

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

**MINUTES OF ORDINARY COUNCIL MEETING OF THE
COUNCIL OF THE CITY OF RANDWICK HELD ON
TUESDAY, 24 JULY 2012 AT 6.10PM**

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 |
| 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
Manager Organisational Staff Services	Ms F Calabrese
Manager Corporate Improvement	Ms A Warner

Prayer & Acknowledgement of Local Indigenous People

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

A minute's silence was observed in memory of the late Lady Mayoress, Ms Mollie Ford.

Apologies/Granting of Leave of Absences

An apology was received from Cr Notley-Smith.

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

Confirmation of the Minutes**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY 26 JUNE 2012**

148/12

RESOLUTION: (Matson/Hughes) that the Minutes of the Ordinary Council Meeting held on Tuesday 26 June 2012 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting, subject to the General Manager taking note of the issues raised by Cr Stevenson, staff returning to the recording of the meeting and making any corrections as appropriate.

MOTION: (Belleli/Andrews) that the Minutes of the Ordinary Council Meeting held on Tuesday 26 June 2012 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

AMENDMENT: (Stevenson/Bowen) that the Minutes of the Ordinary Council Meeting held on Tuesday 26 June 2012 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting, subject to the inclusion of Cr Stevenson's amendments in accordance with the list of issues raised at the meeting. **LOST.**

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

Declarations of Pecuniary and Non-Pecuniary Interests

- (a) Cr Smith declared a pecuniary interest in Item CP41/12 as his employer has a business relationship with the subject premises. Cr Smith will be taking no part in the debate or voting on this matter.
- (b) Cr Belleli declared a pecuniary interest in Item CP46/12 as his wife works at a nearby childcare centre. Cr Belleli will be taking no part in the debate or voting on this matter.
- (c) Cr Belleli declared a pecuniary interest in Item NR5/12 as his wife's dance school performs at this event free of charge. Cr Belleli will be taking no part in the debate or voting on this matter.
- (d) Cr Belleli declared a non significant non pecuniary interest in Item CP55/12 as the local chambers of commerce have invited him to a "meet the candidates" luncheon in August which being held at the Eastern Suburbs Memorial Park. Cr Belleli is unaware of who is paying for this event and unsure as to whether he will attend but declared in the interest of transparency.
- (e) All Liberal Councillors in attendance declared a non significant non pecuniary interest in Item CP48/12 as members of the Liberal Party have connections with the owner of the subject premises.
- (f) Cr Andrews declared a non significant non pecuniary interest in Item CP45/12 as he knows the objector addressing Council on the matter through his previous association with the Labor Party.
- (g) All non Liberal Councillors who served on the previous Council declared a non significant non pecuniary interest in Item CP48/12 as a former Councillor is connected with this matter.
- (h) Given that Council had received more than 3,500 submission on the draft Comprehensive LEP, all Councillors present at the meeting declared a non significant non pecuniary interest in Item CP55/12 as there were numerous persons who have made submissions to Council on the proposed expansion of the cemetery.

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:

MM53/12 MALABAR HEADLAND - RETURN OF THE HORSES

For Donna Wright

CP39/12 17 GARNET STREET, SOUTH COOGEE (DA/534/2011)

Objector John Giannakopoulos

Applicant John Downie

CP41/12 379-401 CLOVELLY ROAD, CLOVELLY (DA/395/2009/C)

Applicant Anthony Green - on behalf of the Applicant

CP44/12 1 MOIRA CRESCENT & 17 MARCEL AVENUE, COOGEE (DA/664/2011)

Objector Meng Lim

Applicant Mark Swain - on behalf of Applicant

CP45/12 2 WACKETT STREET, MAROUBRA (DA/191/2012)

Objector Keith King

Applicant Pierre Perez - on behalf of Applicant

CP46/12 36 BURKE STREET, CHIFLEY (DA/130/2012)

Objector Edward Magen

Applicant Victor Berk - Applicant & Architect

CP47/12 2 GOODWOOD STREET, KENSINGTON (DA/195/2012)

Objector Rosemary McKenzie

Applicant Anthony Betros - representing the applicant

CP48/12 60 DENNING STREET, SOUTH COOGEE (DA/939/2011)

Applicant Con Harris on behalf of Applicant

CP55/12 EASTERN SUBURBS MEMORIAL PARK PLANNING PROPOSAL - TO REZONE PART OF THE BUNNERONG ROAD CHINESE MARKET GARDENS

Objector Greg Olsen

Applicant George Passas (CEO of ESMP)

NM39/12 MOTION PURSUANT TO NOTICE FROM CR MATSON - EXPANSION & COSTING ISSUES - LIGHT RAIL

For Gavin Gatenby

NM42/12 MOTION PURSUANT TO NOTICE FROM CR MATSON - EACH & ALL STRONGER TOGETHER - EAST INC.

For John Wright

NM45/12 MOTION PURSUANT TO NOTICE FROM CR ANDREWS - BARDON PARK - PRACTICING OF SPORTS

For Mark Stevens

The meeting was adjourned at 8.52pm and was resumed at 9.17pm.

RESOLVED: (PROCEDURAL MOTION) (Andrews/Procopiadis) that all items that were the subject of addresses by the public be brought forward for consideration by Council. **CARRIED.**

Mayoral Minutes

MM50/12 Mayoral Minute - Waiving of Fees for Banner for Fundraising Event (F2004/06257)

149/12 **RESOLUTION: (Mayor, Cr S Nash)** that:

- a) Council vote \$1,956.00 from the 2012-2013 Contingency Fund to cover the fees associated with the hire and installation of banner space at the intersection of Arden Street and Malabar Road, South Coogee from 24 September to 8 October 2012.
- b) the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event.
- c) the Mayor or his representative be given the opportunity to address the event on behalf of Council.

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

MM51/12 Mayoral Minute - Partnership with Nissan Motors to Trial an Electric Vehicle in Randwick (F2005/00230)

150/12 **RESOLUTION: (Mayor, Cr S Nash)** that Council approve the access and offer to run the Nissan LEAF electric vehicle at Randwick and the installation of the chargepoint charging facility as outlined above.

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

MM52/12 Mayoral Minute - Extension of the Randwick Organic Buyers Group to Barrett House (F2008/00384)

151/12 **RESOLUTION: (Mayor, Cr S Nash)** that:

- a) Council endorse Rhubarb Food Co-op to establish a trial organic food box collection from Barrett House until February 2013 under the 3-Council Ecological Footprint collaboration between Waverley and Woollahra Councils; and
- b) a report be brought back to Council advising the results of the trial.

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

**MM53/12 Mayoral Minute - Malabar Headland - Return of the Horses
(F2004/06759)**

152/12 **RESOLUTION: (Mayor, Cr S Nash) that:**

- a) Council call on the Federal Government to take immediate action to facilitate the return of the Malabar Riding School and South East Equestrian Club to the Malabar Headland (including engaging with all key stakeholders to address any concerns raised, including those raised by the Friends of Malabar Headland regarding the presence of horses on endangered bushland);
- b) Council acknowledges that the health and safety of the occupiers of the Malabar Headland is of paramount importance and remediation strategies are required to be implemented to manage and minimise any risks to the occupiers of the site from contaminants, such as asbestos containing materials and airborne asbestos; and
- c) Council call on the Federal Government to develop and implement appropriate interim or permanent remediation strategies for the area to be occupied by the Malabar Riding School and South East Equestrian Club to facilitate the immediate return of horse riding activities to Malabar Headland.

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

MM54/12 Mayoral Minute - Ride for Life - Waiving of Fees (F2012/06574)

153/12 **RESOLUTION: (Mayor, Cr S Nash) that:**

- a) fees, in the amount of \$2,835.00 be waived for the use of Heffron Park on Sunday 30 September 2012 for the Ride for Life fundraising event and that this amount be funded from the 2012-13 Contingency Fund;
- b) an advertisement for this event be included in the Mayoral Column; and
- c) Council continue to sponsor this event on an annual basis while it is held in Heffron Park, Maroubra, by waiving the fees for the use of the park.

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

**MM55/12 Mayoral Minute - Bravehearts White Balloon Day - Request for
Financial Assistance (F2012/06574)**

154/12 **RESOLUTION: (Mayor, Cr S Nash) that:**

- a) Council contribute \$500 towards the 2012 White Balloon Day to be funded from the 2012-13 Contingency Fund; and
- b) as requested, the Mayor provide a comment regarding Bravehearts and the White Balloon Day that Bravehearts may be able to use in its marketing material and/or media releases.

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

**MM56/12 Mayoral Minute - Banner - Randwick City Tourism - Waiving of Fees
(F2004/06257)**

155/12 **RESOLUTION: (Mayor, Cr S Nash) that:**

- a) Council vote \$3,912.00 from the 2012-13 Contingency Fund to cover the fees associated with the hire and installation of banner space at the intersection of Arden Street and Malabar Road, South Coogee and Alison Road and Doncaster Avenue, Randwick;
- b) the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and
- c) the Mayor or his representative be given the opportunity to address the event on behalf of Council.

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

MM57/12 Mayoral Minute - Waiving of Fees - Our Lady of the Rosary Parents and Friends Association (F2004/07160)

156/12 **RESOLUTION: (Mayor, Cr S Nash) that:**

- a) Council vote \$2,800.00 from the 2012-13 Contingency Fund to cover the fees associated with a part road closure of Grosvenor Street, Kensington at the western end on Saturday 18 August 2012, to enable Our Lady of the Rosary School, Kensington to hold their fete;
- b) approval for the temporary road closure of Grosvenor Street be sought from the Police and the Roads & Maritime Services;
- c) the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and
- d) the Mayor or his representative be given the opportunity to address the event on behalf of Council.

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

MM58/12 Mayoral Minute - Waiving of Fees - The Milsy Foundation (F2004/07412)

157/12 **RESOLUTION: (Mayor, Cr S Nash) that:**

- a) Council vote \$1,716.00 from the 2012-13 Contingency Fund to cover the entry fees into the Des Renford Aquatic Centre to train and raise funds for The Milsy Foundation;
- b) Council support does not extend to swim coaching; and
- c) the organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event.

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

MM59/12 Mayoral Minute - Jazz at the Lakes - Charity Fundraiser (F2012/06574)

158/12 **RESOLUTION: (Mayor, Cr S Nash) that Council purchase a table at the Jazz at the Lakes fundraiser and that this be funded from the 2012-13 Contingency Fund.**

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

MM60/12 Mayoral Minute - Randwick City Council Online Guide for Councillors and Candidates (F2009/00328)

159/12 **RESOLUTION: (Mayor, Cr S Nash)** that the report be received and noted.

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

MM61/12 Mayoral Minute - NSW Planning System Green Paper (F2011/00542)

160/12 **RESOLUTION: (Mayor, Cr S Nash)** that Council write to the NSW Minister for Planning and Infrastructure, seeking an extension of time for making submissions to the NSW Government's Planning System Green Paper until 31 October 2012 in recognition of local government elections in early September 2012.

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

Urgent Business

Nil.

Director City Planning Reports

CP39/12 Director City Planning Report - 17 Garnet Street, South Coogee (DA/534/2011)

161/12 **RESOLUTION: (Andrews/White)** that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 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	
L/01(C)	19/05/11	14 Jul 2011	ATC Landscape Architects & Swimming Pool Designers

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

Amendment of Plans & Documentation

2. 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.

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 Belleli
Councillor Hughes	Councillor Bowen
Councillor Matson	Councillor Matthews
Councillor Nash	Councillor Stevenson
Councillor Procopiadis	Councillor Tracey
Councillor Seng	Councillor Woodsmith
Councillor Smith	
Councillor White	
Total (8)	Total (6)

AMENDMENT: (Matson/Matthews) that the recommendation be adopted subject to the removal of the southern privacy wall. **LOST.**

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

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

**CP40/12 Director City Planning Report - 38 Cliffbrook Parade, Clovelly
(DA/862/2009/A)**

162/12

RESOLUTION: (Andrews/White) that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/862/2009/A for the Section 96 application to modify the existing development consent DA/862/2009/A by an internal reconfiguration with associated exterior changes and alterations to swimming pool and works adjacent the western boundary at No. 38 Cliffbrook Parade, Clovelly subject to the following conditions:

Amend Condition No. 1 to read:

1. The development must be implemented substantially in accordance with the

plans numbered 01 to 10, Revision d5, dated 29 July 2010 and received by Council on 29 July 2010, the application form and on any supporting information received with the application, except as amended by the ***Section 96 plans numbered 01 to 10, Revision d7, dated June 2012 and received by Council on 4 July 2012, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application***, except as may be amended by the following conditions and as may be shown in red on the attached plans:

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

**CP41/12 Director City Planning Report - 379-401 Clovelly Road, Clovelly
(DA/395/2009/C)**

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

163/12

RESOLUTION: (Andrews/Matson) 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/395/2009/C for permission to a section 96 modification to the approved development to include altering the configuration of the existing WC facilities on level 3 of the hotel and maintain the existing function room adjacent the WC facilities at 379-401 Clovelly Road, Clovelly in the following manner:

Amend Condition No. 1 to read:

1. The development must be implemented substantially in accordance with the following plans numbered DA001-DA007, DA010-DA012, DA015-DA016, DA018-DA022, DA030-DA031, DA035-DA036 all Issue C, received by Council on 11 June 2010, the application form and on any supporting information received with the application, except as amended by the:
 - Section 96AA plans numbered DA001 Issue E, DA002 Issue H, DA003 Issue G, DA004 Issue E, DA006 Issue E, DA007 Issue E, DA010 Issue D, DA011 Issue D, DA012 Issue D, DA015 Issue D and DA016 Issue D, all dated 16/03/2011, and stamped and received by Council on 31 March 2011 and Ground Floor and Lower Ground Floor Detail Plan by Paul Scrivener Landscape Architect, sheet 1 of 4, job ref 08/1368/DA1, Issue K/S96, dated 03.06.11, and received by Council on 6 June 2011, and,
 - ***Section 96AA plan numbered DA006 Issue G, dated 15/05/12 and received by Council on the 15 May 2012,***

Only in so far they relate to the modifications detailed in the Section 96 applications, and highlighted on the Section 96 plans as amended by the following conditions and as may be shown in red on the attached plans.

Add Condition No. 156 as follows:

156. The function area shall operate in accordance with adopted plan of management of the Hotel.

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

**CP42/12 Director City Planning Report - 349 Alison Road, Coogee
(DA/106/2010/A)**

164/12

RESOLUTION: (Andrews/White) that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and

Assessment Act 1979, as amended, to Development Application DA/106/2010 for modification of Land and Environment Court approval by deletion of western side blade wall and supporting beams at first floor level, at No. 349 Alison Road, Coogee, subject to the following conditions:

Amend Condition 1 to read:

- The development must be implemented substantially in accordance with the below listed plans, the application form and on any supporting information received with the application,

Drawing No.	Date	Author	Drawing Title
-	11/1/2010	John Lowe and Associates	Contour over Lot 1 in DP 707415
CH-050 C	19/12/2010	Aetch Designs	Site plan
CH-100 C	19/12/2010	Aetch Designs	Ground floor plan
CH-110 C	19/12/2010	Aetch Designs	First floor plan
CH-120 C	19/12/2010	Aetch Designs	2 nd floor plan
CH-200 C	19/12/2010	Aetch Designs	Northern elevation
CH-201 C	19/12/2010	Aetch Designs	Eastern elevation
CH-202 C	19/12/2010	Aetch Designs	Southern elevation
CH-203 C	19/12/2010	Aetch Designs	Western elevation
CH-300 C	19/12/2010	Aetch Designs	Long section
-	-	Aetch Designs	The Coogee house material board

as amended by the **Section 96 plans numbered CH-110 C & CH-203 C, both dated 31 May 2012 and both received by Council on 31 May 2012**, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application, except as may be amended by the following conditions and as may be shown in red on the attached plans:

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

CP43/12 Director City Planning Report - 98-104 Beach Street, Coogee (DA/404/2011/A)

165/12

RESOLUTION: (Andrews/White) that Council, as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No DA/404/2011 for permission to modify the development consent by altering the size of the ventilation duct on the roof and parapet wall fronting Beach Street for 98-104 Beach Street, Coogee in the following manner:

Amend Condition No. 1 to read:

- 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
1111 01/011B	Absolute Design Group	July 2011
1111 04/11B	Absolute Design Group	July 2011
1111 05/11A	Absolute Design Group	May 2011

1111 06/11A	Absolute Design Group	May 2011
1111 07/11A	Absolute Design Group	May 2011

as amended by the following Section 96'A' plans and documents,
except as may be amended by the following conditions and as may be shown
in red on the attached plans:

Plan	Drawn by	Dated	Received
1111 02/05 (issue C)	Absolute Design Group	May 2011	24/04/2012
1111 03/05 (issue C)	Absolute Design Group	May 2011	24/04/2012
1111 04/05 (issue C)	Absolute Design Group	May 2011	24/04/2012
1111 05/05 (issue A)	Absolute Design Group	May 2011	5/07/2012

Add Condition 46.

46. The new parapet wall shall be painted to match the existing building to maintain the integrity and amenity of the building and the streetscape and must be provided with a projecting string course or similar treatment below the tile capping fronting Beach St to match the string course on the existing building.

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

CP44/12 Director City Planning Report - 1 Moira Crescent & 17 Marcel Avenue, Coogee (DA/664/2011)

166/12

RESOLUTION: (Andrews/Matson) –

- A. That Council support the objections under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with Clause 20E and 20G of the Randwick Local Environmental Plan 1998 (Consolidation), relating to minimum landscape area and maximum external wall height, on the grounds that the proposed development is consistent with the relevant objectives of the clauses and will not adversely affect the amenity of the surrounding locality and that the Department of Planning be advised accordingly.
- B. That Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No DA/664/2011 for alterations and additions to the existing multi-unit housing development including partial excavation of subfloor area and extension at lower ground floor level to provide for a new 2 bedroom dwelling unit, new rear timber deck with awning at ground floor level, alterations to the existing garage to accommodate double car stackers and regrade driveway, reshape and repave existing driveway on adjoining site at No. 17 Marcel Avenue at 1 Moira Crescent, 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 numbered 046/11Sheets 1,2,3,4,5,6,7 and 7A, all Issue C, and 14 February 2012 and stamped received by Council on 21 March 2012, the application form, and on any supporting information received with the

application, except as may be amended by the following conditions and as may be shown in red on the attached plans:

<i>BASIX Certificate</i>	<i>No.</i>	<i>Dated</i>
	A121525	29 August 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:

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

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.

2. The colours, materials and finishes of the external surfaces to the building are to be compatible with the existing building and surrounding buildings in the heritage conservation area and consistent with the architectural style of the building. Details of the proposed colours, materials and textures (ie- a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
3. Details of the proposed paint scheme are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. Unpainted surfaces, eg- brickwork/stonework are to remain unpainted, and no applied finishes are to be used.
4. The walls of the garage are to incorporate a string course (projecting around 10mm) to provide a clear separation between existing and new face brickwork. Amended drawings are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
5. The reflectivity index of glass used in the external façade of the development must not exceed 20 percent. Details shall be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.

Section 94A Contribution :

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

Category	Cost	Applicable Levy	S94A Levy
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Development Cost more than \$200,000	\$ 357, 500.00	1%	\$3,575.00
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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.

Consent Requirements

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

Long Service Levy Payments

8. The required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, in accordance with Section 109F of the Environmental Planning & Assessment Act 1979.

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

Structural Adequacy

9. A Certificate prepared by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) prior to issuing a construction certificate which certifies that the structural adequacy of the existing building to support the attic addition.

Driveway/Carstacker Design

10. The gradient of the amended internal access driveway must be designed and constructed in accordance with AS 2890.1 (2004) – Off Street Car Parking. Details of compliance are to be included in the construction certificate documentation.
11. Plans submitted for the construction certificate shall demonstrate the proposed car-stacker fully complying with the manufacturer's specifications and requirements.

Stormwater Drainage

12. 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.

13. Stormwater runoff from the redeveloped portion and all roofwater on the site shall be discharged either:

- a) To the kerb and gutter along the site frontage by gravity or charged system; OR
- b) Through a private drainage easement(s) to Council's kerb and gutter (or underground drainage system); OR
- c) To the kerb and gutter along the site frontage via a pumpout system.

Notes:

- The existing roofwater discharging to the sub-floor region adjacent to the air conditioning unit and power outlet must be redirected as per the conditions of this consent.
- The use of infiltration is not permitted due to the likelihood of rock being located close to the ground surface and the steep topography at the rear of the site

14. Should a charged system be required to drain any portion of the site, the charged system must be designed with suitable clear-outs/inspection points at pipe bends and junctions.

NOTE: The maximum amount of head in the charged line shall not exceed 1.0m.

15. Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the required discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.

The pump system must also be designed and installed strictly in accordance with Randwick City Council's Stormwater Code.

16. All pump out water must pass through a stilling pit prior to being discharged by gravity to the kerb and gutter.
17. As the above site may encounter seepage water within the depth of the excavations, the lower ground unit, car stacker pit and similar structures are to be suitably tanked and waterproofed. Details of the tanking/waterproofing and any sub-soil drainage systems (as applicable) must be prepared or approved by a suitably qualified and experienced *Professional Engineer* to the satisfaction of the Certifying Authority and details are to be included in the **construction certificate**.

Notes:

- a) Any subsoil drainage is to be disposed of within the site and is not to be discharged to Council's kerb & gutter and/or underground drainage system.
- b) Adequate provision is to be made for the ground water to drain around the building (to ensure that the lower ground unit and garage will not dam or slow the movement of the ground water through the development site).

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.

10. In accordance with Section 80A (11) of the Environmental Planning and Assessment Act 1979 and Clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition that all of the required commitments listed in the relevant BASIX Certificate for this development are fulfilled.
11. In accordance with the provisions of the Environmental Planning & Assessment Regulation 2000, a relevant BASIX Certificate and associated documentation must be submitted to the Certifying Authority with the Construction Certificate application for this development.

The required commitments listed and identified in the BASIX Certificate are to be included on the plans, specifications and associated documentation for the proposed development, to the satisfaction of the Certifying Authority.

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

Compliance with the Building Code of Australia & Relevant Standards

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

REQUIREMENTS 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.

14. Any metal roof sheeting is to be pre-painted and form part of the colour scheme and external finishes for the development. The reflectivity index of materials used in the external façade of the development must not exceed 20 percent. The details and samples of the materials to be used are to be submitted with the colour and material schedule for the approval of Council's Director of City Planning, prior to the commencement of works.

Certification and Building Inspection Requirements

15. Prior to the commencement of any building or fire safety works, a construction

certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.

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

16. Prior to the commencement of any building or fire safety works, the person having the benefit of the development consent must:
- i) appoint a Principal Certifying Authority for the building work, and
 - ii) appoint a principal contractor for the building work and notify the Principal Certifying Authority and Council accordingly in writing, and
 - iii) notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority, and
 - iv) give at least two days notice to the Council, in writing, of the person's intention to commence building works.

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

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

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

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

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

Dilapidation Report

18. A dilapidation report prepared by a professional engineer, building surveyor or other suitably qualified independent person shall be submitted to the Principal Certifying Authority prior to the commencement of demolition, excavation or building works detailing the current condition and status of all buildings, including ancillary structures (i.e. including dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandah's, fences, retaining walls, swimming pools and driveways etc) located upon No.3 Moira Crescent, Randwick.

The report is to be supported with photographic evidence of the status and condition of the buildings and a copy of the report must also be forwarded to the Council and to the owners of each of the subject premises, prior to the commencement of any works.

Sydney Water

18. 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

19. 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.
20. 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.

Building regulation and construction site management

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

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

22. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (ECA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.

Inspections during Construction

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

The Principal Certifying Authority must specify the relevant stages of construction to be inspected in accordance with section 81A (2) (bi) (ii) of the Environmental Planning & Assessment Regulation 2000 and a satisfactory inspection must be carried out, to the satisfaction of the Principal Certifying

Authority, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

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

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

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

Fire Safety

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

- a) The existing levels of fire and safety within the premises are to be upgraded to achieve an adequate level of safety in accordance with the provisions of clause 94 of the Environmental Planning and Assessment Regulation 2000 and a report prepared by a suitably qualified and experienced Building Code of Australia/Fire safety Consultant is to be submitted to and approved by Council's Manager of Health, Building & Regulatory Services, prior to the issuing of a construction certificate, in accordance with section 80A(2) of the Environmental Planning and Assessment Act 1979.

The report must include an assessment of the existing building and compliance with the Building Code of Australia. The report must also include details of the measures and works considered appropriate to achieve an adequate level of fire safety for the building and the occupants. The upgrading works are to be included in the construction certificate and be implemented prior to issuing an occupation certificate for the new building or part and written confirmation is to be provided to Council accordingly.

- b) All new building works (including the proposed alterations/additions) must satisfy the relevant performance or deemed-to-satisfy provisions of the Building Code of Australia.
- c) All of the fire safety upgrading works and new building work must be detailed in the Construction Certificate for the development.

26. The fire safety upgrading works must be carried out prior to issuing of an Occupation Certificate for the development and written confirmation must be provided to Council (from the Principal Certifying Authority) which confirms that all of the upgrading works have been carried out in accordance with the conditions of consent.

Demolition Works

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

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

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

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

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

- b) A Demolition Work Plan must be developed and implemented in accordance with Australian Standard AS2601-2001, Demolition of Structures.
- c) A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
- d) Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996.
- e) Asbestos waste must be disposed of at an approved waste disposal depot (refer to the DEC or Waste Service NSW for details of sites). Copies of all receipts detailing method and location of disposal must be maintained on site and be provided to Council officers upon request, as evidence of correct disposal.
- f) On demolition sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.
- g) A certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council upon completion of the works (prior to an Occupation Certificate being issued), which confirms that the relevant requirements contained in the Asbestos Survey and conditions of consent, in relation to the safe removal and disposal of

asbestos, have been satisfied.

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

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

Retaining walls, shoring, or piling must be designed and installed in accordance with appropriate professional standards and the relevant requirements of the Building Code of Australia and Australian Standards. Details of proposed retaining walls, shoring or piling are to be submitted to and approved by the Principal Certifying Authority for the development prior to commencing such excavations or works.

Protection of adjoining land

30. The adjoining land and buildings located upon the adjoining land must be adequately supported at all times.

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of any building located on an adjoining allotment of land, the person causing the excavation must:

- preserve and protect the building on the adjoining land from damage; and
- effectively support the excavation and building; and
- at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land (including a public road or public place), give notice of the intention and particulars of the works to the owner of the adjoining land.

Notes

This consent and condition 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 principal contractor or owner-builder must obtain:

- a) the consent of the owners of such adjoining or supported land to trespass or encroach, or*
- b) an access order under the Access to Neighbouring Land Act 2000, or*
- c) an easement under section 88K of the Conveyancing Act 1919, or*
- d) 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).

Restrictions on Hours of works

31. 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 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
Additional requirements for all development (except for single residential dwellings)	<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.

32. 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. The relevant provisions of the Protection of the Environment Operations Act 1997 and Department of Climate Change Guidelines must be satisfied at all times.
33. Public safety and convenience must be maintained at all times during demolition, excavation and construction works.
- a) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.
 - b) A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or footway for services or the like.
 - c) Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
 - d) Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health, Building & Regulatory Services department.

- e) During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater — Soils and Construction, published by the NSW Department of Housing. Sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction.
- f) Public access to demolition/building works, materials and equipment on the site is to be restricted and a temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres).

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

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

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

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

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

Building & Demolition Work Requirements

34. 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

35. 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.

Building Encroachments

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

Tree Management

37. No objections are raised to removing any of the existing *Cyathea cooperi* (Straw Tree Ferns) and other small plantings in the rear yard, between the

garage and rear (western) boundary, should this be necessary in order to accommodate drainage works such as an easement or pump wet well if required.

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

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

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

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

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

Fire Safety Certificate Requirements

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

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

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

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

Structural Certification

A Certificate prepared by a professional engineer, shall be submitted to the Council prior to issuing an occupation certificate, certifying the structural adequacy of the building, including balustrades and handrails to stairways, decks and balconies.

Occupant Safety - Windows

41. 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.

Council's Infrastructure, Vehicular Crossings, street verge

42. 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.
43. 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.
44. That part of the naturestrip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or

similar. Such works shall be completed at the applicant's expense prior to the issue of a final Occupation Certificate.

Stormwater Drainage

45. Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with Australian Standard 3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and the conditions of this development approval. The certification must be provided following inspection/s of the site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the PCA.
46. Prior to the issuing of an Occupation Certificate certification must be obtained from a suitably qualified and experienced professional engineer, to the satisfaction of the Principal Certifying Authority confirming that the tanking/waterproofing and any sub-soil drainage systems (as applicable) have been provided in accordance with the conditions of consent and relevant Standards. A copy of the certification must be provided to the Council with the Occupation Certificate.

Sydney Water Requirements

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

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

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

The Section 73 Compliance Certificate is required to be obtained before an *occupation certificate* is issued.

Right of Way

48. Prior to the issuing of an occupation certificate, the proposed right of way must be registered on the title of No.17 Marcel Avenue (Strata Plan 55558) in accordance with the draft survey plan by Lawrence Group Surveyors and Consultants dated 28th February 2012 and received by Council on the 21st March 2012.

Carstacker

49. Prior to the issuing of an occupation certificate, a sign shall be displayed at the entrance to the car-stacker stating the following "Maximum vehicle length = 5.0m" .
50. Prior to the issuing of an occupation certificate, certification shall be submitted to the PCA stating that the proposed car-stacker has been installed in accordance with the manufacturer's specifications and requirements and relevant Australian Standards.

Fire rated roller door

51. Prior to the issuing of an occupation certificate, certification shall be submitted

to the PCA that the garage has been installed with a fire rated roller door to achieve fire protection and compliance with the BCA

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

52. 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.
53. 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.

The following conditions have been applied to maintain reasonable levels of amenity to the area:

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

In this regard, the operation of the plant and equipment (excluding plant and equipment during the construction phase) 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.

55. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997 and Regulations*.

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 assessment of this development application does not include an assessment of the proposed building work under the Building Code of Australia (BCA).

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

- A2 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.

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

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

**CP45/12 Director City Planning Report - 2 Wackett Street, Maroubra
(DA/191/2012)**

167/12

RESOLUTION: (Andrews/Seng) that the application be deferred for mediation between the applicant and objectors.

MOTION: (Andrews/Seng) 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 Tracey
Councillor Belleli	Councillor White
Councillor Bowen	Councillor Woodsmith
Councillor Hughes	
Councillor Matson	
Councillor Matthews	
Councillor Nash	
Councillor Procopiadis	
Councillor Seng	
Councillor Smith	
Councillor Stevenson	
Total (11)	Total (3)

**CP46/12 Director City Planning Report - 36 Burke Street, Chifley
(DA/130/2012)**

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

168/12

RESOLUTION: (Andrews/White) that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/130/2012 for conversion of the existing dwelling house to a child care centre for 36 children including alterations and additions to the building, at No. 36 Burke Street, Chifley, 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>Drawn by</i>	<i>Dated</i>	<i>Received</i>
1 of 3 to 3 of 3	Design 23 PTY. LTD.	28/02/2012	29 February 2012
Landscape Plan 1 of 1	Design 23 PTY. LTD.	28/02/2012	29 February 2012
Statement of Environmental Effects	Design 23 PTY. LTD.	February 2012	29 February 2012

2. The capacity of the childcare centre is restricted to a maximum of 36 children.
3. The existing fence along the western side boundary must be extended in height to 2.1m from the natural ground level with the agreement of the adjoining owners at No.'s 34 Burke Street & 26 Hume Street); or alternatively a new fence must be constructed to this height within the subject site, (as illustrated in Figure 2 of the acoustic report). Along the northern boundary the existing fence must be extended in height to 1.8m; or alternatively a new fence must be constructed to this height within the subject site, (as illustrated in Figure 2 of the acoustic report). The fences are to be of a solid construction with no gaps as documented in the acoustic report prepared by Acoustic Logic.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

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

External Colours, Materials & Finishes

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

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

Stormwater Drainage

5. Stormwater run-off from the redeveloped portion of the site must be drained and discharged to the street gutter in front of the site to the satisfaction of the certifying authority and details of the proposed stormwater drainage system are to be included in the construction certificate details for the development.

Details of any works proposed to be carried out in or on a public road/footway are to be submitted to and approved by Council prior to commencement of works.

Bicycle Parking

6. A minimum of two bicycle spaces shall be provided for this development. The bicycle facilities are to be designed and installed in accordance with Australian

Standard 2890.3 – Bicycle Parking Facilities. Plans submitted for the construction certificate shall demonstrate compliance with this requirement.

Waste Management

7. Prior to the issuing of a construction certificate for the proposed development, a Waste Management Plan detailing the waste and recycling storage and removal strategy for all of the development, is required to be submitted to and approved by Council's Director of City Services.

The Waste Management plan is required to be prepared in accordance with Council's Waste Management Guidelines for Proposed Development and must include the following details (as applicable):

- The use of the premises and the number and size of occupancies.
- The type and quantity of waste to be generated by the development.
- Demolition and construction waste, including materials to be re-used or recycled.
- Details of the proposed recycling and waste disposal contractors.
- Location of Waste storage facilities and equipment.
- The procedures and arrangements for the on-going waste management of the child care centre including collection, storage and removal of waste and recycling of materials.

NOTE:

Standard templates for Waste Management Plans can be obtained from Council's Development Engineer.

8. Any required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, **prior to the issuing of a Construction Certificate**, in accordance with Section 109F of the Environmental Planning & Assessment Act 1979.

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

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.

Building Regulation & Construction

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

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

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

Assessment Regulation 2000, it is a *prescribed condition* that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA). Details of compliance are to be provided in the construction certificate.

11. **Prior to the commencement of any building or 'fit-out' works and change of building use, a construction certificate must be obtained from the Council or an accredited certifier**, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.

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

12. **Prior to the commencement of any building or 'fit-out' works**, the person having the benefit of the development consent must:

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

13. The 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.

Sydney Water

14. 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

15. 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.
16. 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.

Services

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

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

If the proposed works are suitable, the plans will be appropriately stamped by Sydney Water or their Agent. 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 is required to ensure that a Quick Check Agent/Sydney Water has appropriately stamped the plans **prior to the commencement of any building works**.

Health & amenity

18. Access must be provided to the building for people with a disability in accordance with the relevant requirements of the Building Code of Australia, Disability (Access to Premises – Buildings) Standard 2010 and Australian Standard – AS1428.1 (2009), Design for Access and Mobility – General requirements for new building work, to the satisfaction of the Certifying 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.

19. 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
Internal work only within a commercial or industrial development, located in a commercial or industrial zone, which is not audible within any residential dwelling or commercial or industrial premises	<ul style="list-style-type: none"> Monday to Saturday - No time limits (subject to column 1) 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.

20. Public health, safety and convenience must be maintained at all times during demolition and building works and the following requirements must be complied with at all times (as applicable):

- a) Demolition work must be carried out in accordance with Australian Standard, AS2601 (2001) - The Demolition of Structures and a Demolition Work Plan is required to developed and implemented to the satisfaction of the Principal Certifying Authority **prior to commencing any demolition works.**
- b) The demolition, removal, storage and disposal of any materials containing asbestos must be carried out in accordance with the relevant requirements of WorkCover NSW, Council's Asbestos Policy and the following requirements:
 - A licence must be obtained from WorkCover NSW for the removal of friable asbestos and or more than 10m² of bonded asbestos (i.e. fibro)
 - Asbestos waste must be disposed of in accordance with the Protection of the Environment Operations Act 1997 & relevant Regulations
 - A sign must be provided to the site/building stating "Danger Asbestos Removal In Progress"
 - A Clearance Certificate or Statement must be obtained from a suitably qualified person (i.e. Occupational Hygienist) upon completion of the asbestos removal works, which is to be submitted to the Principal Certifying Authority and Council **prior to issuing an Occupation Certificate.**

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.

- c) A sign must be provided and maintained in a prominent position, 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".
- d) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, trip hazards, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.

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

The owner/builders must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council. For further information, please contact Council's Road/Asset Opening Officer on 9399 0691 or 9399 0999.

- f) Building materials, sand, soil, waste materials, construction equipment or other materials or articles must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
- g) Bulk bins, waste containers or other articles 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 or other articles in a public place can be made to Council's Building Services section.
- h) During demolition and construction, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to the satisfaction of Council.
- i) Public safety must be maintained at all times and public access to any demolition and building works, materials and equipment on the site is to be restricted. If necessary, a temporary safety fence or hoarding is to be provided to protect the public. 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.

If it is proposed to locate any site fencing, hoardings or items upon any part of the footpath, nature strip or any public place, a Local Approval application must be submitted to and approved by Council's Health, Building & Regulatory Services department beforehand. Details and plans are to be submitted with the application, together with payment of the weekly charge in accordance with Council's adopted Pricing Policy.

- j) 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.

The requirements and practices contained in the Protection of the Environment Operations Act 1997 and relevant DECC Construction Noise and Vibration Guidelines are to be satisfied and a Construction Noise and Vibration Management Plan is to be developed and implemented throughout the works to the satisfaction of Council.

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

- 21. The premises is to be designed, constructed and operated in accordance with the *Food Act 2003, Food Regulation 2004, Australia & New Zealand Food Standards Code* and Australian Standard AS 4674-2004, Design, construction and fit-out of food premises and details of compliance are to be included in the

documentation for the **construction certificate** to the satisfaction of the certifying authority.

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

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

23. Upon completion of the work and **prior to the issuing of an occupation certificate**, the premises must be inspected by Council's Environmental Health Officer to ascertain compliance with relevant Food Safety Standards and the written approval of Council (being the relevant Food Authority for this food business) must be obtained prior to the operation of the food business.
24. The food premises must be registered with Council's Environmental Health section and the NSW Food Authority in accordance with the Food Safety Standards, **prior to commencement of any food business operations**.
25. The Proprietor of the food business and all staff carrying out food handling and food storage activities must have appropriate skills and knowledge in food safety and food hygiene matters, as required by the Food Safety Standards.
26. The food premises must be kept in a clean and sanitary condition at all times, including all walls, floors, ceilings, fixtures, fittings, appliances, equipment, fridges, freezers, cool rooms, shelving, cupboards, furniture, crockery, utensils, storage containers, waste bins, light fittings, mechanical ventilation & exhaust systems & ducting, storage areas, toilet facilities, basins and sinks.
27. The design and construction of food premises must comply with the following requirements, **as applicable**:-
- The floors of kitchens, food preparation areas and the like are to be constructed of materials which are impervious, non slip and non abrasive. The floor is to be finished to a smooth even surface, graded and drained to a floor waste connected to the sewer.
 - The intersection of walls with floor and plinths is to be coved, to facilitate cleaning.
 - Walls of the kitchen preparation areas and the like are to be of suitable construction finished in a light colour with glazed tiles, stainless steel, laminated plastics or similar approved material adhered directly to the wall adjacent to cooking and food preparation facilities or areas, to provide a smooth even surface.

The glazed tiling or other approved material is to extend up to the underside of any mechanical exhaust ventilation hoods and a minimum of 450mm above bench tops or other facilities and equipment.

- Walls where not tiled are to be cement rendered or be of rigid smooth faced non-absorbent material (i.e. fibrous cement sheeting, plasterboard or other approved material) and finished to a smooth even surface, painted with a washable paint of a light colour or sealed with other approved materials.
- The ceilings of kitchens, food preparation areas, storerooms and the like are to be of rigid smooth-faced, non absorbent material i.e., fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material.
- All stoves, refrigerators, bain-maries, stock pots, washing machines, hot water heaters, large scales, food mixers, food warmers, cupboards, counters, bars etc.... to be supported on wheels, concrete plinths a minimum 75mm in height, metal legs minimum 150mm in height, brackets or approved metal framework of the like.
- Cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particleboard or similar material is not permitted unless laminated on all surfaces.
- Adequate fly screens and doors with self-closing devices, (where applicable), are to be provided to all external door and window openings. An electronic insect control device must also be provided within the food premises.
- Garbage storage enclosures are to be fitted with a hose cock and the floor is to be graded and drained to an approved floor waste connected to the sewer.
- A mechanical ventilation exhaust system hood is to be installed where cooking or heating processes are carried out in kitchens or food preparation areas, in accordance with the relevant requirements of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2. Details of compliance are to be included in the construction certificate application.
- Wash hand basins must be provided in convenient positions, with hot and cold water, together with a sufficient supply of soap and clean towels. Such hot and cold water shall be supplied to the wash hand basins through an approved mixing device.
- Ceramic tiles being provided to a height of 450mm above bench tops, wash hand basins and similar fittings.

Tree Management

28. The applicant must ensure that the three mature *Archontophoenix cunninghamiana* (Bangalow Palms) within the site, comprising one adjacent the southeast corner of the dwelling, one halfway across the eastern boundary, and one along the northern boundary, are retained and incorporated as existing site features into the outdoor play areas, as has been shown on LP01, as part of the works.

Pruning of Street Tree

29. Should the applicant seek pruning of the western aspect of the mature *Corymbia maculata* (Spotted Gum) which is located on public land, and whose

canopy partially overhangs above the site, so as to remove deadwood and similar, they must contact Council's Landscape Development Officer on 9399-0613 to perform a joint site inspection, giving at least 2 working days notice.

If approval is given, it will only be performed by Council, with the applicant to cover these costs through payment into **Tree Amenity Income**, at the Cashier on the Ground Floor of the Administrative Centre, prior to the issue of a Final Occupation Certificate.

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.

30. An Occupation Certificate must be obtained from the Principal Certifying Authority **prior to any occupation or use of the development** encompassed in this development consent (including alterations, additions and 'fit-out' work to existing buildings), in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979*.
31. Where applicable, a *Fire Safety Certificate* must be submitted to Council **prior to the issuing of an Occupation Certificate**, in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000*.

The *Fire Safety Certificate* must include details of all of the fire safety measures contained in the building and as detailed in the *fire safety schedule* attached to the Construction Certificate.

Prior to issuing any Occupation Certificate the Principal Certifying Authority must be satisfied that all of the relevant fire safety measures have been included and are sufficiently detailed within the *Fire Safety Certificate*. A copy of the *fire safety certificate* must be displayed in the building near the entrance and a copy must be forwarded to the NSW Fire Brigades.

An annual *Fire Safety Statement* is also required to be submitted to the Council and the NSW Fire Brigades, each year after the date of the *Fire Safety Certificate*, in accordance with the *Environmental Planning & Assessment Regulation 2000*.

Council's Infrastructure, Vehicular Crossings, street verge

32. Prior to the issuing of an occupation certificate the applicant must meet the full cost for Council or a Council approved contractor to:
 - a) Re-construct concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site, if required.
33. 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.
34. 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.
35. That part of the nature-strip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant's expense prior to the issue of a final Occupation Certificate.

Sydney Water Requirements

36. The applicant shall liaise with Sydney Water Corporation to determine if a *Section 73 Compliance Certificate* under the *Sydney Water Act 1994* must be obtained.

If required, 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 refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92.

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

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority prior to issuing of an *Occupation Certificate*.

OPERATIONAL CONDITIONS

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

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

Hours of operation

37. The hours of the operation of the business are restricted to:

Monday through to Friday, inclusive from: 8:30am to 5:00pm.

38. The proposed use of the child care centre including the outside play area shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and Regulations.

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background (L_{A90}), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 10dB(A) between 10:30am – 11:30am and then again between 3:15pm – 4:30pm and then by no more than 5dB(A) at all other times. The source noise level shall be assessed as an L_{Aeq} , 15 min and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

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

The operation of the site and the project specific criteria for noise emissions shall be in accordance with the acoustical report referenced 20120373.1/1505A/R1/YK dated 15 March 2012 prepared by Acoustic Logic, when measured at the nearest affected boundary:

Location	Day (7am – 10pm)
34 Burke St Chifley	46 L_{Aeq} (15mins)
and	for outdoor play areas –only between 10:30am-11:30am and then again between 3:15pm-4:30pm
26 Hume St Chifley	41 L_{Aeq} (15mins) at all other times

40. A report/correspondence prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council **prior to a construction certificate being issued for the development**, which demonstrates that noise and vibration emissions from the development satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, Environmental Protection Authority Noise Control Manual & Industrial Noise Policy, relevant conditions of consent (including any relevant approved acoustic report and recommendations). The assessment and report must include all relevant fixed and operational noise sources.
41. A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council **prior to an occupation certificate** being issued for the development, which demonstrates and certifies that noise and vibration from the development satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW EPA/DECC Noise Control Manual & Industrial Noise Policy, Council's conditions of consent (including any relevant approved acoustic report and recommendations), to the satisfaction of Council. The assessment and report must include all relevant fixed and operational noise sources.
42. A Plan of Management shall be submitted to and approved by Council prior to issue of an occupation certificate, which details the measures to be

implemented to:

- ensure compliance with the relevant conditions of approval,
- ensure compliance with relevant noise criteria and minimise noise emissions and associated nuisances,
- minimise the potential environmental and amenity impacts upon nearby residents,
- ensure that the recommendations in the acoustic reports are complied with.

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

43. The use and operation of the premises shall not give rise to an environmental health or public nuisance.
44. There are to be no emissions or discharges from the premises which give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.
45. Signs shall be erected at appropriate, prominent location to advise the following:
 - staff and parent converse at a very low volume,
 - parents not to call out to their children when delivering or collecting their children and
 - gates are not slammed
46. Music shall not be played outdoors.
47. The maximum number of children in the outdoor play area at any one time shall be limited to 20.
48. The outdoor activities and play time shall be limited to a period of between 11:00am to 11:30am and 3:45pm to 4:30pm.

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 assessment of this development application does not include an assessment of the proposed building work under the Building Code of Australia (BCA).

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

- A2 In existing buildings, the levels of fire and occupant safety should be upgraded where necessary and details should be incorporated in the Construction Certificate to the satisfaction of the Certifying authority.

Where the levels of accessibility to existing buildings do not meet current standards, if practicable, the level of accessibility should also be upgraded in conjunction with the proposed development (e.g. via the installation of a 1:8 access ramp within the building) and details included in the construction

certificate application.

Building owners, applicants and builders are advised to speak to the appointed Certifying Authority prior to lodgement of the Construction Certificate.

- A3 The applicant/owner is advised to engage the services of a suitably qualified and experienced Acoustic consultant, prior to finalising the design and construction of the development, to ensure that the relevant noise criteria and conditions of consent can be fully satisfied.
- A4 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.
- A5 The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

MOTION: (Andrews/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 Matthews
Councillor Bowen	Councillor Stevenson
Councillor Hughes	
Councillor Matson	
Councillor Nash	
Councillor Procopiadis	
Councillor Seng	
Councillor Smith	
Councillor Tracey	
Councillor White	
Councillor Woodsmith	
Total (11)	Total (2)

AMENDMENT: (Matthews/Nil) that this matter be deferred to allow all Councillors to inspect the site to examine potential parking problems. **LAPSED FOR WANT OF A SECONDER.**

AMENDMENT: (Stevenson/Matthews) that this matter be deferred to the Traffic Committee for assessment of parking issues with a report to come back to Council. **LOST.**

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

FOR	AGAINST
Councillor Matthews	Councillor Andrews
Councillor Stevenson	Councillor Bowen
	Councillor Hughes
	Councillor Matson
	Councillor Nash
	Councillor Procopiadis
	Councillor Seng
	Councillor Smith
	Councillor Tracey

Councillor White
Councillor Woodsmith

Total (2)

Total (11)

**CP47/12 Director City Planning Report - 2 Goodwood Street, Kensington
(DA/195/2012)**

Note: A rescission motion was handed to the General Manager in accordance with Council's Code of Meeting Practice and will be dealt with at the next available meeting.

169/12

RESOLUTION: (Bowen/Seng) that the matter be deferred to allow the applicant to provide Council with a detailed Geotechnical report and structural design of the proposed building.

MOTION: (Andrews/White) that the application be approved in accordance with the recommendation in the report, subject to a security deposit being paid to specifically include protection of the Kokoda Memorial.

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

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

FOR

Councillor Bowen
Councillor Hughes
Councillor Matson
Councillor Procopiadis
Councillor Seng
Councillor Stevenson
Councillor Tracey
Councillor Woodsmith

Total (8)

AGAINST

Councillor Andrews
Councillor Belleli
Councillor Matthews
Councillor Nash
Councillor Smith
Councillor White

Total (6)

**CP48/12 Director City Planning Report - 60 Denning Street, South Coogee
(DA/939/2011)**

170/12

RESOLUTION: (Andrews/Matson) –

- A. That Council support the objection under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with Clauses 20F and 20G of the Randwick Local Environmental Plan 1998 (Consolidation), relating to maximum floor space ratio and maximum external wall height, on the grounds that the proposed development is consistent with the relevant objectives of the clauses and will not adversely affect the amenity of the surrounding locality and that the Department of Planning be advised accordingly.
- B. That Council, as the responsible authority, grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No DA/939/2011 for the demolition of existing structures and construction of part 2, part 3 storey attached dual occupancy with garages and associated works at 60 Denning Street, South 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.

1. The development must be implemented substantially in accordance with the amended plans numbered A1-02, A1-03, A1-04, and A1-05, all revision B, and all dated 26/03/2012 and stamped received by Council on 27 March 2012, and the application form, and on any supporting information received with the application, except as may be amended by the details/amendments approved pursuant to the deferred commencement conditions and by the following conditions and as may be shown in red on the attached plans:

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.

External Colours, Materials & Finishes

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

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

3. A louvered privacy screen measuring 1.8m in height from the finished balcony floor level and designed to prevent overlooking of the adjoining property shall be installed along the northern edge of the living room balcony to Dwelling 2. Details shall be submitted to and approved by Council's Manager Development Assessments prior to issuing a construction certificate for the development.

Section 94A Development Contributions

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

Category	Cost	Applicable Levy	S94A Levy
Development Cost more than \$200,000	\$ 1,459,000	1%	\$14,590.00

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

Long Service Levy Payments

5. 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

6. 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*:

- \$2000.00 - 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

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

Pedestrian Entrance – Match the existing Council footpath levels.

Driveway Entrance – RL 47.75 AHD (Note: Council footpath to be lowered at this location)

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

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

8. The design alignment levels (concrete/paved/tiled level) issued by Council must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.
9. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$617.00 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.

Driveway Design

10. The gradient of the internal access driveway must be designed and constructed as follows:

Gradient of 1:10 for first 3.00m inside the site, then a grade of 1:5 (for approx 9.00m in length) before a final grade of 1:10 for the last 2.50m before reaching the vehicle manoeuvring). The levels of the driveway must match the alignment levels at the property boundary as specified by Council.

Details of compliance are to be included in the construction certificate.

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

Sydney Water

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

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

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

The Section 73 Compliance Certificate is required to be obtained before an occupation certificate is issued.

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

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

Stormwater Drainage

Stormwater drainage plans have not been approved as part of this development consent.

13. The site stormwater drainage system is to be provided in accordance with the following requirements;
- a) The stormwater drainage system must be provided in accordance with the relevant requirements of the Building Code of Australia and the conditions of this consent, to the satisfaction of the *Certifying Authority* and details are to be included in the construction certificate.
 - b) The stormwater must be discharged (by gravity) either:
 - i. Directly to the kerb and gutter at the front of the subject site in

Denning Street; or

- ii. To a suitably designed infiltration system (subject to confirmation in a geotechnical investigation that the ground conditions are suitable for the infiltration system)
- c) Should stormwater be discharged to an infiltration system, the infiltration area shall be sized for all storm events up to the 1 in 20 year storm event with provision for a formal overland flow path to Council's Street drainage system.

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

- d) Infiltration should not be used if ground water and/or any rock stratum is within 2.0 metres of the base of the infiltration pit.
- e) If the owner/applicant is able to demonstrate to Council that the ground conditions preclude the use of an infiltration system, a pump-system may be permitted.
- f) Pump-out systems must be provided with two pumps connected in parallel (with each pump being capable of discharging at the required discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well is required to be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working,

Pump-out systems must be designed by a suitably qualified and experienced hydraulic consultant/engineer and the pump-out system designed and constructed generally in accordance with Council's Stormwater Code.

- g) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage (detention/infiltration) system.
- h) A sediment/silt arrestor pit must be provided within the site near the street boundary prior to discharge of the stormwater to Council's drainage system and prior to discharging the stormwater to any absorption/infiltration system.

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

- The base of the pit being located a minimum 300mm under the invert level of the outlet pipe.
- The pit being constructed from cast in-situ concrete, precast concrete or double brick.
- A minimum of 4 x 90 mm diameter weep holes (or equivalent) located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.
- A galvanised heavy-duty screen being provided over the outlet pipe/s (Mascot GMS multipurpose filter screen or equivalent).
- The grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system.

- A child proof and corrosion resistant fastening system being provided for the access grate (e.g. spring loaded j-bolts or similar).
 - Provision of a sign adjacent to the pit stating, "This sediment/silt arrester pit shall be regularly inspected and cleaned".
- i) Infiltration systems/Absorption Trenches must be designed and constructed generally in accordance with "Section 8.5 ABSORPTION TRENCHES" of Randwick City Council's Private Stormwater Code.
- j) Seepage waters are required to be drained and disposed of within the site and are not to be drained into Council's stormwater drainage system.
- k) Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line and discharge to the kerb in front of the development site.

Street Tree

14. The applicant shall submit a total payment of **\$107.25** (including GST), being the cost for Council to supply and install 1 x 25 litre *Banksia serrata* (Saw Toothed Banksia) on the Denning Street verge, an equal distance between the southern edge of the proposed vehicle crossing and southern site boundary.

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

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

REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE

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

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

Compliance with the Building Code of Australia

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*, 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

16. 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

17. 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.

Building & Design

18. The external walls of the *dwelling* must be located not less than 1500mm from the site boundary.
19. Eaves, gutters, hoods and similar structures or attachments are required to be setback from the side *boundaries* of the allotment a minimum distance of 450mm.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

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

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

Construction Certificate, Principal Certifying Authority & Commencement of Works

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

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

Home Building Act 1989

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

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

Dilapidation Reports

22. 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

23. 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

24. 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

25. 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

26. 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

27. 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.

Public Utilities

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

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

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

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

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

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

Site Signage

30. 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

31. 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

32. 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

33. 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

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

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

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

Public Safety & Site Management

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

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

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

all times.

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

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

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

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

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

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

Survey Requirements

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

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

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

Building Encroachments

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

Site Amenities

41. Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, to the satisfaction of

WorkCover NSW and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.

42. As the above site may encounter groundwater/seepage water within the depth of the basement excavation, the basement garages or similar structures are to be suitably tanked and/or waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking and/or waterproofing has been carried out to an acceptable standard, to the satisfaction of the certifying authority. A copy of the certification is to be forwarded to Council.

Notes:

- a) Any subsoil drainage (from planter boxes etc) is to be disposed of within the site and is not to be discharged to Council's kerb & gutter and/or underground drainage system.
- b) Adequate provision is to be made for the ground water to drain around the basement garages (to ensure that the basement will not dam or slow the movement of the ground water through the development site).

Road/Asset Opening Permit

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

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

Drainage

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

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

Tree Management

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

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

46. 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

47. 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

48. 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

49. 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 the concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.
 - b) Reconstruct the Council footpath either side of the vehicular crossing to match the new lowered footpath levels at the driveway entrance.
 - c) Replace any damaged concrete footpath along the site frontage.
50. 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.
51. 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

52. The PCA must ensure that landscaping at this site is installed substantially in accordance with the Landscape Plan submitted by C.M Hairis Architects, sheet A3, dwg no 07, revision A, dated 0212/11, 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.
53. The nature-strip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.
54. Prior to the issuing of an Occupation Certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification that mature 1m high plantings have been installed in the planter bed along the northern edge of the north-facing elevated courtyard to Dwelling 2

Service Authorities

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

Stormwater Drainage

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

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

Waste Management

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

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

58. 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

59. 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

60. Street and unit numbering must be provided to the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council, **prior to an occupation certificate being issued** for the development.

In this regard, an Application must be submitted to and approved by Council's Director of City Planning, together with the required fee, for the allocation of appropriate street and unit numbers for the development, **prior to issuing an occupation certificate**.

Waste Management

61. 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 – Air Conditioners

62. 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

63. 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

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

In this regard, the operation of the plant and equipment shall not give rise to

an $L_{Aeq, 15 \text{ min}}$ sound pressure level at any affected premises that exceeds the background $L_{A90, 15 \text{ min}}$ noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Department of Environment & Conservation Noise Control Guidelines.

Rainwater Tank Requirements

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

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

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

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

c) The operation of plant and equipment associated with rainwater tanks are to be restricted to the following hours if the noise emitted can be heard within a habitable room in any other residential premises:

- before 8.00am or after 8.00pm on weekends or public holiday; or
- before 7.00am or after 8.00pm on weekdays.

ADVISORY NOTES

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

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

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

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

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

- A3 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA) and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards and you are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.
- A4 Council's *Building Approvals & Certification team* can issue Construction Certificates and be your Principal Certifying Authority for the development, to undertake inspections and ensure compliance with the development consent, relevant building regulations and standards of construction. For further details contact Council's *Building Approvals & Certification team* on 9399 0944.
- A5 A Local Approval application must be submitted to and be approved by Council's Building Approvals & Certification team prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:
- Install or erect any site fencing, hoardings or site structures
 - Operate a crane or hoist goods or materials over a footpath or road
 - Placement of a waste skip or any other container or article.

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

- A6 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place, to the satisfaction of the Certifying Authority.
- A7 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:
- the consent of the owners of such adjoining or supported land to trespass or encroach, or
 - an access order under the *Access to Neighbouring Land Act 2000*, or
 - an easement under section 88K of the *Conveyancing Act 1919*, or
 - an easement under section 40 of the *Land & Environment Court Act 1979*, as appropriate.

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

- A8 The finished ground levels external to the building must be consistent with the development consent and are not to be raised, other than for the provision of approved paving or the like on the ground.
- A9 Prior to commencing any works, the owner/builder should contact Dial Before You Dig on 1100 or www.dialbeforeyoudig.com.au and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.
- A10 The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the

commencement of any building/demolition works.

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

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

**CP49/12 Director City Planning Report - 33-41 Military Road, Matraville
(DA/310/2012)**

171/12

RESOLUTION: (Andrews/Matson) 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/310/2012 for construction of additional office space to the existing Unit 1, internal changes to building and use for warehouse/distribution business, construction of multi storey car park in north east corner of site, two level car park in western corner of site and landscaping, at No. 33- 41 Military Road, Matraville, subject to the following conditions:

DEVELOPMENT CONSENT CONDITIONS

GENERAL CONDITIONS

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

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

Approved Plans & Supporting Documentation

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

<i>Plan</i>	<i>Issue</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received</i>
110222-DA002	A	Two Architects		14 May 2012
110222-DA003			25 November 2011	
110222-DA105				
110222-DA110				
110222-DA111				
110222-DA120				
110222-DA130				

110222-
DA140

110222-
DA141

110222-
DA150

110222-
DA151

110222-
DA200

110222-
DA210

001

100

101

102

501

Arcadia
Landscape 24 April 2012
Architecture

Signage

2. The signage approved within the plans of Condition 1, above, shall not be illuminated, flash or scroll, without the prior consent of Council.

Employee capacity

3. A maximum of 400 employees shall be employed on the site at any one time.

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.

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

Security Deposit

5. 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*:

- \$2000.00 - 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.

Electricity Substation

6. The applicant must liaise with Ausgrid prior to obtaining a construction certificate (for any above ground works), to determine whether or not an electricity substation is required for the development. Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on relevant construction certificate and landscape plans.

External Colours, Materials & Finishes

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

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

Section 94A Development Contributions

8. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, based on the development cost of \$8,670,000, the following applicable monetary levy must be paid to Council: \$86,700.00.

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

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

Long Service Levy Payments

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

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

10. All new building work including all fit-out work must comply with the requirements of the BCA.
11. The existing building has been designed and constructed under a number of performance requirements of the BCA and the new work must not result in any

inconsistencies with the strategies and measures incorporated in the existing performance based alternative solutions for the building, unless the subject of a new or modified fire safety strategy that meets the deemed to satisfy or performance requirements of the BCA.

12. A report must be obtained and be submitted to the Certifying authority prior to the issue of any construction certificate for the development or undertaking of any works, which includes an assessment of the existing and proposed levels of fire safety (including performance based alternative solutions) and details the fire safety strategies and measures to ensure that the building satisfies the requirements of the BCA.
13. The building must be the subject of a single Fire Safety Schedule in accordance with the EP&A Regulation.
14. A report or written correspondence must be obtained from a suitably qualified *professional geotechnical engineer* shall be submitted to the certifying authority **prior to the issuing of a construction certificate**, confirming the suitability and stability of the site for the proposed building and certifying the suitability and adequacy of the proposed design and construction of the building for the site.
15. A report shall be prepared by a *professional engineer* and submitted to the certifying authority **prior to the issuing of a construction certificate**, detailing the proposed methods of excavation, shoring or pile construction, including details of potential vibration emissions. The report, must demonstrate the suitability of the proposed methods of construction to overcome any potential damage to nearby land/premises.

Driven type piles/shoring must not be provided unless a geotechnical engineer's report is submitted to the certifying authority, **prior to the issuing of a construction certificate**, which demonstrates that damage should not occur to any adjoining premises and public place as a result of the works.

Any practices or recommendations specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises or land must be fully complied with and incorporated into the documentation for the **construction certificate**. A copy of the engineers report is to be submitted to the Council, if the Council is not the certifying authority.

The following conditions are applied to maintain reasonable levels of environmental amenity and public health safety.

16. A Detailed Site Contamination Investigation Report must be submitted to Council's Director of City Planning **prior to issuing a Construction Certificate for works involving excavation** for the development. The detailed investigation must be undertaken by an independent appropriately qualified environmental consultant and provide information on land and ground water contamination and also migration in relation to past and current activities and uses that may have occurred on the site.

The report is to be prepared in accordance with Council's Contaminated Land Policy 1999 and relevant Guidelines made or approved by the NSW Department of Environment & Climate Change (formerly EPA), including the Guidelines for Consultants Reporting on Contaminated Sites and the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999. Also, as detailed in the Planning Guidelines to SEPP 55 – Remediation of Land, the report is to assess the nature, extent and degree of contamination upon the land.

- a) Should the Detailed Site Investigation Report demonstrate that the

land and groundwater is not contaminated, the conclusion to the report must clearly state that 'the land is suitable for its intended land use, posing no immediate or long term risk to public health or the environment and is fit for occupation by persons, together with clear justification for the statement. The report must demonstrate that any site contamination satisfies the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure 1999 and it is not necessary to carry out any remediation work.

The written concurrence of Council must be obtained **before a Construction Certificate for works involving excavation is issued** for the development.

- b) Should the Detailed Site Investigation Report identify that the land is contaminated and the land requires remedial works to meet the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999, the following matters must be complied with:
 - i) A Remediation Action Plan (RAP) is required to be prepared and be submitted to Council **prior to commencing any remediation works and prior to issuing any Construction Certificates for works involving excavation**. The RAP is also required to be reviewed by an independent NSW Department of Environment & Climate Change (DECC) Accredited Site Auditor and a written statement is to be provided to the Council with the RAP from the Site Auditor, which confirms that the Remediation Action Plan satisfies the relevant legislative guidelines and requirements and that the land is able to be remediated to the required level and will be suitable for the intended development and use
 - ii) The RAP is to be prepared in accordance with the relevant Guidelines made or approved by NSW Department of Environment & Climate Change (DECC), including the Guidelines for Consultants Reporting on Contaminated Sites.

This RAP is to include procedures for the following:

- Excavation, removal and disposal of contaminated soil,
 - Validation sampling and analysis,
 - Prevention of cross contamination and migration or release of contaminants,
 - Site management planning,
 - Ground water remediation, dewatering, drainage, monitoring and validation,
 - Unexpected finds.
- iii) A NSW Department of Environment & Climate Change Accredited Site Auditor, accredited under the *Contaminated Land Management Act 1997*, must be appointed to assess the suitability of the site for its intended development and use. A Site Audit Statement and Summary Site Audit Report must be submitted to Council which verifies that the land is suitable for the development and continued land use and satisfies the relevant criteria in the NEPM 1999.

Any requirements contained within an Environmental Management Plan (EMP) which forms part of the Site Audit Statement and Site Audit Report, form part of this consent and must be implemented accordingly. Council is required to be consulted with prior to the

development of the EMP and any comments made by Council are required to be taken into consideration prior to finalising the EMP.

- iv) The Site Remediation must be carried out to the satisfaction of the Accredited Site Auditor and the Site Audit Statement (SAS) and Site Audit Report must be submitted to Council, **prior to above ground building works commencing (it is intended to exclude the internal fit out of the factory)**.
- v) Remediation works shall be carried out in accordance with the requirements of the *Contaminated Land Management Act 1997*, environmental planning instruments applying to the site, guidelines made by the NSW Department of Environment & Climate Change and Department of Infrastructure Planning & Natural Resources, Randwick City Council's Contaminated Land Policy 1999 and the *Protection of the Environment Operations Act 1997*.
- vi) Should the remediation strategy including the 'capping' or 'containment' of any contaminated land, details are to be included in the Site Audit Statement (SAS) and Environmental Management Plan (EMP) to the satisfaction of the Site Auditor.

Details of the SAS and EMP (including capping and containment of contaminated land) are also required to be included on the Certificate of Title for the subject land under the provisions of section 88E of the *Conveyancing Act 1919*.

- vii) A Site Remediation Management Plan must be prepared prior to the commencement of remediation works by a suitably qualified environmental consultant and be implemented throughout remediation works. The Site Remediation Management Plan shall include measures to address the following matters:
 - general site management, site security, barriers, traffic management and signage
 - hazard identification and control
 - worker health & safety, work zones and decontamination procedures
 - cross contamination
 - site drainage and dewatering
 - air and water quality monitoring
 - disposal of hazardous wastes
 - contingency plans and incident reporting, and
 - details of provisions for monitoring implementation of remediation works including details of the person/consultant responsible.

A copy of the Remediation Site Management Plan is to be forwarded to Council prior to commencing remediation works.

- viii) Any fill importation to the site is to be monitored and classified by the Site Auditor appointed for remediation of the site or a person with his qualifications. Only 'Virgin Excavated Natural Material' (VENM) is to be imported to the site, as detailed in the NSW DECC Waste Classification Guidelines (2008).
- ix) The works must not cause any environmental pollution, public nuisance or, result in an offence under the *Protection of the Environment Operations Act 1997* or *NSW Occupational Health & Safety Act (2000) & Regulations (2001)*.

- x) Any new information which is identified during remediation, demolition or construction works that has the potential to alter previous conclusions about site contamination or the remediation strategy shall be notified to the Site Auditor and Council immediately in writing.

The written concurrence of the Site Auditor and Council must be obtained prior to implementing any changes to the remediation action plan or strategies.

17. The Site Audit Statement must, where no guideline made or approved under the NSW *Contaminated Land Management Act* is available (as with asbestos), clearly state the source of the standard adopted in determining the suitability of the land for the intended development and use and must also demonstrate its suitability to Council.

In relation to any asbestos contamination, a comprehensive remediation strategy and remedial action plan must be developed, to the satisfaction of the Site Auditor and NSW Department of Health or other suitably qualified and experienced specialist to the satisfaction of the Site Auditor.

The remediation strategy and remedial action plan must demonstrate that the land will be remediated in accordance with relevant guidelines (if any) and to a level or standard where no unacceptable health risk remains from asbestos exposure, which shall be verified upon completion of the remediation works to the satisfaction of the Site Auditor.

18. Hazardous or intractable wastes arising from the demolition, excavation and remediation process being removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, and with the provisions of:

- *New South Wales Occupational Health and Safety Act, 2000;*
- *The Occupational Health and Safety (Hazardous Substances) Regulation 2001;*
- *The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;*
- *Protection Of the Environment Operations Act 1997 (NSW) and*
- *NSW DECC Waste Classification Guidelines (2008).*

19. The applicant is to engage the services of a suitably qualified environmental consultant to respond to enquiries and complaints made by the community or Council in relation to contamination, remediation and construction site management matters.

A specific contact number is to be made available for such enquiries and complaints (including an after-hours emergency contract number) and a complaints register is to be maintained to record all such enquiries, complaints and actions taken in response to same, which is to be made available to Council officers upon request.

20. Prior to any ground works commencing an acid sulphate soils (ASS) management plan for the site is to be prepared in accordance with the ASS Guidelines and Manual. All works shall be undertaken in accordance with the ASS management plan **as applicable**.

The ASS management plan is to provide a framework for the ongoing management and monitoring of the impacts of potential acid sulphate soils on

the development.

If a preliminary assessment concludes that ASS is not present, you will not be required to prepare an ASS Management Plan.

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.

Building Regulation & Construction

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

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

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

Structural Adequacy

23. 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 office space additions.

Traffic & Parking conditions

24. The proposed vehicle access to the southern carpark from Bunnerong Road shall be deleted from the application. Vehicle access shall be solely from Millennium Court in accordance with RMS requirements.
25. Access driveways, internal circulation ramps and carpark areas, (including, but not limited to, the ramp grades, transitions, sight distances, carspace dimensions and height clearances) are to be in accordance with the requirements of AS2890.1:2004. The Construction Certificate plans must demonstrate compliance with these requirements.
26. A total of 8 disabled carspaces will be required for the site and shall be provided in accordance with the requirements of AS 2890.6:2009. Plans submitted for the construction certificate must demonstrate compliance with this requirement.
27. The swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTRROADS. Plans demonstrating compliance with this requirement shall be submitted to the certifying authority prior to the issuing of a construction certificate.

28. A minimum of 30 bicycle spaces shall be provided in total for the site. Plans submitted for the construction certificate shall demonstrate compliance with this requirement.
- Stormwater Drainage**
29. **Stormwater drainage plans have not been approved as part of this development consent.** Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be prepared by a suitably qualified Hydraulic Engineer and submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:
- a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
 - b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
 - c) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
 - i. Roof areas
 - ii. Paved areas
 - iii. Grassed areas
 - iv. Garden areas
 - e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
 - f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
 - g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.
30. The site stormwater drainage system is to be provided in accordance with the following requirements;
- a) The stormwater drainage system must be provided in accordance with the relevant requirements of Building Code of Australia and the conditions of this consent, to the satisfaction of the *Certifying Authority* and details are to be included in the construction certificate.
 - b) The stormwater must be discharged (by gravity) via an existing or new drainage pit to Council's underground drainage system located within the council easement that traverses the southern portion of the site.
 - c) Should there be an increase of more than 100m² in impervious area as

a result of the proposed development, an on-site stormwater detention system must be provided to ensure that the maximum discharge from the redeveloped portion of the site does not exceed that which would occur during a **1 in 10** year storm of one hour duration for the existing site conditions. All other stormwater run-off from the redeveloped portion of the site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the drainage system, to the satisfaction of the certifying authority.

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

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

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

- e) It must be demonstrated to the satisfaction of the certifying authority that the proposed amendments to the southern carpark will not impact on the storage capacity of the existing adjacent stormwater detention basin.
- f) A reflux valve shall be provided (within the site) over the pipeline discharging from the site to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system.
- g) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage (detention) system.
- h) The proposed drainage system shall incorporate appropriate water quality controls where appropriate (eg sediment/silt arrestor pit).
- i) The floor level of all habitable, retail, commercial and storage areas located adjacent to any detention systems with above ground storage must be a minimum of 300mm above the maximum water level for the design storm or alternately a permanent 300mm high water proof barrier is to be provided.
- j) The maximum depth of ponding in any above ground detention areas shall be as follows (as applicable):
- i. 150mm in uncovered open car parking areas (with an isolated maximum depth of 200mm permissible at the low point pit within the detention area)
 - ii. 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)
 - iii. 600mm in landscaped areas where the side slopes of the detention

area have a maximum grade of 1 in 10

- iv. 1200mm in landscaped areas where a safety fence is provided around the outside of the detention area
- v. Above ground stormwater detention areas must be suitably signposted where required, warning people of the maximum flood level.
- k) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
- l) The site stormwater system must be regularly cleaned and maintained to ensure it operates as required by the design.
- m) Mulch or bark is not to be used in on-site detention areas.

Waste Management

31. Prior to the issuing of a construction certificate for the proposed building, a Waste Management Plan detailing the waste and recycling storage and removal strategy for all of the development, is required to be submitted to and approved by Council's Director of City Services.

The Waste Management plan is required to be prepared in accordance with Council's Waste Management Guidelines for Proposed Development and must include the following details (as applicable):

- The use of the premises and the number and size of occupancies.
- The type and quantity of waste to be generated by the development.
- Demolition and construction waste, including materials to be re-used or recycled.
- Details of the proposed recycling and waste disposal contractors.
- Waste storage facilities and equipment.
- Access and traffic arrangements.
- The procedures and arrangements for on-going waste management including collection, storage and removal of waste and recycling of materials.

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.

32. **Prior to the commencement of any excavation or building works, a construction certificate must be obtained** from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.

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

33. In accordance with the requirements of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000*, **prior to the commencement of any excavation or building works**, the person having the benefit of the development consent must:
- appoint a *Principal Certifying Authority* for the building work, and
 - appoint a *principal contractor* for the building work, or in relation to residential building work, obtain an *owner-builder* permit in accordance with the requirements of the *Home Building Act 1989*, and notify the *Principal Certifying Authority* and Council accordingly in writing, and
 - notify the *principal contractor* of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*, and
 - give at least two days notice to the Council, in writing, of the person's intention to commence building works.
34. 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.

Construction Certificate, Principal Certifying Authority & Commencement of Works

35. 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*.

36. During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom,

to the satisfaction of Council.

Details of the proposed sediment control measures are to be detailed in the *Construction Site Management Plan* and must be submitted to and approved by the principal certifying authority **prior to the commencement of any site works**. The sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction. A copy of the approved details must be forwarded to the Council and a copy is to be maintained on-site and be made available to Council officers upon request.

37. 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.

38. 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.

Dilapidation Reports

39. 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

40. 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

41. 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

42. 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

43. 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.*

Construction Traffic Management

44. A detailed *Construction Site Traffic Management Plan* must be submitted to and approved by Council, prior to:

- a) commencement of any site work [or]
- b) a construction certificate being issued for the development.

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 & Maritime Services, 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

45. A *Traffic Control Plan* must be submitted to and approved by Council and relevant Authorities, prior to carrying out any work which results in the closure or partial closure of a State or Regional Road, as identified by the NSW Roads & Maritime Services.

Sydney Water

46. 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

47. A public utility impact assessment must be carried out on 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. The assessment should include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of services.

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 demolition, excavation or building works.

48. The owner/builder must make the necessary arrangements and meet the full cost for telecommunication companies, gas providers, Ausgrid, Sydney Water and other authorities to adjust, repair or relocate their services as required.
49. The installation of ground or rock anchors underneath any adjoining premises including (a public roadway or public place) must not be carried out without specific written consent of the owners of the affected adjoining premises and (where applicable) details of compliance must be provided to the certifying authority **prior to the commencement of any excavation or building works.**
50. The installation of ground or rock anchors underneath any adjoining premises including (a public roadway or public place) must not be carried out without specific written consent of the owners of the affected adjoining premises and (where applicable) details of compliance must be provided to the certifying authority **prior to the commencement of any excavation or building works.**

REQUIREMENTS DURING CONSTRUCTION & SITE WORK

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

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

Inspections During Construction

51. 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

52. 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".

Demolition Work Requirements

53. 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

54. 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.

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

- location and construction of protective fencing/hoardings to the

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

The site management measures are to be implemented prior to the commencement of any site works and be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity to the satisfaction of Council. A copy of the Construction Site Management Plan must be provided to Council and the Principal Certifying Authority. A copy must also be maintained on site and be made available to Council officers upon request.

Sediment & Erosion Control

56. 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

57. 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.

58. 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 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
Internal work only within a commercial or industrial development, located in a commercial or industrial zone, which is not audible within any residential dwelling or commercial or industrial premises	<ul style="list-style-type: none"> • Monday to Saturday - No time limits (subject to column 1) • Sunday & public holidays - No work permitted
Additional requirements for all development (except for single residential dwellings)	<ul style="list-style-type: none"> • Saturdays and Sundays 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.

59. Public health, safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be satisfied:
- a) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.
 - b) Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
 - c) Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health, Building & Regulatory Services

department.

- d) Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line or any public place and the stockpiles must be protected with adequate sediment control measures.

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.

- e) A temporary timber, asphalt or concrete crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council, unless access is via an existing concrete crossover.
- f) A Road / Asset Opening application must be submitted to and approved by Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.

The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council. For further information, please contact Council's Road / Asset Opening Officer on 9399 0691 or 9399 0999.

- g) Temporary toilet facilities are to be provided within the work site throughout the course of demolition and construction, to the satisfaction of WorkCover NSW and Council. The toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.
- h) The owner/builder is required to hold Public Liability Insurance, with a minimum liability of \$10 million. A copy of the Insurance cover is to be provided to the Principal Certifying Authority and Council.

Support of Adjoining Land, Excavations & Retaining Walls

60. 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.

61. 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.

62. 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

63. 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

64. 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.

RMS Requirements

65. All traffic control during construction must be carried out by accredited RMS approved traffic controllers.
66. All construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Bunnerong Road.
67. A Road Occupancy Licence shall be obtained from the Transport Management Centre for any works that may impact on traffic flows on Bunnerong Road during construction activities. All works/regulatory signposting associated with the proposed development shall be at no cost to RMS

Tree Removal

68. Approval is granted for the removal of trees **1, 2, 3, 57, 59 & 60** as identified in the Arboricultural Impact Assessment Report & Tree Protection Specification by TreeIQ, report no: MA/DFG/AIA/A, revision A, dated 11 May 2012, so as to accommodate the proposed works as shown, subject to full implementation of the approved landscaping.

Tree Protection Measures

69. Trees **7-12, 18-56, 62 & 70-77** shall be retained and protected in accordance with the Tree Protection Specification shown in Appendix 5 of the Arboricultural Impact Assessment Report & Tree Protection Specification by TreeIQ, report no: MA/DFG/AIA/A, revision A, dated 11 May 2012.

Landscaping

70. Landscaping at this site shall be installed substantially in accordance with the Landscape Plans by Arcadia Landscape Architecture, dwg no 001-102, job no 12-065, issue A dated 24.04.12, with suitable strategies to be put in place to ensure it is maintained in a healthy and vigorous state until maturity.

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.

71. An **Occupation Certificate** must be obtained from the Principal Certifying Authority **prior to any occupation of the building** 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.

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

72. **Prior to the issuing of an interim or final occupation certificate**, a statement is required to be obtained from the Principal Certifying Authority or other suitably qualified independent person, which confirms that the development is not inconsistent with the development consent and the relevant conditions of development consent have been satisfied.
73. **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*. A copy of the Fire Safety Certificate must be displayed in the building entrance/foyer and a copy of the Fire Safety Certificate must also be forwarded to the NSW Fire Brigades.

An annual *Fire Safety Statement* is also required to be submitted to the Council and the NSW Fire Brigades, each year after the date of the *Fire Safety Certificate*, in accordance with the *Environmental Planning & Assessment Regulation 2000*.

Council's Infrastructure, Vehicular Crossings & Road Openings

74. Prior to issuing a final occupation certificate or occupation of the development (whichever is sooner), the owner/developer 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.
75. 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.
76. The nature-strip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.

Service Authorities

Sydney Water Requirements

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

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

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

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority prior to issuing of an *Occupation Certificate*.

Stormwater Drainage

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

Notes:

- a. The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
 - b. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.
79. Upon completion of the works and prior to the issuing of an Occupation Certificate, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced hydraulic consultant/engineer must be forwarded to the Principal Certifying Authority and the Council. The works-as-executed plan must include the following details (as applicable):
- The location of any detention basin/s with finished surface levels;
 - Finished site contours at 0.2 metre intervals;
 - Volume of storage available in any detention areas;
 - The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
 - The orifice size/s (if applicable);
 - Details of any infiltration/absorption systems; and
 - Details of any pumping systems installed (including wet well volumes).
80. Prior to the issuing of an Occupation Certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer, which confirms that the design and construction of the stormwater drainage system complies with the Building Code of Australia, Australian Standard AS3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and conditions of this development consent.
- The certification must be provided following inspection/s of the site stormwater drainage system by the Hydraulic Engineers to the satisfaction of the PCA.
- Landscape Certification**
81. Prior to the issue of a Final Occupation Certificate, certification from a qualified professional in the Landscape/Horticultural industry must be submitted to the PCA, confirming that the landscaping has been completed in accordance with the approved plans and relevant conditions of development consent, with the date of inspection, contact details and qualifications to be provided.
- Tree Certification**
82. Prior to the issue of a Final Occupation Certificate, certification from an Arborist holding a minimum of AQF Level V in Arboriculture must be submitted to the PCA, confirming that the Tree Protection Specification and relevant conditions of development consent have been complied with, and that the trees have been retained, with the date of inspection, contact details and qualifications to be provided.
83. A Certificate prepared by a *professional engineer* shall be submitted to the certifying authority (*and the Council, if the Council is not the certifying authority*) **prior to an occupation certificate being issued**, which certifies that the building works satisfy the relevant structural requirements of the Building Code of Australia and approved structural design documentation.
84. A sign must be erected and maintained in a prominent position on the site for the duration of the works, which contains the following details:

- name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours, name, address and telephone number of the *Principal Certifying Authority*,
- a statement stating that "unauthorised entry to the work site is prohibited".

85. Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied, to the satisfaction of Council.

If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient or the building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected sufficiently to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises. The public place adjacent to the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place and any such hoarding, fence or awning is to be removed upon completion of the work.

- a) A 'B Class' overhead type hoarding is required is 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.

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

- b) If it is proposed to locate any site fencing, hoardings or amenities upon any part of the footpath, nature strip or any public place, the written consent from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.
- c) The public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

86. A Registered Surveyor's check survey certificate or *compliance certificate* is to be obtained at the following stage/s of construction, to verify compliance with the approved setbacks, levels, layout and height of the building, to the satisfaction of the Principal Certifying Authority:

- prior to construction of the first constructed footings / floor slab,
- prior to completion of the floor/ floor slab for each new floor level,
- upon completion of the building work, prior to issuing an *occupation certificate*,
- as may be required by the Principal Certifying Authority.

The check survey certificate or compliance certificate must be forwarded to the Principal Certifying Authority. A copy is to be forwarded to the Council, if the Council is not the principal certifying authority.

Services

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

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

If the proposal is acceptable to Sydney Water, 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 is required to ensure that a Quick Check Agent/Sydney Water has appropriately stamped the plans **before the commencement of any works**.

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

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

External Lighting

89. 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.

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

90. The use and operation of the premises shall not give rise to an environmental health or public nuisance.

91. There are to be no emissions or discharges from the premises which give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.

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

92. The use and 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.

The project specific criteria for noise emissions shall be in accordance with the acoustical report titles "33-41 Military Road Matraville TF848-01F02 (REV1) Acoustic Report" dated 11 July 2012, prepared by Renzo Tonin and Associates, when measured at the nearest affected boundary.

	Day	Evening	Night
Residences across Bunnerong Rd	43 L _{Aeq} (15mins)	41 L _{Aeq} (15mins)	40 L _{Aeq} (15mins)

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 The assessment of this development application does not include an assessment of the proposed building work under the Building Code of Australia (BCA).

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

- A4 Access, facilities and car parking for people with disabilities must be provided in accordance with the relevant provisions of the Building Code of Australia and AS1428.1, AS4299 and 2890.1 and conditions of consent, to the satisfaction of the Certifying Authority. Details of the proposed access, facilities and car parking for people with disabilities are to be included in the plans / specifications for the construction certificate.

- A5 A separate Local Approval application must be submitted to and be approved by Council's Health, Building & Regulatory Services department prior to commencing any of the following activities: -

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

A6 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.

A7 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.

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

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

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

A9 Prior to commencing any works, the owner/builder should contact Dial Before You Dig on 1100 or www.dialbeforeyoudig.com.au and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.

A10 The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

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

CP50/12 Director City Planning Report - Reporting Variation to Development Standard under State Environment Planning Policy No. 1 (SEPP 1) for the Month of 1 to 30 June, 2012 (F2008/00122)

172/12

RESOLUTION: (Bowen/Andrews) that the report be received and noted.

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

CP51/12 Director City Planning Report - Recent Land and Environment Court Decisions (F2006/00383)

173/12 **RESOLUTION: (Bowen/Andrews)** that the report be received and noted.

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

CP52/12 Director City Planning Report - Proposed Activities for 2012 Local Government Week (F2012/00271)

174/12 **RESOLUTION: (Bowen/Andrews)** that Council endorses the week-long program of activities for Local Government week as outlined in this report.

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

Note: Cr White left at this point in the meeting, the time being 11.52pm.

CP53/12 Director City Planning Report - Establishment of Men's Shed (F2012/00116)

175/12 **RESOLUTION: (Stevenson/Andrews)** that:

- a) the report be noted;
- b) Council staff continue to support the development of the Kooloora and La Perouse Men's Shed projects;
- c) insert information promoting Men's Shed with appropriate linkages to the Men's Shed Association's website, including making the necessary adjustments to the Council's printed directories; and
- d) information about the next funding round (open September 2012) for Men's Shed Funding be included in the Mayor's Column.

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

CP54/12 Director City Planning Report - Review of Affordable Rental Housing Program (F2004/07991)

176/12 **RESOLUTION: (Bowen/Andrews)** that the Council:

- a(1) Extend St George Community Housing's contract for a further 5 years, to end of March 2017, as manager of the Council's Affordable Rental Housing Program, in accordance with the terms of the Deed of Management Agreement;
- a(2) Grant the General Manager the delegated authority to make the necessary adjustments to the current Deed of Management Agreement to reflect requirements for the next 5 years.
- b(1) Endorse the proposed changes to the income eligibility criteria and the rent setting formula so that it reflects current benchmarks and practices of NSW community and affordable housing providers;
- b(2) Grant the Director City Planning the delegated authority to update the household income figures to reflect the current rates published by the Centre for Affordable Housing or such similar regulatory government agency.

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

CP55/12 Director City Planning Report - Eastern Suburbs Memorial Park Planning Proposal - to Rezone Part of the Bunnerong Road Chinese

Market Gardens (F2012/00210)

177/12

RESOLUTION: (Belleli/White) that Council adopt option 4 and refuse the planning proposal as submitted based on the following reasons: -

- there is an existing use on the site that has been there for over 150 years;
- if the cemetery trust take over 60% of the site, only 30% of the site will be usable and it is very unlikely that the rural use will survive on this site;
- there has been no compelling argument that the existing Botany Cemetery has been fully utilised to greatly extend the life of the cemetery on the existing site;
- that if 60% of the site is taken over it will be used for the entire Sydney metropolitan area and this will greatly increase traffic movements in our local area;
- the proposal is not in the public interest for the local area as the change of the visual effects of the expansion of the cemetery;
- there are great concerns that other areas of nearby open space could be at risk in the future if this precedent is set;
- the topography of the site dictates that the burials will be at a higher level than the existing Chinese market gardens which will result in water runoff contaminating produce in the future;
- it will negatively affect the area and streetscape; and
- zoning the site rural use is a better use of the land with the benefits of this far outweighing the cemetery proposal.

MOTION: (Belleli/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 Bowen	Councillor Matthews
Councillor Hughes	Councillor Nash
Councillor Matson	Councillor Procopiadis
Councillor Seng	Councillor Smith
Councillor Tracey	Councillor Stevenson
Councillor White	
Councillor Woodsmith	
Total (8)	Total (6)

General Manager's Reports

GM17/12 General Manager's Report - Provision of Free Public Wi-Fi Hotspots in the LGA (F2012/00087)

178/12

RESOLUTION: (Matson/Andrews) that:

- a) Council approve The Spot; High Cross Park; and either Coogee Beach or Clovelly Beach areas to form the sites for a pilot implementation of the public Wi-Fi hotspots in open spaces and allocates \$125,600.00 from the 2012-13 budget to fund the pilot project; and
- a) a report come back to Council considering further testing at both Malabar Library and Heffron Park.

MOTION: (Stevenson/Nil) that Council approve: Randwick Library, Heffron Park and Coogee or Clovelly Beach areas to form the sites for a pilot implementation of the public Wi-Fi hotspots in open spaces and allocates \$25,000.00 from the 2012-13 budget to fund the pilot project. **LAPSED FOR THE WANT OF A SECONDER.**

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

AMENDMENT: (Stevenson/Belleli) that Council approve: Randwick Library, Malabar Library, Heffron Park and either Coogee Beach or Clovelly Beach areas to form the sites for a pilot implementation of the public Wi-Fi hotspots in open spaces and allocates \$125,600.00 from the 2012-13 budget to fund the pilot project. **LOST.**

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

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

GM18/12 General Manager's Report - NSW Golf Club Land Value Objection (F2004/07069)

179/12 **RESOLUTION: (Matson/Smith)** that the report be received and noted.

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

Director City Services Reports

Nil.

Director Governance & Financial Services Reports

GF31/12 Director Governance & Financial Services Report - Investment Report - May 2012 (F2004/06527)

180/12 **RESOLUTION: (Andrews/Matson)** that the investment report for May 2012 be received and noted.

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

GF32/12 Director Governance & Financial Services Report - Investment Report - June 2012 (F2004/06527)

181/12 **RESOLUTION: (Andrews/Matson)** that the investment report for June 2012 be received and noted.

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

GF33/12 Director Governance & Financial Services Report - 2011-12 Financial Statements (Unaudited) (F2011/00239)

182/12

RESOLUTION: (Andrews/Matson) that:

- a) the Schedule of 2011-12 funds to be carried forward into 2012-13 be adopted as per Attachment 1
- b) in relation to the financial statements required in accordance with Section 413(2)(c) of the Local Government Act 1993:
 - i) Council resolve that in its opinion the General Purpose Financial Statements, Special Purpose Financial Statements and Special Schedules for the year ended 30 June 2012:
 - a. have been properly drawn up in accordance with the provisions of the Local Government Act 1993 and the Regulations there under, the Australian Accounting Standards and professional pronouncements, and the Local Government Code of Accounting Practice and Financial Reporting;
 - b. to the best of the Council's knowledge and belief the statements present fairly the Council's operating result and financial position for the year and accords with the Council's accounting and other records; and
 - c. the Council is unaware of any matter that would render the financial statements false or misleading in anyway.
 - ii) The Statement by Councillors and Management for both the General Purpose Financial Statements and Special Purpose Financial Statements be signed by the Mayor, another Councillor, the General Manager and the Responsible Accounting Officer.
- c) the financial statements be referred to the Council's Auditors for audit.
- d) arrangements be made to place copies of the audited financial statements on public exhibition and the necessary advertisements be published.
- e) a copy of the audited financial statements be forwarded to the Division of Local Government.
- f) the audited financial statements be presented at a meeting of Council to be held on 25 September 2012 in accordance with Section 418 of the Local Government Act, 1993.

MOTION: (Andrews/Matson) CARRIED - SEE RESOLUTION.**GF34/12 Director Governance & Financial Services Report - Carbon Tax - The Way Forward (F2005/00230)**

183/12

RESOLUTION: (Bowen/Matson) that:

- a) on the basis that the financial impact of the Carbon Tax is now more certain that Council agrees not to commission independent experts to provide a briefing to Councillors on the implications of carbon tax to Local Government and to Council; and
- b) reduce the 2013-14 Domestic Waste Management Charge to compensate for the surplus created during the 2012-13 financial year

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

GF35/12 Director Governance & Financial Services Report - Affixing of the Council Seal (F2011/07367)

184/12 **RESOLUTION: (Andrews/Matson)** that the Council's Seal be affixed to the signing of agreements between Council and Peter Sleiman Property Investments Pty Ltd and Nabil Sleiman Property Investments Pty Ltd in relation to a lease of a five (5) year airspace lease over the balconies located at 186 Arden Street, Coogee.

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

GF36/12 Director Governance & Financial Services Report - Withdrawal of Caveat and Affixing of the Council Seal (F2004/06862)

185/12 **RESOLUTION: (Andrews/Matson)** that the Council's Seal be affixed to the withdrawal of Caveat form for the property at 5/79 Broome Street, Maroubra also known as Folio Identifier: 5/SP4371 and 12/SP4371.

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

Note: Cr Tracey left at this point in the meeting, the time being 12.11am.

GF37/12 Director Governance & Financial Services Report - Pre-Feasibility Study - 1-11 & 13-21 Rainbow Street, Kingsford (F2004/06325)

186/12 **RESOLUTION: (Matson/Procopiadis)** that Council:

1. supports a pre-feasibility study prepared by STA consultants on 1-11 Rainbow Street and 13-21 Rainbow Street, Kingsford with costs to be apportioned on a pro-rata per square metre basis.
2. agrees to a valuation of 1-11 Rainbow Street and 13-21 Rainbow Street Kingsford be undertaken with costs apportioned on a pro-rata per square metre basis.

MOTION: (Stevenson/Bowen) that Council:

1. supports a pre-feasibility study prepared by STA consultants on 1-11 Rainbow Street and 13-21 Rainbow Street, Kingsford with costs to be fully borne by the State Government.
2. agrees to a valuation of 1-11 Rainbow Street and 13-21 Rainbow Street Kingsford be undertaken with the cost of such valuations to be borne by the State Government.

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

Petitions

- (a) Cr Matson tabled over 800 emails on the cemetery expansion issue in support of option 4.
- (b) The Mayor tabled a petition 224 letters and 370 emails in support of option 2 on the proposed cemetery expansion.

Motion Pursuant to Notice**NM35/12 Motion Pursuant to Notice from Cr Belleli - Recharging of**

Stormwater Aquifers (F2004/07544)

187/12 **RESOLUTION: (Belleli/Matthews)** that a report be brought back to Council on an option for new developments, if Council approves, to allow on that particular site re-use of stormwater to recharge our aquifers at no extra charge from Council.

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

NM36/12 Motion Pursuant to Notice from Cr Belleli - Anti Social Behaviour in Randwick City Area (F2009/00175)

188/12 **RESOLUTION: (Belleli/Matthews)** that a report be brought back to Council to convene a forum inviting community, police and precincts regarding dealing with car hoon activity in certain/different hot spots on a constant basis.

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

NM37/12 Motion Pursuant to Notice from Cr Matson - Submission in Response to NSW Green Paper (F2011/00542)

189/12 **RESOLUTION: (Matson/Bowen)** that Council notes reports that the NSW Green Paper "A New Planning System for New South Wales" was released last week and resolves to make a submission:

- a) opposing any reduction of the ability of elected representatives to intervene in the determination of contentious planning proposals; and
- b) noting its concern that the final white paper may grant greater power to the development lobby to nominate land for fast track housing development in a manner not beneficial to enhancing community input or assisting in proper planning strategies.

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

NM38/12 Motion Pursuant to Notice from Cr Matson - Consideration of Suicide Prevention at the North Coogee Ocean Cliffs (F2008/00066)

190/12 **RESOLUTION: (Matson/Andrews)** that Council officers consult with the Black Dog Institute and other relevant suicide prevention expertise organisations in order to bring back a report assessing options for better suicide prevention at the cliffs north of Dolphin Point including whether we ought to put up signage along the fence with wording such as "there is hope" with a phone number for Lifeline for people to call.

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

Note: Cr Woodsmith left at this point in the meeting, the time being 11.20pm.

NM39/12 Motion Pursuant to Notice from Cr Matson - Expansion & Costing Issues - Light Rail (F2004/08175)

191/12 **RESOLUTION: (Matson/Smith)** that Council reiterates its support for the return of light rail to Randwick and will write to the State Government:

- a) noting that the pro light rail lobby group Ecotransit has pointed out that historically the cost of new rail infrastructure in NSW has been higher than that prevailing both overseas and in other Australia states;

- b) noting the potential for future expansion of light rail to areas and suburbs beyond UNSW and Randwick Junction; and
- c) urging the State Government to review past rail infrastructure costs in NSW and produce a tendering process that will deliver a cost effective light rail system in Randwick that compares favourably with rail costs overseas and in other Australian states and will allow for the future expansion of the system.

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

AMENDMENT: (Stevenson/Bowen) that an additional clause (d) be added to urge the State Government to extend the proposed light rail to La Perouse. **LOST.**

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

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

NM40/12 Motion Pursuant to Notice from Cr Matson - Coal Seam Gas Exploration (F2006/00359)

192/12

RESOLUTION: (Matson/Hughes) that Council notes the broad extent of the area for coal seam gas exploration permitted across the Sydney basin under PEL463 and resolves to write to the State Government requesting that:

- a) any existing permits allowing for coal seam gas exploration in the Randwick City Council area be rescinded; and
- b) the new Code of Practice on coal seam gas mining that is being developed include recommendations from the NSW Upper House Enquiry into Coal Seam Gas Mining.

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

NM41/12 Motion Pursuant to Notice from Cr Stevenson - Free WiFi Access in Randwick City Council Facilities (F2012/00225)

This matter was withdrawn with the consent of Council.

NM42/12 Motion Pursuant to Notice from Cr Matson - Each & All Stronger Together - EAST Inc. (F2009/00190)

193/12

RESOLUTION: (Matson/Andrews) that:

- (A) Council notes the approaches made by Mr John Wright, Chairman of Each & All Stronger Together – EAST Inc to Councillors seeking Council support for community gardening projects in the Stuart Mould Estate and Coral Sea Estate and will advise Councillors the degree to which Council can assist in the group's identified projects listed below:
- 1) Russell Court near Malabar Road – large open space area (more than 5m);
 - 2) Lexington Place – each end of the shopping precinct – community garden (29m x 5m);
 - 3) Gardens inside and around the Stuart Mould Estate;
 - a) 47 Portland Crescent – garden bed;
 - b) 47a Portland Crescent – garden bed (Stuart Mould Community Centre);
 - c) 49 Portland Crescent, Maroubra – garden bed;
 - d) 526 Malabar Road, Maroubra – area near letterboxes and Stuart Mould plaque;
 - e) 105 & 109 Yorktown Parade, Maroubra – garden bed; and
 - 4) Bougainville Court – garden beds around Block 3.
- (B) a report on this matter to come back before Council for consideration which examines the options identified above as well as examining the possibility of a community garden type arrangement.

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

AMENDMENT: (Stevenson/Bowen) that Council also look at providing a shed for the storage of gardening tools and incorporate that shed as a future location for the Men's Shed Program. **LOST.**

Councillors Stevenson and Bowen called for a **DIVISION.**

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

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

RESOLVED: (PROCEDURAL MOTION) Matson/Hughes) that the meeting be extended a further 30 minutes to consider all items on the agenda. **CARRIED.**

NM43/12 Motion Pursuant to Notice from Cr Matson - Contamination on the Joongah Street Area of the Surplus Bundock Street Land and Council's Duty of Care (F2006/00653)

RESOLUTION: (Matson/Hughes) that Council:

- a) notes that documentary evidence exists to suggest that the Joongah Street area formerly known as "area 2" on the surplus Bundock Street site may be contaminated with heavy metals and other forms of contaminants including PCB, pesticides and herbicides; and
- b) while further noting that remediation of the larger Bundock site has to date been carried out under Commonwealth Powers by Defence, none the less resolves to obtain independent legal advice to determine the remaining duty of care obligation that Council may have to present and future residents.

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

NM44/12 Motion Pursuant to Notice from Cr Andrews - Statewide Ranking of NSW Council's Performance (F2006/00588)

This motion was withdrawn with the consent of Council.

NM45/12 Motion Pursuant to Notice from Cr Andrews - Bardon Park - Practicing of Sports (F2006/00680)

195/12

RESOLUTION: (Andrews/White) that Council vigorously defend the court proceedings challenging the section 96 consent for Bardon Park.

AMENDMENT: (Matson/Hughes) that Council notes that the Bardon Park consent under court challenge neither allows nor disallows the use of Bardon Park for children's sport but deals with ancillary issues such as the number of children. Council reiterates that the use of Bardon Park for children's sport is not conditional on the granting of consent under the EP&A Act 1979 and will notify the relevant sporting groups accordingly as a response to Cr Andrews' motion pursuant to notice. **LOST.**

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

NM46/12 Motion Pursuant to Notice from Cr Andrews - Malabar Headland - Proposed Coastal Walkway (F2004/06759)

196/12

RESOLUTION: (Andrews/Belleli) that Council:

- a) prepare a comprehensive plan and a community consultation strategy for the proposed coastal walkway through Malabar Headland.
- b) that Council notes the ongoing planning and community consultation undertaken by Council staff to date in conjunction with Commonwealth authorities on achieving a coastal walkway through Malabar headland and delegates to the General Manager to arrange a briefing session for Councillors on relevant issues such as the recent court loss by the Commonwealth concerning the shooters.

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

AMENDMENT: (Stevenson/Bowen) prepare a comprehensive plan and a community consultation strategy for the proposed coastal walkway through Malabar Headland and that community feedback be sought on the option of adding a cycleway. **LOST.**

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

FOR

AGAINST

Councillor Stevenson

Councillor Andrews
 Councillor Bellei
 Councillor Bowen
 Councillor Hughes
 Councillor Matson
 Councillor Matthews
 Councillor Nash
 Councillor Procopiadis
 Councillor Smith

Total (1)**Total (9)**

NM47/12 Motion Pursuant to Notice from Cr Bowen - Response of Green Paper - A New Planning System for NSW (F2011/00542)

197/12

RESOLUTION: (Matson/Bowen) that Council resolves to:

- a) affirm its commitment that planning powers be retained by elected representatives to Council;
- b) call upon the O'Farrell government to honour its commitment to return planning powers to Council;
- c) write to Premier O'Farrell to express its concern at the proposals and call on the O'Farrell government not to remove planning decisions from locally elected Council representatives.

MOTION: (Matson/Bowen) CARRIED - SEE RESOLUTION.**Confidential Reports****GM19/12 Confidential - T06/12 Des Renford Leisure Centre (F2012/00130)**

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.

198/12

RESOLUTION: (Andrews/Matthews) that Council:

1. accepts the tender offered by Cockram Construction NSW Pty Ltd at a revised lump sum price of \$6,253,944.00 to carry out T06/12 Des Renford Leisure Centre;
2. delegates the General Manager authority to sign a contract with Cockram Constructions NSW Pty Ltd to carry out the work, subject to agreement on the wording of the Cross Company Guarantee and the requirement for a bank guarantee in lieu of an insurance bond; and
3. notifies the unsuccessful tenders.

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

Notice of Rescission Motions

NR5/12 Notice of Rescission Motion from Crs Matson, Tracey & Woodsmith - 2012 Maroubra Fun Run & Oktoberfest - Request for Financial Assistance (F2005/00182)

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

199/12

RESOLUTION: (Matson/Matthews) that the resolution passed at the Ordinary Council meeting held on Tuesday, 26 June 2012 reading as follows:

'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.'

BE AND IS HEREBY RESCINDED.

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

200/12

RESOLUTION: (Matson/Matthews) 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.'

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

Note: A rescission motion on Item CP47/12 - 2 Goodwood Street, Kensington was submitted by Councillors Andrews, Matthews and White in accordance with Council's

Code of Meeting Practice and will be considered at the Planning Committee meeting to be held on 14 August 2012

There being no further business, His Worship the Mayor, Cr S Nash, declared the meeting closed at 12.30am .

The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 28 August 2012.

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CHAIRPERSON