

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, 23 OCTOBER 2012 AT 6.06PM**

Present:

The Mayor, Councillor T Bowen (Chairperson) (East Ward)

Councillor N D'Souza (Deputy Mayor) (South Ward)

- | | |
|--------------|--|
| North Ward | - Councillors K Neilson, L Shurey & K Smith |
| South Ward | - Councillors R Belleli & P Garcia |
| East Ward | - Councillors M Matson & B Roberts |
| West Ward | - Councillors G Moore, S Nash & H Stavrinou |
| Central Ward | - Councillors A Andrews (from 6.12pm),
T Seng & G Stevenson |

Officers Present:

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoplos
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
Acting Manager Corporate & Financial Planning	Mr R Jai

Prayer & Acknowledgement of Local Indigenous People

The Council Prayer was read by Cr Belleli. The Acknowledgement of Local Indigenous People was read by Cr Roberts.

Apologies/Granting of Leave of Absences

Nil.

Confirmation of the Minutes

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY 9 OCTOBER 2012**

278/12

RESOLUTION: (Smith/Moore) that the Minutes of the Ordinary Council Meeting held on Tuesday 9 October 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:

- Part (c) of the resolution in relation to Item GM28/12 (Alternative Waste Treatment Offer from SITA) being amended to read as follows:
 - 'c) agree to fund the additional cost from a combination of;
 1. the approximate overestimated \$300,000 waste management charge generated as a result of the carbon tax component, previously resolved by this Council to be returned to ratepayers
 2. the additional benefit realised through avoidance of a carbon cost resulting from the diversion of 7,000 tonnes of waste from landfill to the AWT facility, and
 3. the remainder from the Domestic Waste Management Reserve.'
- the replacement of Cr Nash by Cr Moore as a signatory to the rescission motion detailed on page 141 of the minutes.

Declarations of Pecuniary and Non-Pecuniary Interests

- (a) Cr Matson declared a significant non pecuniary interest in Items MM81/12, NM62/12 and NM63/12 as he is Council's delegate on the JRPP. Cr Matson will not be taking part in the debate or voting on these matters.
- (b) Cr Belleli declared a pecuniary interest in Item MM80/12 as he and his wife's dance school will be performing at this event free of charge. Cr Belleli will not be taking part in the debate or voting on these matters
- (c) Cr Belleli declared a non significant non pecuniary interest in Item MM79/12 as he knows members on the Friends of the La Perouse Museum from their connections with the Liberal Party.
- (d) Cr Shurey declared a non significant non pecuniary interest in Item CP82/12 as Ms Slarke holds a visiting appointment at the Faculty of the University she works at.
- (e) Cr Neilson declared a significant non pecuniary interest in Item CP76/12 as she, as an executive member of the Randwick Precinct Committee, has made submissions on this matter previously, as well as knowing other members of the Precinct Committee. Cr Neilson will not be taking part in the debate or voting on this matter.
- (f) Cr Neilson declared a non significant non pecuniary interest in Item CP78/12 as she knows an objector to this matter.
- (g) Cr Neilson declared a non significant non pecuniary interest in Item CP80/12 as she knows the applicant in this matter.
- (h) Cr Neilson declared a non significant non pecuniary interest in Item NM61/12 as she received this questionnaire during the recent Council election campaign.
- (i) Cr Neilson declared a non significant non pecuniary interest in Items NM62/12 and NM63/12 as she has attended public meetings on these matters on behalf of the Randwick Precinct Committee.
- (j) All Liberal Councillors declared a non significant non pecuniary interest in Items MM79/12 CP83/12 as they know the President of the Friends of La Perouse Museum through his connection with the Liberal Party.
- (k) Cr Smith declared a pecuniary interest in Item CP76/12 as his employer has a business relationship with the applicant. Cr Smith will not be taking part in the

debate or voting on this matter.

- (l) Cr Garcia declared a non significant non pecuniary interest in Item CP78/12 as he and an objector are both members of the Coogee Surf Life Saving Club.
- (m) Cr Garcia declared a non significant non pecuniary interest in Item CP83/12 as he is a member of the Coogee Surf Life Saving Club.
- (n) Cr Garcia declared a significant non pecuniary interest in Items MM81/12, NM62/12 and NM63/12 as his parents live in the vicinity of the Inglis site. Cr Garcia will not be taking part in the debate or voting on this matter.
- (o) The Mayor, Cr Bowen declared on behalf of all Labor Councillors a non significant non pecuniary interest in Item CP78/12 as one of the objectors is known to them as a member of the Labor Party.
- (p) Cr Andrews declared a non significant non pecuniary interest in Item CP78/12 as one of the objectors is known to him through previously serving on Council.
- (q) Cr Matson declared a non significant non pecuniary interest in Item CP78/12 as one of the objectors is known to him through previously serving on Council.
- (r) Cr Stevenson declared a non significant non pecuniary interest in Item CP78/12 as one of the objectors handed out how to vote cards for him at the last election.
- (s) As a result of his below nomination as Council's voting delegate on the JRPP for the Inglis matter, Cr Moore declared a significant non pecuniary interest in Items MM81/12, NM62/12 and NM63/12. Cr Moore will not be taking part in the debate or voting on these matters.

Note: Council resolved to nominate Cr Moore as the delegate and Cr Stavrinou as the alternate delegate for all JRPP matters involving the Inglis site.

Crs Matson and Garcia left the chamber during the voting on this 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:

GF50/12 PRESENTATION OF THE 2011-12 FINANCIAL STATEMENTS

For Gary Mottau

CP75/12 YOUTH COUNCIL PRESENTATION

For Tierney Maray, Vivaek Jena, Chris Da Silva, Kayla Lochner

CP76/12 2 ST MARKS ROAD, RANDWICK (DA/98/2010/B)

Objector Richard Atkinson

Applicant Anthony Betros - representing the Applicant

CP78/12 10 ANTHONY LANE, MATRAVILLE (DA/455/2012)

Objector Paul Haes

Applicant Steve Kogias

NM61/12 NOTICE OF MOTION FROM CR NASH - BIKEAST'S QUESTIONNAIRE FOR LOCAL GOVERNMENT CANDIDATES

For Mark Worthington

The meeting was adjourned at 7.20pm and was resumed at 7.36pm.

Mayoral Minutes

MM79/12 Mayoral Minute - Friends of the La Perouse Museum - Sponsorship of Altar Stones Unveiling Event (F2004/07396)

279/12 **RESOLUTION: (Mayor, Cr T Bowen)** that:

- a) Council agree to sponsor an unveiling event at the La Perouse Museum for the recently acquired Altar Stones by donating \$500 to the Friends of the La Perouse Museum to fund the proposed event; and
- b) this donation be funded from the 2012-13 Contingency Fund.

MOTION: (Mayor, Cr T Bowen) CARRIED - SEE RESOLUTION.

MM80/12 Mayoral Minute - 12th Annual Des Renford Chair of Hearts Research Family Gala and Charity Day - Use of Des Renford Aquatic Centre (F2008/00064)

Note: Having previously declared an interest, Councillor Belleli left the chamber and took no part in the debate or voting on this matter.

280/12 **RESOLUTION: (Mayor, Cr T Bowen)** that Council vote \$8,500.00 to cover the costs associated with Council's contribution towards the organising and staging of the Des Renford Family Day and Swim Challenge to be held on Sunday 4 November 2012 for the purpose of raising money for the Victor Chang Cardiac Foundation and this be funded from the Contingency Fund 2012-13.

MOTION: (Mayor, Cr T Bowen) CARRIED - SEE RESOLUTION.

Procedural Motion

RESOLVED: (Smith/Nash) that MM81/12 be considered in conjunction with NM62/12 and NM63/12.

MM81/12 Mayoral Minute - Inglis Planning Proposal- Referral to JRPP (F2009/00408)

Note: Having previously declared an interest, Councillors Garcia, Matson and Moore left the chamber and took no part in the debate or voting on this matter.

281/12 **RESOLUTION: (Mayor, Cr T Bowen)** that:

- a) Councillors note this Mayoral Minute and express their strong objection to the State Government over its decision to direct that the JRPP should deal with the Planning Proposal for the Inglis Newmarket site, noting that the proposal is an overdevelopment of the site; and
- b) Councillors agree to write to the Local Member and the Minister for Planning expressing Council's concerns about this proposal and the process.
- c) Council writes, as matter of urgency, to the State Minister for Planning urging him to withdraw his referral to the Sydney East Joint Planning Panel of the rezoning proposal for the Inglis (Newmarket) Stables site.
- d) Council, at the appropriate time, make a submission to the Sydney East Joint

Regional Planning Panel, noting Council's objection to the current planning proposal for the Inglis/Newmarket site.

MOTION: (Mayor, Cr T Bowen) CARRIED - SEE RESOLUTION.

**MM82/12 Mayoral Minute - Finalist in National Training Excellence Awards
(F2012/00314)**

282/12

RESOLUTION: (Mayor, Cr T Bowen) that Council recognise Randwick City Council's achievement on being selected as a finalist in the National Training Excellence Awards in their highest category being 'Australian Learning Innovation'.

MOTION: (Mayor, Cr T Bowen) CARRIED - SEE RESOLUTION.

**MM83/12 Mayoral Minute - Guriwal Community Yarra Bay House - Donation
of Plants from Council's Community Nursery (F2004/07430)**

283/12

RESOLUTION: (Mayor, Cr T Bowen) that Council confirm the donation of pink flowering plants to the value of \$300.00 to the Guriwal Community for planting in conjunction with their 4th annual Breast Cancer Fundraiser and that the cost of the plants be funded from the 2012-13 Contingency Fund.

MOTION: (Mayor, Cr T Bowen) CARRIED - SEE RESOLUTION.

Urgent Business

Nil.

Director City Planning Reports

**CP75/12 Director City Planning Report - Youth Council Presentation
(F2010/00408)**

284/12

RESOLUTION: (Nash/Seng) that Council receive and note this report.

MOTION: (Nash/Seng) CARRIED UNANIMOUSLY - SEE RESOLUTION.

**CP76/12 Director City Planning Report - 2 St Marks Road, Randwick
(DA/98/2010/B)**

Note: Having previously declared an interest, Councillors Neilson and Smith left the chamber and took no part in the debate or voting on this matter.

285/12

RESOLUTION: (Nash/Andrews) that Council, as the responsible Consent Authority, grant consent under Section 96(2) of the Environmental Planning and Assessment Act 1979 to modify Development Consent No DA/98/2010 by altering the internal configuration of the approved first floor level of the Hotel including relocation of the BBQ cooking area, the extension of the indoor seating area and one new mechanical exhaust vent at No. 2 St Marks Road, Randwick, subject to the following conditions:

Amend Condition No. 1 to read:

1. The development must be implemented substantially in accordance with the plans numbered DA01 to DA05, stamped received by Council 18 February 2010, the application form and on any supporting information received with the application, except as may be amended by plans DA01, DA02, DA04, DA05, stamped and received by Council on the 24th of December 2010 and DA03 Rev A stamped and received by Council on the 27th of January 2011, **except as may be amended by S96 plans DA2.20, DA3.10, and DA3.20 all dated**

7/08/2012, drawn by Philip Leamon and Associates, stamped and received by Council on 27 August 2012 and the following conditions and as may be shown in red on the attached plans:

Amend Condition No. 18 to read:

18. A compliance report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council:

- a) In relation to the mechanical plant prior to commencement of use;
- b) 1 month after commencement of use of the ground floor outdoor area;
- c) 6 months after commencement of use of the ground floor outdoor area;
- d) 12 months after commencement of use of the ground floor area;
- e) And from time to time as requested by Council

which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the Protection of the Environment Operations Act 1997; NSW Environment Protection Authority Industrial Noise Policy Noise Control Manual (sleep disturbance); the recommended criteria and measures detailed in the report entitled "Noise Impact Assessment Duke Of Gloucester Hotel Frenchmans Road Randwick" dated 14 April 2011 prepared by Environmental results Pty Ltd. and conditions of Council's approval, to the satisfaction of Council's Manager Environmental Health & Building Services.

The assessment must include (but not be limited to):

- a. Monitoring from the nearest affected residential premises,
- b. Monitoring and assessment during the use and operation of the premises when the maximum occupancy is present,
- c. Compliance monitoring shall be carried out during the times when the nearby residential and public domain areas are likely to be most affected, this shall include (but not be limited to) the hours of operation on a Friday and/or Saturday night,
- d. Ensure the break out of any internal noise complies with the set criteria. If not, nominate the necessary and required measures to ensure compliance (this may include controlling internal noise; provision of sound locks; other management practices as deemed appropriate and necessary),
- e. The report must include all relevant fixed and operational noise sources.

Proposed new conditions to be added after Condition No. 106:

The following conditions have been applied to ensure that the proposed modifications to the building do not unreasonably impact the historical significance of the building:

107. Architectural details are to be submitted of the metal balustrade of the reinstated corner balcony. Heritage advice should be sought to ensure accurate reconstruction of the open balcony. 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.

108. Architectural details are to be submitted of any required modification of existing metal balustrades to the northern balcony for BCA compliance. Modifications are to be carried out to avoid damage to original balustrades. 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.

109. Details of the proposed paint scheme to the underside of the new ground level

awning 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.

110. Any false ceiling should be installed to ensure the plaster cornices are not damaged and so that these ceilings can be removed in future.
111. Stone cladding to columns should be installed so that surfaces are not damaged and so that this cladding can be removed in future.

Plant and Equipment

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

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

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

CP77/12 Director City Planning Report - 321 Clovelly Road, Clovelly (DA/439/2012)

286/12

RESOLUTION: (Andrews/Roberts) 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/439/2012 for the change of use of part of a residential dwelling at first floor level to a health consulting room including massage, at No. 321 Clovelly Road, Clovelly, subject to the following conditions:

1. The development must be implemented substantially in accordance with the First Floor Plan received by Council on 13 July 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:
2. The operation of the premises is to be restricted to a health consulting room and to remedial massage. The premises are not to be used for the purpose of a brothel and in this regard, no sexual services are to be offered in association with the massage usage.
3. No approval is granted for any signage, other than that which may be installed as exempt or complying development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
4. The use and operation of the premises shall not give rise to an environmental health or public nuisance.
5. 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.

6. The design, construction and fit out of the premises must be carried out in accordance with the relevant requirements of the:
- *Public Health Act 2010*
 - *Public Health Regulation 2012*
 - NSW Health Codes of Best Practice

Details of compliance are to be provided in the plans and specifications for the Construction Certificate including work area surfaces, storage, sinks, hand wash basins, sanitary facilities and waste disposal/storage.

7. The use and operation of the premises must be carried out in accordance with the relevant requirements of the Public Health Act 2010, Public Health Regulation 2012 and associated NSW Health Codes of Best Practice and guidelines at all times
8. The business may be the subject of routine inspection by Council's Environmental Health Officers and relevant inspection fees are payable, as provided in Council's Annual Pricing Policy.
9. The premises must be maintained in a clean, healthy and sanitary condition at all times.
10. Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council.
11. Trade/commercial waste materials must not be disposed via council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or an appropriately licensed waste contractor and details of the proposed waste collection and removal service are to be submitted to Council prior to occupation of the building.
12. 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.

13. The hours of operation are restricted to:

Monday to Friday: 9.00am – 8.00pm

Saturday and Sunday: 9.00am – 5.00pm

14. The owner of the subject site must advise Council in writing of any change in the tenant that is operating the business and advise the new tenant that they must provide Council with the qualifications of all staff involved in providing massage services prior to commencing the new operation.

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

15. 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.

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

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

16. Buildings in which there is a change of building use must comply with the category fire safety provisions (as defined in the *Environmental Planning & Assessment Regulation 2000*) as applicable to the proposed new use, in accordance with clause 93 of the *Environmental Planning and Assessment Regulation 2000*, unless an exemption is in force under clause 187 or 188 of the Regulation. Details of compliance are to be provided to the certifying authority and the Council, prior to issuing an occupation certificate.
17. In accordance with clause 93 of the *Environmental Planning and Assessment Regulation 2000*, the levels of fire safety within the existing building are to be upgraded and the following measures are to be implemented prior to commencement of the change of use:
 - Provide a suitable fire extinguisher and fire blanket to the first floor commercial portion of the premises.
 - Provide a self closing, 35mm thick, solid core door to separate the Class 4 (residence) portion of the premises from the commercial portion.
 - Provide suitable exit signs at 1st floor level in accordance with Part E of the BCA.

In accordance with clause 168 of the *Environmental Planning and Assessment Regulation 2000*, the fire safety measures contained in the attached 'fire safety schedule' must be implemented in the building premises and the fire safety schedule forms part of this consent.

The fire safety measures are to be implemented in accordance with the minimum standards of performance as specified in the schedule and the provisions of Part 9 of the *Environmental Planning and Assessment Regulation 2000* are to be complied with.

A copy of the fire safety certificate, encompassing all the existing and new fire safety measures, is to be submitted to the Council with an occupation certificate **prior to commencement of the change of use**.

18. A Principal Certifying Authority must be appointed to inspect the installation of the required fire extinguisher and fire blanket, to confirm that the requirements of this approval (in relation to compliance with the category 1 fire safety provisions) are complied with and to issue the required Occupation Certificate.
19. An Occupation Certificate must be obtained from a Principal Certifying Authority prior to commencement of the change of use, 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.

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

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

The essential fire safety measures to be included in the fire safety certificate and annual fire safety statement (as a minimum) are detailed below:

FIRE SAFETY MEASURE	BUILDING CODE OF AUSTRALIA REFERENCE	MINIMUM STANDARD OF PERFORMANCE (To be specified in the Fire Safety Certificate / Statement)
A suitable portable fire extinguisher to 1 st floor commercial component	BCA Clause E1.6	AS 2444 (1995, as amended)
Self closing 35mm thick solid core door to separate residence from commercial use	BCA Clause C3.11	Manufactures specification

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

CP78/12 Director City Planning Report - 10 Anthony Lane, Matraville (DA/455/2012)

287/12

RESOLUTION: (Andrews/Stevenson) that Council, as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/455/2012 for the demolition of the existing dwelling and construction of a two storey attached dual occupancy with garages to front, pergolas to rear and associated works at 10 Anthony Lane, Matraville, subject to the schedule of conditions outlined in this report:

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>Stamped</i>
DA-SP-00	Georges Karkafi	19 July 2012
DA-SP-02	Georges Karkafi	19 July 2012
DA-GF-04	Georges Karkafi	19 July 2012
DA-FF-05	Georges Karkafi	19 July 2012

DA-ES-06/1	Georges Karkafi	19 July 2012
DA-ES-06/2	Georges Karkafi	19 July 2012
DA-ES-07	Georges Karkafi	19 July 2012

<i>BASIX Certificate</i>	<i>No.</i>	<i>Dated</i>
10 Anthony Lane Matraville	419469M_02	17 July 2012

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a. The privacy screens associated with the Outdoor Rooms at ground level parallel to side boundaries (both units) must be fixed. The privacy screen must be constructed of metal or timber and the total area of any openings within the privacy screen must not exceed 25% of the area of the screen. Alternatively, the privacy screen may be constructed with translucent, obscured, frosted or sandblasted glazing in a suitable frame.
 - a. All solid walls on the front boundary of the site must not exceed 600mm in height when measured vertically from the existing ground level.

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.

Section 94A Development Contributions

5. A Quantity Surveyor's report detailing the cost of the approved works must be provided to Council for approval prior to the construction certificate being issued. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007 a monetary levy of 1% must be paid to Council based on the approved Quantity Surveyor's report.

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

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

Long Service Levy Payments

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

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

Security Deposit

7. The following damage / civil works security deposit requirement must be complied with 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

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:

Driveway Entrances – 70mm below the top of the Council kerb level.

Pedestrian Entrances – Match the existing Council kerb level opposite the pedestrian entrances

The design alignment levels at the property boundary as issued by Council and their relationship to the kerb must be indicated on the building plans for the construction certificate (a construction note on the plans is considered satisfactory). 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 \$863.00 calculated at \$48.00 (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 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.

Sydney Water

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

The approved plans must be submitted to a Sydney Water Quick Check agent, to determine whether the development will affect Sydney Water's waste water 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 details please refer to the Sydney Water web site at www.sydneywater.com.au for:

- Quick Check agents details - see *Building and Developing* then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see *Building and Development* then *Building and Renovating*, or telephone 13 20 92.

The Principal Certifying Authority must ensure that a Sydney Water Quick Check Agent has appropriately stamped the plans.

Stormwater Drainage

12. **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. A copy of the engineering calculations and plans are to be forwarded to Council, 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.

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 Council's kerb and gutter in Jersey Rd via the services easement.

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)

Note: Any 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.

- 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 5** 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) 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.
- g) A sediment/silt arrestor pit must be provided within the site near the street boundary prior to discharge of the stormwater to Council's drainage system and prior to discharging the stormwater to any absorption/infiltration system.

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

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

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

- h) 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.
- 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) 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.

- 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) 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.
- m) The site stormwater system must be regularly cleaned and maintained to ensure it operates as required by the design.
- n) Mulch or bark is not to be used in on-site detention areas.
- o) 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.
- p) Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line.

Landscaping

14. The Landscaping Plan submitted by Killcare Landscapes, dwg DA-LD-12, revision 0, dated 14/03/12 cannot be accepted due to the low level of detail and treatment that has been proposed for a development of this type.
15. A completely new landscape plan that has been prepared by a qualified professional in the Landscape/Horticultural industry (must be a registered member of either AILD or AILA) shall be submitted to, and be approved by, the Certifying Authority, **prior to the issue of a Construction Certificate**, and must include the following:
 - a) A Planting Plan & Plant Schedule which includes proposed species, botanic and common names, pot size at the time of planting, quantity, location, dimensions at maturity and any other details required to describe the proposed works;
 - b) A predominance of hardy, native species that can withstand poor

quality sandy soils and are not reliant on high rates of moisture and fertiliser for survival;

- c) A high quality selection and arrangement of decorative species throughout the front setback so as to assist with presentation of the development to the streetscape;
- d) Provision of minimum 1 metre wide, deep soil garden beds in the rear yards, to which, continuous evergreen hedges shall be strategically located so as to maximise screening potential between the subject site and neighbouring properties, and must use species which will attain a minimum height of 1.5 metres at maturity;
- e) At least 2 x 25 litre (pot size at the time of planting) NATIVE trees (not palms) within the site, selecting those species which will attain a minimum height of 6 metres at maturity, with at least 1 to be provided within the front setback.

Waste Management

16. 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.

Further details of Council's requirements and guidelines, including pro-forma Waste Management plan forms can be obtained from Council's Customer Service Centre.

REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE

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

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

Compliance with the Building Code of Australia

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

Smoke Alarms

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

BASIX Requirements

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

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

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

Design Alignment levels

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

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

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

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'* (PCA), as applicable.

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

Certification, PCA & other Requirements

21. 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

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*, 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

23. 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

24. 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.

Construction Site Management Plan

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 Plan

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

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

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

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

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.

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:

- 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

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

A copy of Council's Asbestos Policy is available on Council's web site at www.randwick.nsw.gov.au 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:

- a) Public access to the building site and materials must be restricted by existing boundary fencing or temporary site fencing having a minimum height of 1.5m, to Council's satisfaction.

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

- b) 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.
- c) 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.
- d) 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) 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.
- f) Site fencing, building materials, bulk bins/waste containers and 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 in a public place can be made to Council's Health, Building and Regulatory Services department.
- g) Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual "Traffic Control at Work Sites" (Version 4), to the satisfaction of Council.
- h) 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, piling or other measures are to be submitted to and approved by the Principal Certifying Authority.

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 (e.g. semi-detached or terrace dwelling);
- when constructing a wall to a dwelling or associated structure that is located within 900mm of a dwelling located on the adjoining land.

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

Survey Requirements

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

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

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

Building Encroachments

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

Site Amenities

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

Road/Asset Opening Permit

42. Any openings within or upon the road, footpath, nature strip or in any public place (i.e. for proposed drainage works or installation of services), must be carried out in accordance with the following requirements, to the satisfaction of Council:

- 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/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a *final occupation certificate* for the development.
- Relevant *Road / Asset Opening Permit* fees, repair fees, inspection fees and security deposits, must be paid to Council prior to commencing any works within or upon the road, footpath, nature strip or other public place.

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

Drainage

43. 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

44. Approval is granted for 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

45. 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

46. 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

47. 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 (excluding upon any front or street elevation of the building) 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

48. Prior to the issuing of an occupation certificate the applicant must meet the full cost for Council or a Council approved contractor to:
- a) Construct concrete vehicular crossings and laybacks at kerb opposite the vehicular entrance to the site.
 - b) Remove any redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.
 - c) Construct a concrete path between the kerb and the front fence along the full site frontage.
49. The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
50. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the

following requirements:

- a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
- b) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a Pre-paid Works Application Form, prior to an occupation certificate being issued for the development, 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.

Sydney Water

51. A section 73 Compliance Certificate, under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. An Application for a Section 73 Certificate must be made through an authorised Water Servicing Coordinator. For details, please refer to the Sydney Water web site www.sydneywater.com.au > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

Please make early contact with the Water Servicing Co-ordinator, as building of water/sewer extensions may take some time and may impact on other services and building, driveway or landscape design.

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

Stormwater Drainage

52. 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.
53. 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).
54. 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

55. 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.
56. The landscaping shall be installed in accordance with the approved plans and relevant conditions of consent, prior to occupation of the development, and must be maintained in accordance with the approved plans and specifications.

Certification from 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 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.

Waste Management

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

Use of premises

58. The use of each of the premises must be used as a single residential dwelling only at all times and must not be used for dual or multi-occupancy purposes.

External Lighting

59. 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

60. 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

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.

Plant & Equipment

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

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

Air Conditioners

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.

Rainwater Tanks

64. 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.

- A1 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.

A2 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.

A3 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.

A4 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.

A5 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.

A6 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).

A7 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.

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

MOTION: (Matson/D'Souza) that this matter be deferred for mediation between the applicant and objectors and for an onsite inspection by Councillors and Council staff to assess the possible option of the applicant submitting amended plans incorporating a redesign of the parking to allow for a single widened driveway entrance onto Anthony Lane. **LOST.**

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

FOR	AGAINST
Councillor Bowen	Councillor Andrews
Councillor D'Souza	Councillor Belleli
Councillor Matson	Councillor Garcia
Councillor Moore	Councillor Nash
Councillor Shurey	Councillor Neilson
	Councillor Roberts
	Councillor Seng
	Councillor Smith
	Councillor Stavrinou
	Councillor Stevenson
Total (5)	Total (10)

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

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

FOR	AGAINST
Councillor Andrews	Councillor D'Souza
Councillor Belleli	Councillor Matson
Councillor Bowen	Councillor Moore
Councillor Garcia	Councillor Shurey
Councillor Nash	
Councillor Neilson	
Councillor Roberts	
Councillor Seng	
Councillor Smith	
Councillor Stavrinou	
Councillor Stevenson	
Total (11)	Total (4)

CP79/12 Director City Planning Report - 88 Garden Street, Maroubra (DA/319/2012)

288/12

RESOLUTION: (Andrews/Roberts) -

- A. That Council supports the objections under State Environmental Planning Policy No. 1 – Development Standards in respect to non-compliance with Clause 20B (2) of Randwick Local Environmental Plan 1998, relating to minimum allotment sizes, 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/319/2012 for Strata subdivision of approved health consulting room and dwelling into two (2)

allotments, at No. 88 Garden Street, Maroubra, 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.

1. The development must be implemented substantially in accordance with the plan references 'SP-GARDEN', prepared by Richard Wilkinson and received by Council on 16 May 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.
2. This consent must only be implemented in association with Development Consent No. 674/2011. An Occupation Certificate for DA/674/2011 must be issued prior to the registration of the approved strata plan the subject of this consent.
3. The fencing arrangement to the rear open space required by Condition 2a of DA/674/2011 shall be amended in accordance with the strata plan referred to in Condition No. 1 of this consent.

REQUIREMENTS PRIOR TO THE ISSUE OF STRATA CERTIFICATE

The following conditions of consent must be complied with prior to the *'Principal Certifying Authority'* issuing a *'Strata Certificate'*.

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

4. All floors, external walls and ceilings depicted in the proposed strata plan must correspond to those of the building as constructed.
5. All floors, external walls and ceilings depicted in the proposed strata plan must correspond to those depicted in the approved building plans for the site under DA/674/2011.
6. Prior to endorsement of the strata plans, all facilities required under previous development approvals (such as parking spaces, terraces and courtyards) must be provided in accordance with the relevant requirements.
7. The applicant shall provide Council with a copy of the 'Plan of Redefinition' survey plan of the property prior to receiving subdivision approval.
8. The relevant requirements of the Sydney Water Act 1994 must be complied with and a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

An Application for a Section 73 Certificate must be made through an authorised Water Servicing Coordinator. For details please refer to the Building Developing and Plumbing section of the website www.sydneywater.com.au then refer to "Water Servicing Coordinator" under Developing Your Land" or telephone 13 20 92 for assistance.

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

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issuing of a strata certificate.

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

Street numbering

12. 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 a strata 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 a strata certificate**.

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

CP80/12 Director City Planning Report - 6 Brighton Road, Coogee (DA/1139/2010/A)

289/12

RESOLUTION: (Andrews/Roberts) 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/1139/2010/A for S96 Application to modify existing development consent DA/1139/2012 by changes to roof form, windows and awnings, addition of skylights, changes to front porch design, decking at rear, internal changes, minor changes to internal walls, increase in height of studio layout, new terraced garden by pool and addition of pool services room, alteration to garage walls and facade. Original consent: Demolition of existing dwelling house and construction of new two storey dwelling house with a detached building consisting of three car garage at ground level and 2 bedroom studio above, new rear in ground pool, associated landscape works and installation of solar panels on roof at No. 6 Brighton Road, Coogee, subject to the following conditions:

Amend Condition No.'s 1 & 11 to read:

1. The development must be implemented substantially in accordance with the plans numbered DA00 to DA28, dated December 2010 and received by Council on 23 December 2010, the application form and on any supporting information received with the application, as amended by the **Section 96 'A' - plans drawn by Anderson Architecture, plans numbered 1018/S96-00 to**

S96-02, S96-05, S96-06, S96-08, S96-10 to S96-13, S96-15, S96-17, S96-19, S96-21 & S96-23 and received by Council on 14 June 2012, only in so far as they relate to the modifications clouded on the Section 96 plans and detailed in the Section 96 application; *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.

Section 94A Development Contributions

11. A Quantity Surveyor's report detailing the cost of the approved works must be provided to Council for approval prior to the construction certificate being issued. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007 a monetary levy of 1% must be paid to Council based on the approved Quantity Surveyor's report.

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.

Conditions No.'s 1b, 1e & 1f are deleted.

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

CP81/12 Director City Planning Report - Reporting Variation to Development Standard under State Environment Planning Policy No. 1 (SEPP 1) Between 1 August to 30 September, 2012 (F2008/00122)

290/12 **RESOLUTION: (Smith/Garcia)** that the report be received and noted.

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

CP82/12 Director City Planning Report - Proposed Funding of a Sculpture Monument by Ms Eileen Slarke at Little Bay (F2007/00506)

291/12 **RESOLUTION: (Andrews/Stevenson)** that Randwick City Council fund Ms Slarke's bronze sculpture, estimated to cost approximately \$38,000.00 (excluding site preparation and placement costs) and, as an option, Council seek third party contributions towards the cost of this project.

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

CP83/12 Director City Planning Report - Community and Cultural Grants Program - September 2012 Round - Recommended Allocations (F2009/00182)

292/12 **RESOLUTION: (Andrews/Roberts)** that Council approve Cultural and Community Program funds totalling \$61,938.87 to be allocated to the recommended grant applicants listed in Attachment One.

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

General Manager's Reports**GM29/12 General Manager's Report - Council Response to "NSW Government – Funding Our Emergency Services" Discussion Paper (F2011/00090)**

293/12 **RESOLUTION: (Matson/Garcia) that:**

- a) the report be considered, and with any amendments, be submitted as the Randwick City Council response to the "Funding Our Emergency Services – Discussion Paper 2012;" and
- b) Council encourage its delegates to the LGSA Conference to take a position which reflects Council's opposition to cost shifting by the coalition government.

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

GM30/12 General Manager's Report - Council Operating Hours - Christmas and New Year 2012/13 (F2006/00304)

294/12 **RESOLUTION: (Andrews/Stavrinos) that:**

- a) Council confirm Monday 24 December to be classified as a public holiday for Council staff; and
- b) Council adopt the proposed 2012-13 Christmas and New Year opening hours for Administration Building, Depot and all libraries.

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

Director City Services Reports**CS12/12 Director City Services Report - Buildings for our Community 2013-14 Advanced Funding (F2010/00044)**

295/12 **RESOLUTION: (Andrews/Belleli) that** a total of \$360,000.00 in advanced funding be made immediately available for the planning of the *Buildings for our Community* projects scheduled for construction in the 2013-14 year.

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

CS14/12 Director City Services Report - Randwick City Council Resident Parking Scheme (F2004/07237)

296/12 **RESOLUTION: (Matson/Roberts) that:**

1. Council note the information relating to the Resident Parking Scheme, as detailed within this report; and
2. Council Officers conduct briefing sessions for the Councillors.

MOTION: (Stevenson/Andrews) that:

1. Council note the information relating to the Resident Parking Scheme, as detailed within this report;
2. Council Officers conduct briefing sessions for the Councillors; and

3. Council officers prepare a further report on other options such as electronic payment for permits and for different funding arrangements that would allow the first vehicle to be free of charge. **LOST.**

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

Director Governance & Financial Services Reports

GF50/12 Director Governance & Financial Services Report - Presentation of the 2011-12 Financial Statements (F2011/00239)

- 297/12 **RESOLUTION: (Smith/Garcia)** that the Financial Statements for the year ended 30 June 2012 be adopted.

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

GF51/12 Director Governance & Financial Services Report - Monthly Financial Report as at 31 August 2012 (F2011/00530)

- 298/12 **RESOLUTION: (Smith/Garcia)** that the monthly financial reports as at 31 August 2012 be noted.

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

GF52/12 Director Governance & Financial Services Report - Investment Report - September 2012 (F2004/06527)

- 299/12 **RESOLUTION: (Smith/Garcia)** that the investment report for September 2012 be received and noted.

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

GF53/12 Director Governance & Financial Services Report - 2011-12 Disclosure of Interests Returns (F2012/00299)

- 300/12 **RESOLUTION: (Smith/Garcia)** that it be noted that the Register of Disclosure of Interests Returns for 2011-12 has been tabled at the Ordinary Council Meeting of 23 October 2012.

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

Petitions

Nil.

Motion Pursuant to Notice

NM59/12 Notice of Motion from Cr Matson - Renewed Resident Request for Consideration of a Community Centre in Lexington Place (F2010/00433)

- 301/12 **RESOLUTION: (Matson/Andrews)** that Council respond to Mr DaSilva-Stewart's call for youth intervention into the Lexington Place area by:

- a) calling for a report on ways to positively influence young people in the South

Maroubra area including the option of renting or constructing a property for a youth or community centre administered by Council; and

- b) utilising the Community Services Committee to review Council's current yearly funding of youth intervention projects in the South Maroubra Youth Intervention Working Group.

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

**NM60/12 Notice of Motion from Cr Nash - Arthur Lane Carpark
(F2012/00347)**

302/12 **RESOLUTION: (Nash/Matson) that Council:**

- a) investigate the gradient of the exit of the Council car park on Arthur Lane, Randwick, to determine whether it complies with Australian Standards.
- b) consider committing funds to improving the gradient if it is found not to comply with such standards.

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

**NM61/12 Notice of Motion from Cr Nash - BIKEast's Questionnaire for Local
Government Candidates (F2005/00158)**

303/12 **RESOLUTION: (Nash/Matson) that:**

- a) Council note BIKEast's "Questionnaire for Local Government Candidates" circulated during the recent local government elections;
- b) A report be brought to Council on the possible implementation of the priority projects identified by BIKEast (including feasibility, costs and consistency with Council's City Bicycle Plan and integration with the Regional Cycle Strategies and Network); and
- c) Council continue to work and consult with BIKEast regarding the possible implementation of the identified projects.

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

**NM62/12 Notice of Motion from Cr Matson - Call on the Planning Minister to
Withdraw Referral of Inglis Rezoning Proposal to the JRPP
(F2011/00207)**

Note: This Notice of Motion was considered in conjunction with MM81/12 (Inglis Planning Proposal – Referral to JRPP) – see page 4 of these minutes for the Council resolution in relation to this matter.

**NM63/12 Notice of Motion from Cr Nash - Submission to JRPP -
Inglis/Newmarket Site Planning Proposal (F2011/00207)**

Note: This Notice of Motion was considered in conjunction with MM81/12 (Inglis Planning Proposal – Referral to JRPP) – see page 4 of these minutes for the Council resolution in relation to this matter.

NM64/12 Notice of Motion from Cr Seng - Rental Accommodation in Randwick LGA (F2004/07952)

304/12 **RESOLUTION: (Seng/Andrews)** that Council bring forward a report looking at the issue of exploitive rental accommodation, in particular the rampant overcrowding in dwellings and recommending options including advocating legislative changes.

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

NM65/12 Notice of Motion from Cr Seng - Acknowledgement of Contribution to Bali Memorial (F2008/00407)

305/12 **RESOLUTION: (Seng/Garcia)** that Council formally recognises and acknowledges the contributions made by the former Mayor Dominic Sullivan in relation to the Bali Memorial services and the commissioning of the sculpture at Dolphins Point.

MOTION: (Seng/Garcia) CARRIED - SEE RESOLUTION.

Confidential Reports

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

Closed Session

CS13/12 Confidential - Tender T12/12 Cooper Street Retaining Wall - Retaining Wall Stabilisation (F2012/00349)

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.

306/12 **RESOLUTION: (Andrews/Nash)** that:

- a) Council accepts the tender offered by Australian Prestressing Pty Ltd at a lump sum price of \$198,150.00 (ex. GST) to carry out T12/12 Cooper Street Retaining Wall Retaining Wall Stabilisation;
- b) the General Manager, or delegated representative, be authorised to execute contract documents on behalf of Council; and
- c) the unsuccessful tenderers are notified.

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

GF54/12 Confidential - SSROC Tender for Playground Equipment (F2012/00146)

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.

307/12 **RESOLUTION: (Smith/Garcia)** that:

- a) Under Regulation 178 (1)(a) of the Local Government (General) Regulation 2005, accept the tender submissions offered by the panel of suppliers listed in

Table 1 (above) for Design, Supply, Delivery, Installation and Inspection of Playground Equipment;

- b) the General Manager, or delegated representative, be authorised to enter into a preferred supplier agreement with these recommended suppliers for a period of three (3) years, with two (2) optional one (1) year extensions; and
- c) Unsuccessful tenderers are advised accordingly.

MOTION: (Smith/Garcia) CARRIED UNANIMOUSLY - SEE RESOLUTION.

Open Session

The meeting moved back into open session.

Notice of Rescission Motions

NR6/12 Notice of Rescission Motion from Crs Andrews, Belleli and Stavrinou - Awards for Sporting Achievements 2012 (F2012/00269)

MOTION: (Andrews/Belleli) that the resolution passed at the Ordinary Council meeting held on Tuesday 9 October 2012 reading as follows:

RESOLUTION: (Matson/D'Souza) that:

- a) the Council endorse the judging panel's recommendations for the 2012 Randwick City Junior Sports Awards; the 2012 Bradley Matthews Memorial Award for Sporting Excellence; and the 2012 Randwick City Hall of Sporting Champions,
- b) the announcement and presentation of the winners of the Randwick City Junior Sports Awards, the Bradley Matthews Memorial Award for Sporting Excellence and the Randwick City Hall of Sporting Champions be presented under Council's Seal at a combined Civic Reception.
- c) the remaining nominees for all three Sports Awards are presented with Certificates of Commendation under the Seal of Council;
- d) the perpetual Trophy for the Bradley Matthews Memorial Award is updated to reflect the 2012 winner;
- e) the Randwick City Hall of Champions Board located at Bowen Library is updated to reflect the 2012 winners, after the announcement.
- f) the details of the 2012 Sports Awards remain confidential until formally announced on the presentation evening.

BE AND IS HEREBY RESCINDED. **LOST.**

Councillors Andrews and Belleli called for a **DIVISION.**

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

FOR	AGAINST
Councillor Andrews	Councillor Bowen
Councillor Belleli	Councillor D'Souza
Councillor Nash	Councillor Garcia

Councillor Seng
Councillor Stavrinou

Councillor Matson
Councillor Moore
Councillor Neilson
Councillor Roberts
Councillor Shurey
Councillor Smith
Councillor Stevenson

Total (5)

Total (10)

There being no further business, His Worship the Mayor, Cr T Bowen, declared the meeting closed at 10.46 pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 27 November 2012.

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CHAIRPERSON