

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, 28 AUGUST 2012 AT 6.11PM

Present:

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

Councillor B Hughes (Deputy Mayor) (West Ward)

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| North Ward | - Councillors K Smith, P Tracey & M Woodsmith |
| South Ward | - Councillors R Belleli, C Matthews & A White |
| East Ward | - Councillors T Bowen, M Matson & B Notley-Smith |
| 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
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.

Apologies/Granting of Leave of Absences

Nil.

Confirmation of the Minutes**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY 24 JULY 2012**

201/12

RESOLUTION: (Belleli/Andrews) that the Minutes of the Ordinary Council Meeting held on Tuesday 24 July 2012 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

Declarations of Pecuniary and Non-Pecuniary Interests

- (a) Cr Matson declared a significant non pecuniary interest in Item CP58/12 as he is a delegate on Council's Joint Regional Planning Panel. Cr Matson will be taking no part in the debate or voting on the matter.
- (b) Cr Hughes declared a significant non pecuniary interest in Item CP58/12 as he is an alternate delegate on Council's Joint Regional Planning Panel. Cr Hughes will be taking no part in the debate or voting on the matter
- (c) Cr Nash declared a significant non pecuniary interest in Item CP58/12 as he is a delegate on Council's Joint Regional Planning Panel. Cr Nash will be taking no part in the debate or voting on the matter

Address of Council by Members of the Public

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

CP56/12 1 DAMPIER STREET, CHIFLEY (DA/175/2012)

Objector Mary Nyuyen

Applicant John Spiteri - representing the applicant

CP57/12 80 ALISON ROAD, RANDWICK (DA/611/2011)

Objector Neil Workman

Mayoral Minutes**MM65/12 Mayoral Minute - Request for Support - 2012 Harmony Walk
(F2004/07396)**

202/12

RESOLUTION: (Mayor, Cr S Nash) that:

- a) Council advise the organiser of the Harmony Walk that it gives "in principle" approval to host the event;
- b) Council waive the \$617.00 fee for the use of the reserve, waste removal and associated cleaning costs and provide a \$10,000 donation for the Harmony Walk and these funds be allocated from the 2012-13 Contingency Fund; and
- c) the event organisers undertake to appropriately and prominently acknowledge Council's contribution prior to and during the event.

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

**MM66/12 Mayoral Minute - Maroubra RSL Junior Diggers Swimming Club
(F2010/00096)**

203/12 **RESOLUTION: (Mayor, Cr S Nash) that:**

- a) Council vote \$1,540.00 from the 2012-13 Contingency Fund to cover the fees associated with the hire of the Des Renford Aquatic Centre in October and November 2012 to host their carnivals;
- b) The event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the two events; and
- c) The Mayor or his representative be given the opportunity to address the two events on behalf of Council.

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

**MM67/12 Mayoral Minute - Winter Sleepout - Burnie Park Community Centre
& Park (F2005/00710)**

204/12 **RESOLUTION: (Mayor, Cr S Nash) that:**

- a) the applicant be advised that Council gives "in principal approval" to the Winter Sleep Out event at Burnie Park subject to the applicant complying with the conditions of approval that may be imposed once the event is processed;
- b) no alcohol to be allowed at the event; and
- c) the hours of operation of the Burnie Park Community Hall be extended only for this event permitting usage between 2pm Saturday, 1 September 2012 and 10am Sunday, 2 September 2012.

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

**MM68/12 Mayoral Minute - Support for Head and Brain Injury Prevention
Program (F2012/00384)**

205/12 **RESOLUTION: (Mayor, Cr S Nash) that** Council support the head and brain injury support program by making available our engagement website platform www.yoursayrandwick.com.au and promoting the program as outlined in this Mayoral Minute.

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

**MM69/12 Mayoral Minute - Annual Updates for Randwick City Tourism Inc's
Local Information Brochures (F2009/00243)**

206/12 **RESOLUTION: (Mayor, Cr S Nash) that:**

- a) That Council provides in kind support for the annual updating and printing of the Randwick City Tourism Inc brochures 'Randwick City Coastal Walkway' and 'Randwick City Sports Coast',
- b) Randwick City Tourism Inc undertakes to appropriately and prominently acknowledge the support of Randwick City Council.

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

MM70/12 Mayoral Minute - Update on Green Money Recycling Rewards Scheme for Randwick Residents (F2012/00133)

207/12

RESOLUTION: (Mayor, Cr S Nash) that Council notes the current status of this innovative Australian first, Green Money Recycling Rewards Scheme, now open to all residents in Randwick.

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

Urgent Business

UB7/12 Cr Geoff Stevenson - Rat infestation - Maroubra (F2004/06488)

208/12

RESOLUTION: (Stevenson/Bowen) that the identified rat infestation at Maroubra be addressed as a matter of urgency.

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

Director City Planning Reports

CP56/12 Director City Planning Report - 1 Dampier Street, Chifley (DA/175/2012)

209/12

RESOLUTION: (White/Matthews)

- A. That Council supports the objection under State Environmental Planning Policy No. 1 – Development Standards in respect to non-compliance with Clause 20G (3) of Randwick Local Environmental Plan 1998, relating to external wall height, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning be advised accordingly.
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/175/2012 for the demolition of the existing dwelling and construction of a two (2) storey attached dual occupancy with lower ground level garage and associated works, at No. 1 Dampier 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:

Plan	Drawn by	Dated	Received by Council
A-01- Site Plan	John Spiteri Design & Drafting	15 November 2011	16 March 2012
A-02- Floor plans			
A-03- Floor plans			
A-04- Floor plans			
A-05- Elevations			
A-06- Elevations			
A-07- Section			
A-08- Street Elevations			

BASIX Certificate	No.	Dated
Multi Dwelling	414668M	9 February 2012

Amendment of Plans & Documentation

2. The following privacy measures shall be incorporated into the development:

- a. South-east elevation:
 - Privacy measures shall be provided in the accordance with the detail provided on the approved plans;
 - The first floor openings corresponding to bedroom no. 3 of both units and the ensuite of Unit 1, shall be raised or obscured to a minimum 1500mm above finished floor level, as indicated in red on the approved plans.
- b. South-west elevation:
 - Privacy measures shall be provided in the accordance with the detail provided on the approved plans;
 - The first floor opening corresponding to bedroom no. 3 of Unit 1A, shall be raised or obscured to a minimum 1500mm above finished floor level, as indicated in red on the approved plans;
 - A privacy screen of minimum 1500mm above finished floor level shall be installed to the first floor balcony corresponding to bedroom no. 2 of Unit 1A, as indicated in red on the approved plans;
 - A privacy screen of minimum 1500mm above finished floor level shall be applied to the south-west elevation of the ground floor deck of Unit 1A, as indicated in red on the approved plans.

Further to the above privacy measures of conditions 2a) and 2b), louvres or opaque/frosted glass may be used at the preference of the applicant. Where louvres are being used for obscuring treatment, a minimum of 75% of the required obscured area shall remain obstructed at all times through spacing and fixing of the louvres.

REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

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

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

Consent Requirements

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

External Colours, Materials & Finishes

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

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

Section 94A Development Contributions

5. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, based on the development cost of \$704,122.00, the following applicable monetary levy must be paid to Council: \$7041.22.

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

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

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

Security Deposit

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

- \$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

8. The design alignment level (the finished level of concrete, paving or the like) at the property boundary for driveways, access ramps and pathways or the like, shall be as follows
- Dampier Street Frontage – Match the existing council footpath levels.
 - Wassell Street Frontage – Driveway Entrance RL 20.20 AHD.
Pedestrian Entrance RL 20.35 AHD

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

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

9. 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.
10. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$844.00 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

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

13. **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.
14. 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 or drainage system located at the front of the subject site in either Wassell St or Dampier St; 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 Council's street drainage system, an on-site stormwater detention system must be provided to ensure that the maximum discharge from the site does not exceed that which would occur during a **1 in 10** year storm of one hour duration for existing site conditions. All other stormwater run-off from the site for all storms up to

the 1 in 20 year storm is to be retained on the site for gradual release to the street drainage system, to the satisfaction of the certifying authority.

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

- d) 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.

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

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

- f) If connecting to Council's underground drainage system, 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) Any new kerb inlet pits (constructed within Council's road reserve) are to be constructed generally in accordance with Council's standard detail for the design of kerb inlet pits (drawing number SD6 which is available from Council).
- h) 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.
- i) 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".

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

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

(In this regard, it must be noted that this condition must not result in any increase in the heights or levels of the building. Any variations to the heights or levels of the building will require a new or amended development consent from the Council prior to a construction certificate being issued for the development).

- k) 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.

- l) The maximum depth of ponding in any above ground detention areas and/or infiltration systems with above ground storage shall be as follows (as applicable):

- i. 150mm in uncovered open car parking areas (with an isolated maximum depth of 200mm permissible at the low point pit within the detention area)
- ii. 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)
- iii. 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10
- iv. 1200mm in landscaped areas where a safety fence is provided around the outside of the detention area
- v. Above ground stormwater detention areas must be suitably signposted where required, warning people of the maximum flood level.

Note: Above ground storage of stormwater is not permitted within basement car parks or store rooms.

- m) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.

- n) A 'V' drain (or equally effective provisions) are to be provided to the perimeter of the property, where necessary, to direct all stormwater to the detention/infiltration area.
- o) The site stormwater system must be regularly cleaned and maintained to ensure it operates as required by the design.
- p) Mulch or bark is not to be used in on-site detention areas.
- q) 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.
- r) Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line.

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.

Driveway Design

18. The gradient of the internal access driveway must be designed and constructed in accordance with AS 2890.1 (2004) – Off Street Car Parking and the levels of the driveway must match the alignment levels at the property boundary (as

specified by Council). Details of compliance are to be included in the construction certificate.

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

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

19. 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

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*, 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

21. 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

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

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

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

Temporary Site Fencing

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

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

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

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

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

footpath or nature strip.

Construction Site Management

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

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

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

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

Demolition Work Plan

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

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

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

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

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

Notes

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

Sydney Water

26. 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.

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

as required.

Landscaping

29. A landscape plan prepared by a qualified professional in the Landscape/Horticultural industry (must be a registered member of either AILDM or AILA) shall be submitted to, and be approved by the PCA, prior to the commencement of works and must detail the following:
- a) A Planting Plan & Plant Schedule which includes proposed species, botanic and common names, pot size at the time of planting, quantity, location, dimensions at maturity, maintenance practices (hedging, shaping etc), as well as any other landscape details to describe the proposed works;
 - a) A predominance of species with low water requirements that can withstand poor quality sandy soils;
 - b) A total number of 3 x 25 litre (pot size at the time of planting) trees within the site, (pot size at the time of planting) trees within the site, comprising one each in the southwest corner, southeast corner and northeast corner, selecting those species which will attain a minimum height of between 4-7 metres at maturity;

Tree Management,

30. The applicant shall submit a total payment of \$214.50 (including GST) to cover the cost for Council to supply and plant 2 x 25 litre street trees, *Cupaniopsis anacardioides* (Tuckeroo), being one on the Dampier Street frontage, towards the southern site boundary, as well as one on the Wassell Street frontage, to the west of the most western vehicle crossing at the completion of all works.

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 removal of the street tree prior to the commencement of site works, as well as upon completion, to arrange for planting of the replacement street tree.

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

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

The *Principal Certifying Authority* must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the *Principal Certifying Authority*, prior to proceeding to

the subsequent stages of construction or finalisation of the works (as applicable).

Site Signage

32. A sign must be erected and maintained in a prominent position on the site for the duration of the works, which contains the following details:

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

Restriction on Working Hours

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

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> • 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

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

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

A copy of Council's Asbestos Policy is available on Council's web site at

www.randwick.nsw.gov.au in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.

Removal of Asbestos Materials

35. 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

36. 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

37. 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

38. 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.
39. 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.

40. 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

41. 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

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

Site Amenities

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

Road/Asset Opening Permit

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

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

Drainage

45. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the 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

46. Approval is granted for removal of the *Eriobotrya japonica* (Loquat), located along the northern site boundary, fronting Wassell Street, in order to accommodate the proposed works as shown, subject to full implementation of the approved landscaping.
47. As the above site may encounter groundwater/seepage water, the basement garage or similar structures are to be suitably tanked and/or waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking &/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 carpark (to ensure that the basement will not dam or slow the movement of the ground water through the development site).
48. Any seepage water must be drained directly into an absorption pit within the site. Seepage water must **not** be drained from the site.

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

49. 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

50. 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

51. 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

52. Prior to the issuing of an occupation certificate the applicant must meet the full cost for Council or a Council approved contractor to:
- a) Construct a concrete vehicular crossings and laybacks at kerb opposite the vehicular entrances to the site in Wassell Street.
 - b) Remove the redundant concrete layback in Wassell St and to reinstate the area with integral kerb and gutter to Council's specification.
 - c) Remove the existing Council footpath in Wassell St including the Council footpath located at the splay corner and construct a new Council footpath along the full Wassell St site frontage as shown on the submitted DA plans **(Project No 11-166, Drwg No A-01 (Site Plan) drawn by J Spiteri dated 15/11/11)** to Council's specification
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.
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.
 - a) 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.
 - b) 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.

- c) 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.

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

Service Authorities

56. 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

57. 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:

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.

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.

58. 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).

59. 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.

Landscaping

60. The landscaping shall be installed in accordance with the approved plans and specifications prior to occupation of the development and the landscaping must be maintained in accordance with the approved plans and specifications.

Certification is to be obtained from a suitably qualified Landscape Architect and submitted to the Principal Certifying Authority (PCA) (and Council, if Council is not the PCA) prior to the occupation of the development, which confirms that the landscaping works have been completed in accordance with the approved landscaping plans and relevant conditions of development consent, to the satisfaction of the PCA.

Waste Management

61. 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

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

Street Numbering

63. 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

64. 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

65. 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

66. 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

67. 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

68. 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: (White/Matthews) CARRIED UNANIMOUSLY - SEE RESOLUTION.

**CP57/12 Director City Planning Report - 80 Alison Road, Randwick
(DA/611/2011)**

210/12

RESOLUTION: (Andrews/Tracey) that Council as the responsible authority confirm its original decision under Section 82A of the Environmental Planning and Assessment Act 1979 (as amended) to refuse development consent to Development Application No. 611/2011 for alterations and additions to an approved residential flat building including provision of a new level to rear with 1 bedroom unit, new sunroom at third floor level off unit 5, internal reconfiguration and associated works at 80 Alison Road, Randwick, for the following reasons:

1. Failure to satisfy Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposed State Environmental Planning Policy 1 – Development Standards Objection to Randwick Local Environmental Plan (Consolidation) 1998 Clause 20F Floor Space Ratio is not considered to be well founded.
2. Failure to satisfy Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposed State Environmental Planning Policy 1 – Development Standards Objection to Randwick Local Environmental Plan (Consolidation) 1998 Clause 20G Building Height is not considered to be well founded.
3. Failure to satisfy Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy the Design Quality Principles contained within State Environmental Planning Policy 65 - Design Quality of Residential Flat Buildings.
4. Failure to satisfy Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy Clause 12 Zone No. 2C (Residential C Zone) of the Randwick Local Environmental Plan (Consolidation) 1998 in that the proposal is not considered to satisfy the objectives of the 2C Zone due to impacts on the streetscape and environmental amenity.
5. Failure to satisfy Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy Clause 20F Gross Floor Area of the Randwick Local Environmental Plan (Consolidation) 1998 in that the

- proposal creates additional building height and bulk that will not be compatible with the existing and desired future character of the site's context and will result in overshadowing, overlooking, view loss and visual bulk issues in relation to adjoining development.
6. Failure to satisfy Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy the Randwick Development Control Plan Multi-Unit Housing part 3.2 Height as the applicant has not adequately demonstrated that additional building height is compatible with the existing and desired future character of the site's context and will not result in overshadowing and visual bulk issues in relation to adjoining development or the streetscape.
 7. Failure to satisfy Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy the Randwick Development Control Plan Multi-Unit Housing part 3.3 Setbacks as inadequate setback is provided from the northern side boundary and the proposed third level addition to the rear, which may result in visual bulk issues and a sense of enclosure in relation to adjoining development.
 8. Failure to satisfy Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy the Randwick Development Control Plan Multi-Unit Housing part 3.4 Density as the applicant has not adequately demonstrated that additional building bulk is compatible with the existing and desired future character of the area and the additional building bulk will exacerbate impacts (overshadowing) on adjoining development.
 9. Failure to satisfy Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy the Randwick Development Control Plan Multi-Unit Housing part 4.3 View Sharing, as potential view loss has not been adequately qualified by the applicant and any potential impacts would arise from a development that is not considered to satisfy DCP objectives in relation to building height.
 10. Failure to satisfy Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy the Randwick Development Control Plan Multi-Unit Housing part 4.4 Solar Access as the increase in building bulk is not considered to allow for reasonable levels of solar access to adjoining development to the south.
 11. Failure to satisfy Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy the Randwick Development Control Plan Multi-Unit Housing part 5.2 Driveways and Manoeuvring areas as amendments to the driveway width and grades are required to ensure that safe and efficient access is provided to the basement parking areas.
 12. The proposal does not satisfy Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979 in that the impacts of the proposed development on the streetscape and surrounding residents are considered to be unreasonable.
 13. The proposal does not satisfy Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979 in the proposed development is unacceptable and should be refused in so far as it will set an undesirable precedent for similar inappropriate development in the area and in that regard is not in the public interest.

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

CP58/12 Director City Planning Report - JRPP Report - 12 Military Road, Matraville (DA/221/2012)

Note: Having previously declared an interest in this matter, Councillors Hughes, Matson and Nash left the chamber and took no part in the debate or voting on the matter. Cr Woodsmith acted as Chair during this matter.

211/12 **RESOLUTION: (Matthews/Andrews)** that Council receive and note the attached assessment report for the Joint Regional Planning Panel.

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

CP59/12 Director City Planning Report - Reporting Variation to Development Standard under State Environment Planning Policy No. 1 (SEPP 1) for the Month of July, 2012 (F2008/00122)

212/12 **RESOLUTION: (Andrews/Hughes)** that the report be received and noted.

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

General Manager's Reports

GM20/12 General Manager's Report - Meeting Schedule for September/October 2012 (F2004/06565)

213/12 **RESOLUTION: (Matthews/Andrews)** that the adopted meeting schedule for September and October 2012 be amended as follows:

- 18 September 2012 – Extraordinary Council Meeting (to elect the Mayor and Deputy Mayor and establish Committees)
- 9 October 2012 – Ordinary Council Meeting
- 23 October 2012 – Ordinary Council Meeting

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

GM21/12 General Manager's Report - Review of the 2011-12 Annual Operational Plan - June Quarterly Report (F2011/00037)

214/12 **RESOLUTION: (Andrews/Hughes)** that the information contained in the June 2012 Quarterly review of the 2011-12 Annual Operational Plan be received and noted.

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

GM22/12 General Manager's Report - Randwick City Council End of Term Report 2008-12 (F2012/00355)

215/12 **RESOLUTION: (Andrews/Procopiadis)** that:

- a) the Randwick City Council End of Term Report 2008-12 be received and noted;
- b) the General Manager be authorised to make any minor changes if required; and
- c) a copy of the Report be published on the Council's website and submitted to the Chief Executive, Division of Local Government, Department of Premier and Cabinet.

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

Director City Services Reports

Nil.

Director Governance & Financial Services Reports

GF38/12 Director Governance & Financial Services Report - Investment Report - July 2012 (F2004/06527)

216/12 **RESOLUTION: (Andrews/Matson)** that the investment report for July 2012 be received and noted.

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

GF39/12 Director Governance & Financial Services Report - Constitutional Recognition of Local Government - Progress Report (F2008/00656)

217/12 **RESOLUTION: (Hughes/Notley-Smith)** that the report be received and noted.

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

GF40/12 Director Governance & Financial Services Report - Affixing the Seal - KU Children's Services (F2011/07367)

218/12 **RESOLUTION: (Andrews/Procopiadis)** that the Council's Seal be affixed to the signing of agreements between The Alison Park (D500246) Reserve Trust and KU Children's Services in relation to the Deed of Licence.

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

GF41/12 Director Governance & Financial Services Report - One Association to represent Local Government in NSW (F2004/08250)

219/12 **RESOLUTION: (Notley-Smith/Andrews)** that the report be received and noted.

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

Petitions

Nil.

Motion Pursuant to Notice

NM48/12 Motion Pursuant to Notice from Cr Matthews - Provision of Specialist Neonatal Intensive Care Humidicribs (F2012/00347)

220/12 **RESOLUTION: (Matthews/Andrews)** that:

- (a) given the appalling situation recently where a young mother was turned away from our local hospital and was forced to be flown to Brisbane to give birth to her triplets, this Council immediately lobby the Premier of NSW and the Member for Coogee to demand that the alarming shortage of neonatal intensive care humidicribs and associated resources in our hospitals be addressed as a matter

of top priority; and

(b) Council seek the in-principle financial support of Waverley, Woollahra and Botany Councils in the sum of \$50,000.00, with matching funds to be sought from the State Government, and then consider a further report on this matter.

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

NM49/12 Motion Pursuant to Notice from Cr Belleli - History of Chinese Market Gardens (F2012/00210)

221/12 **RESOLUTION: (Belleli/Notley-Smith)** that Council erect a History of the Market Gardens information sign on the Bunnerong Road entrance to the market gardens.

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

NM50/12 Motion Pursuant to Notice from Cr Stevenson - Coastal Environmental Ambassadors (F2011/00475)

222/12 **RESOLUTION: (Stevenson/Woodsmith)** that Council:

- a) seek support of the SCCG to establish Coastal Environmental Ambassadors who are trained by Council and the SCCG to help educate children in our area about the importance of coastal environmental protection and safety; and
- b) writes to all local schools seeking they nominate three (3) students to represent their school in this program.

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

NM51/12 Motion Pursuant to Notice from Cr Stevenson - Creative Parks Prize (F2004/06879)

223/12 **RESOLUTION: (Stevenson/Belleli)** that:

- a) a competition be established to allow the Community to come up with innovative ideas about creative uses for Council parks and underutilised Council lands;
- b) a prizes be given for the best ideas and an exhibition of these ideas be displayed;
- c) the prize and exhibition be on an annual basis; and
- d) that all existing uses as defined under the Plans of Management for parks remain unchanged.

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

AMENDMENT: (Matson/Hughes) that this matter be deferred to seek the opinion of Precinct Committees and for the Director City Services to provide Council with further advice on this matter. **LOST.**

Councillors Matthews and Andrews called for a **DIVISION** on the amendment.

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

FOR

Councillor Andrews
 Councillor Hughes
 Councillor Matson
 Councillor Seng
 Councillor Woodsmith

AGAINST

Councillor Belleli
 Councillor Bowen
 Councillor Matthews
 Councillor Nash
 Councillor Notley-Smith
 Councillor Procopiadis
 Councillor Smith
 Councillor Stevenson
 Councillor Tracey
 Councillor White

Total (5)**Total (10)**

Note: Cr Matson requested that his name be recorded as being opposed to the resolution.

NM52/12 Motion Pursuant to Notice from Cr Stevenson - Pollution at Maroubra Beach (F2004/07343)

224/12

RESOLUTION: (Notley-Smith/Matson) that:

- a) Council commission a report into the options available for permanently ending the pollution running off the Malabar headland into the rock pool used for swimming at the south end of Maroubra beach;
- b) that signage be erected as soon as possible warning not to swim in the rockpool until this report is finalised and brought back to Council; and
- c) Council immediately write to the Federal Member asking what action his government intends to take to remediate in order to prevent this leachate from running into the area.

MOTION: (Stevenson/Andrews) that:

- a) Council commission a report into the options available for permanently ending the pollution running off the Malabar headland into the rock pool used for swimming at the south end of Maroubra beach; and
- b) signage be erected as soon as possible not to swim in the rockpool until this report is finalised and brought back to Council.

AMENDMENT: (Notley-Smith/Matson) that Council immediately write to the Federal Member asking what action his government intends to take to remediate in order to prevent this leachate from running into the area **CARRIED AND BECAME THE MOTION. MOTION CARRIED.**

Note: The matter was then recommitted by Council and it was RESOLVED that the wording of Cr Stevenson's motion be added to the motion of Cr Notley-Smith.

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

NM53/12 Motion Pursuant to Notice from Cr Belleli - Honouring Community Workers in Randwick City Area (F2012/00286)

225/12

RESOLUTION: (Belleli/ Notley-Smith) that:

- (a) Council bring back a report on erecting banner flags honouring our City's teachers, police, nurses, community workers, volunteers, etc that have made a big influence on our community; and
- (b) that if the South Sydney NRL first grade rugby league team progress to the National Rugby League Grand Final, Council commission and erect appropriate banners.

NM54/12 Motion Pursuant to Notice from Cr Procopiadis - Proposed Traffic Lights at St Spyridon College - Anzac Parade, Maroubra (F2004/07626)

226/12 **RESOLUTION: (Procopiadis/Andrews)** that:

- (a) Council refers to the Traffic Committee the proposal for the installation of traffic signals where the students cross to the bus stop on the western side of St Spyridon College, 1130 Anzac Parade Maroubra; and
- (b) Council write to the local St Spyridon parish seeking their views on the proposal.

Confidential Reports

MM64/12 Confidential - General Manager's Performance Review (F2006/00437)

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

227/12 **RESOLUTION: (Matthews/Matson)** that:

- (a) Council receive and note the General Manager's performance review;
- (b) in accordance with section 8.5 of the General Manager's employment contract, the General Manager's total remuneration package be increased by the amount determined by the Remuneration Tribunal for the State Executive Service 2012; and
- (c) this increase will be effective on the General Manager's employment anniversary 6 October 2012.

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

Notice of Rescission Motions

Nil.

There being no further business, His Worship the Mayor, Cr S Nash, declared the meeting closed at 8.16pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 25 September 2012.

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CHAIRPERSON