C, 3.00 Revision C, 3.01 Revision C, 3.02 Revision C, 3.03 Revision C, and 4.00 Revision C, and all dated 2/5/2012, and stamped received by Council on 4 May 2012**, only in so far as they relate to the modifications detailed in the Section 96 application, and highlighted on the Section 96 plans as amended by the following conditions and as may be shown in red on the attached plans.

<i>BASIX Certificate</i>	<i>No.</i>	<i>Dated</i>
	390075M_02	9 December 2011

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. Add Condition No. 102 as follows:

102. Landscaping along the western boundary abutting the west elevation of the proposed development must be installed in accordance with the advice contained in the letter to Council from Taylor Brammer Landscape Architects Pty Limited dated 26 April 2012. The details contained in this advice shall be shown on a plan, which must be submitted to, and be approved by, Council's Director City Planning prior to the commencement of any site works.

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

Note: A rescission motion on Item MM42/12 was submitted by Councillors Matson, Tracey and Woodsmith in accordance with Council's Code of Meeting Practice and will be considered at the Ordinary Council meeting to be held on 24 July 2012.

Note: A rescission motion on Item CP34/12 was submitted by Councillors Stevenson, Tracey and Woodsmith in accordance with Council's Code of Meeting Practice and will be considered at the Planning Committee meeting to be held on 10 July 2012.

There being no further business, His Worship the Mayor, Cr S Nash, declared the meeting closed at 12.25am.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 24 July 2012.

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CHAIRPERSON