

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

**MINUTES OF ORDINARY COUNCIL MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 28 MAY 2013 AT 6:05PM.**

**Present:**

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

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

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| 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, T Seng & G Stevenson |

**Officers Present:**

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoples
Director City Planning	Ms S Truuvert
Director Governance & Financial Services	Mr G Banting
Manager Administrative Services	Mr D Kelly
Manager Development Assessment	Mr K Kyriacou
Communications Manager	Mr J Hay
Manager Strategic Planning	Ms K Armstrong

**Prayer & Acknowledgement of Local Indigenous People**

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

**Apologies/Granting of Leave of Absences**

Nil.

**Confirmation of the Minutes**

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY 23 APRIL 2013**

125/13

**RESOLUTION: (Smith/Stavrinou)** that the Minutes of the Ordinary Council Meeting held on Tuesday 23 April 2013 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

## Declarations of Pecuniary and Non-Pecuniary Interests

- (a) All Councillors declared a non-significant non pecuniary interest in Item CP36/13 as they are all aware of numerous persons who have made submissions on this matter.
- (b) Cr Belleli declared a non-significant non pecuniary interest in Item NM40/13 as his wife teaches dancing in many childcare centres in the Randwick City area.
- (c) Cr Matson declared a significant non pecuniary interest in Item CP36/13 as he is close friends with a former Greens candidate who lives in very close proximity to 58 Carr Street, Coogee. Cr Matson will be taking no part in the debate or voting on the Carr Street component of the draft DCP.
- (d) Cr Shurey declared a significant non pecuniary interest in Item CP36/13 as she is close friends with a former Greens candidate who lives in very close proximity to 58 Carr Street, Coogee. Cr Shurey will be taking no part in the debate or voting on the Carr Street component of the draft DCP.
- (e) All Councillors declared a non-significant non pecuniary interest in Item CP32/13 as they all know the applicant.
- (f) Cr Andrews declared a significant non pecuniary interest in Item CP32/13 as he is the owner of the subject premises. Cr Andrews will be taking no part in the debate or voting on this matter.
- (g) Cr Garcia declared a non-significant non pecuniary interest in Items NM37/13 and NM40/13 as he has children attending childcare centres.
- (h) Cr Neilson declared a significant non pecuniary interest in Item CP30/13 as she was a member of the Randwick Precinct Committee and made a number of submissions on this matter. Cr Neilson will be taking no part in the debate or voting on this matter.
- (i) Cr Neilson declared a non-significant non pecuniary interest in Item CP36/13 as she knows some of the objectors.
- (j) Cr Neilson declared a non-significant non pecuniary interest in Item GM09/13 as she is a member of the Randwick Rugby Club.
- (k) The Mayor, Cr Bowen declared a non-significant non pecuniary interest in Items NM37/13 and NM40/13 as he has children attending childcare centres in the council area.
- (l) All Councillors declared a non-significant non pecuniary interest in Item GF26/13 as they all know one of the speakers who addressed Council on the matter.
- (m) Cr Shurey declared a significant non pecuniary interest in Item CP33/13 as she knows the speaker who addressed Council on the matter.

**RESOLVED (PROCEDURAL MOTION): (Nash/Andrews)** that Council hear the speakers on the draft DCP and consider the matter immediately thereafter for the benefit of the large number of interested residents in attendance.

## 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:

CP30/13 16 ALISON ROAD, RANDWICK (DA/11/2013)

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

CP31/13 8 SIMEON STREET, CLOVELLY (DA/794/2011/A)

**Applicant** Alison McCabe

- CP33/13 18 CLIFFBROOK PARADE, CLOVELLY (DA/601/2012)
- Objector** Phillip Allen
- Applicant** Richard Gadd
- CP34/13 18 NAPPER STREET, SOUTH COOGEE (DA/150/2011/A)
- Objector** Sandra Santos
- Applicant** Slava Shargordosky
- CP36/13 DRAFT COMPREHENSIVE DEVELOPMENT CONTROL PLAN - POST EXHIBITION REPORT (DEFERRED)
- Against** Luke Aiken - Carr St submissions
- For** Stuart Harding - Carr St Submissions
- Against** Rosemary Mackenzie- Kensington issues
- Against** Andrew Roydhouse - Kensington issues
- NM34/13 NOTICE OF MOTION FROM CR MOORE - KENSINGTON AND WEST KINGSFORD PRECINCT VIEWPOINTS FOR THE PROPOSED KENSINGTON COMMUNITY CENTRE
- For** Maryanne Williams
- GF26/13 EXPRESSION OF INTEREST PROCESS - KENSINGTON BOWLING CLUB
- Against** Margery Whitehead
- For** Oliver Bramley – Kick Off Soccer

The Meeting was adjourned at 7.49pm and was resumed at 8.10pm.

### Mayoral Minutes

**MM32/13 Mayoral Minute - Institute of Public Works Engineering Australia (IPWEA) Award for New and Improved Techniques for Integrated Management of Work Systems (IMOWS) (F2011/00476)**

- 126/13 **RESOLUTION: (Mayor, Cr T Bowen)** that Council congratulates its staff on winning the prestigious New and Improved Techniques award and for being highly commended for the three R's Award as recognised by the Institute of Public Works Engineering Australia.

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

**MM33/13 Mayoral Minute - Establishing an Expert Reference Group with UNSW to provide advice and guidance on environmental sustainability issues (F2005/00104)**

- 127/13 **RESOLUTION: (Mayor, Cr T Bowen)** that Council endorses the establishment of the UNSW Expert Reference Group to provide advice and guidance to Council and the community on sustainability issues.

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

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**MM34/13 Mayoral Minute - Local Government Amendment (Early Intervention) Bill 2013 (F2004/07892)**

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128/13 **RESOLUTION: (Mayor, Cr T Bowen)** that the report be received and noted.

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

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**MM35/13 Mayoral Minute - 2013 LGMA Management Challenge (F2010/00123)**

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129/13 **RESOLUTION: (Mayor, Cr T Bowen)** that Council extend their congratulations to all involved in the 2013 LGMA Management Challenge and give their best wishes to the team for the Australasian Final.

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

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**MM36/13 Mayoral Minute - Heffron Park Bike Track Naming Competition (F2013/06574)**

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130/13 **RESOLUTION: (Mayor, Cr T Bowen)** that Council officially name the new kids bike track at Heffron Park in Maroubra the 'Heffron Pedal Park' and that this name be reflected in signage and a plaque on site that also acknowledges the child who nominated the name.

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

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**MM37/13 Mayoral Minute - Bastille Day 2013 - Request for Sponsorship (F2013/06574)**

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131/13 **RESOLUTION: (Mayor, Cr T Bowen)** that Council:

- a) provide a sponsorship amount of \$4,215 from the Council Contingency Fund towards the 2013 Bastille Day Event to be held at La Perouse and be included as a sponsor on all promotional material; and
- b) provide to the French Consul General's office the current list of Randwick City Councillors.

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

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**MM38/13 Mayoral Minute - Support for Rock Fishing Safety Workshops at Little Bay (F2004/07086)**

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132/13 **RESOLUTION: (Mayor, Cr T Bowen)** that Council agree to waive the venue hire fee of \$1,901.25 from the Council Contingency Fund for a rock fishing safety workshop at the Prince Henry Centre and that the organisers provide appropriate recognition of Council's support through display of Council's logo at the workshop and inclusion of our logo on printed material.

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

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**MM39/13 Mayoral Minute - Waiving of Fees - Randwick Rugby Union Football Club (F2004/06257)**

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133/13 **RESOLUTION: (Mayor, Cr T Bowen)** that:

- a) the fees associated with the hire of twelve flag poles on Arden Street Coogee for one week on five separate occasions be waived and \$4,415.00 be allocated from the 2012-13 Contingency Fund;
- b) Council contribute half the installation and removal fee for twelve flag poles on five separate occasions to the value of \$1,320.00; AND
- c) the organisers undertake to appropriately and prominently acknowledge and promote Council's contribution prior to each home game.

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

**MM40/13 Mayoral Minute - Indigenous Memorial Garden for the Stolen Generation at La Perouse (F2013/06574)**

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134/13 **RESOLUTION: (Mayor, Cr T Bowen) that Council:**

- a) endorses the events that are currently underway to mark 2013 Reconciliation Week, and,
- b) gives its support to the creation of a memorial garden in remembrance of The Stolen Generation, and that a meeting be held with the La Perouse Aboriginal Land Council to discuss a suitable consultation process, including locational and garden design options, with relevant members of its community and other key stakeholders.

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

**Urgent Business**

**UB1/13 Cr Scott Nash - SGS Report - The Case for Change (F2004/06554 )**

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135/13 **RESOLUTION: (Nash/Roberts) that Council endorse the SGS report commissioned by the General Manager for formal submission to the Local Government Independent Review Panel.**

**MOTION: (Nash/Roberts) CARRIED - SEE RESOLUTION.**

**Director City Planning Reports**

**CP30/13 Director City Planning Report - 16 Alison Road, Randwick (DA/11/2013)**

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

136/13 **RESOLUTION: (Smith/Andrews) -**

- A. That Council supports the objections under State Environmental Planning Policy No. 1 – Development Standards in respect to non-compliance with Clauses 20G of Randwick Local Environmental Plan 1998, relating to Building heights, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning be advised accordingly.
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/11/2013 for demolition of

existing industrial building and construction of a new four storey mixed use development comprising of a motorcycle showroom with workshop and ancillary office space at ground level, boarding house with 22 rooms on floors above, basement carparking for 4 vehicles and rooftop communal area/courtyard, at No. 16 Alison Road, Randwick, subject to the following conditions:

## DEVELOPMENT CONSENT CONDITIONS

### GENERAL CONDITIONS

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

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

### Approved Plans & Supporting Documentation

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

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
04 to 08	Cracknell & Lonergan architects	December 2012	9 January 2013
12	Cracknell & Lonergan architects	December 2012	9 January 2013

<i>BASIX Certificate No.</i>	<i>Dated</i>	<i>Received by Council</i>
397581M_03	22 December 2012	9 January 2013

### Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
  - a. The proposed roof awning structure that is attached to the staircase and lift must not be enclosed.

### REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

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

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

### Consent Requirements

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

### External Colours, Materials & Finishes

4. The colours, materials and finishes of the external surfaces to the building are to be compatible with the existing building and surrounding buildings in the

heritage conservation area and consistent with the architectural style of the building. Details of the proposed colours, materials and textures (ie- a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development

#### **Archival Recording**

5. A brief archival recording of the existing early motor garage on the property (adapted from earlier workshop buildings) shall be prepared and 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. This recording shall be in accordance with the NSW Heritage Office 2006 Guidelines for Photographic Recording of Heritage Items using Film or Digital Capture. Two copies of the endorsed archival recording shall be presented to Council, one of which shall be placed in the Local History Collection of Randwick City Library.

#### **Section 94A Development Contributions**

6. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, based on the development cost of \$2,110,500, the following applicable monetary levy must be paid to Council: \$21,105.

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

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

#### **Long Service Levy**

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

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

#### **Sydney Water Requirements**

8. 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](http://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 prior to issuing the construction certificate.

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

**Security Deposit**

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

- \$3000.00 - Damage / Civil Works Security Deposit

The damage/civil works security deposit may be provided by way of a cash, cheque or credit card payment and is refundable upon a satisfactory inspection by Council upon the completion of the civil works which confirms that there has been no damage to Council's infrastructure.

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

To obtain a refund of relevant deposits, a *Security Deposit Refund Form* is to be forwarded to Council's Director of City Services upon issuing of an occupation certificate or completion of the civil works.

**REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE**

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

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

**Building Code of Australia & Fire Safety**

10. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA). Details of compliance are to be provided in the construction certificate.
11. All new building work (including alterations, additions, fit-out work and fire safety works are to be carried out in accordance with the relevant provisions of the Building Code of Australia (BCA) and details are to be included in the Construction Certificate, to the satisfaction of the Certifying Authority.

**Access & Facilities**

12. Access and/or facilities for people with disabilities must be provided to all new building work in accordance with any relevant provisions of the Building Code



of Australia Disability (Access to Premises – Buildings) Standards 2010, to the satisfaction of the Certifying Authority and details are to be provided with the Construction Certificate application.

#### **Design Alignment levels**

13. 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:

#### **John Lane Frontage vehicular entrance**

- **RL 33.55 AHD**

#### **Alison Road/ John Street Frontage**

- **140mm above the top of kerb at all points opposite the kerb, along the full site frontage.**

The design alignment levels at the property boundary as issued by Council and their relationship to the roadway/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 0881.

14. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$585 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.

#### **Internal Driveway**

15. The internal access driveway from John Lane must be designed and constructed to match the alignment levels at the property boundary (as specified by Council) and the driveway must be amended in accordance with the following requirements:

- The driveway must not exceed a grade of 1 in 8 (12.5%) within 4m of the property alignment in John Lane.
- The driveway may then steepen to a maximum grade of 1 in 4 (25%) after this point.
- A transition of minimum length 2m at grade of 1 in 8 (12.5%) is to be provided prior to entry onto basement floor and turntable.

A longitudinal section of the driveway must be provided with the construction certificate plans, at a scale of 1:20 or 1:50 along the centreline of the driveway. The section shall demonstrate compliance with the Council issued alignment level at the property boundary, together with satisfactory ramp grades (and transitions) in accordance with the above requirements to the satisfaction of the Certifying Authority.

16. Any transitional grades required within the proposed vehicle workshops to match floor levels with Council's issued alignment levels shall not exceed a grade of 1 in 8 (12.5%).

#### **Flood Management**

17. The floor level of all habitable, retail, commercial and storage areas (excluding those in the basement carpark) shall be at a minimum RL of 32.9 (AHD) or be suitably waterproofed up to this same level. Details demonstrating compliance with this condition are to be included in the construction certificate documentation.

18. Windows, vents and other openings into the basement carpark (excluding the driveway opening) are to be located at least 300 mm above the determined 1 in 100 year flood level. Details demonstrating compliance with this condition are to be included in the construction certificate documentation.
19. The ground floor level located along the Alison Road site frontage shall be designed to *structurally* withstand hydrostatic pressure/stormwater inundation from floodwater during the probable maximum flood (PMF) event as defined in the Floodplain Management Manual (New South Wales Government, January 2001). Structural Engineering certification confirming that this condition has been complied with shall be submitted to the certifying authority with the construction certificate.

This requirement does not necessitate the development being flood proof/water tight up to the PMF event, rather the requirement is to ensure that the development will not be *structurally* damaged in manner that could endanger lives during the PMF event.

20. The building, including building footings, are to be designed to ensure that they will not be adversely affected by stormwater, floodwater and/or the water table.

Structural details demonstrating compliance with this condition shall be submitted with the construction certificate application.

21. The floor of the workshop shall be graded with minimum 1% fall to John Street.

22. **Stormwater drainage plans have not been approved as part of this development consent.** Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be prepared by a suitably qualified Hydraulic Engineer and submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:

- a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
- b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
- c) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
  - i. Roof areas
  - ii. Paved areas
  - iii. Grassed areas
  - iv. Garden areas
- e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected

roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.

- f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
  - g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.
23. The written approval of Council is required to be obtained in relation to all drainage and infrastructure works which are located externally from the site within the road reserve/public place, in accordance with the requirements of the *Roads Act 1993*. Detailed plans and specifications of the proposed works are to be submitted to and approved by the Director of City Services prior to commencing any works within the road reserve/public place.

All works within the road reserve/public place must be carried out to the satisfaction of Council and certification from a professional engineer is to be provided to Council upon completion of the works.

Relevant Council Assessment and Inspection fees, as specified in Council's adopted Pricing Policy, are required to be paid to Council prior to commencement of the works.

24. The site stormwater drainage system is to be provided in accordance with the following requirements;
- a) The stormwater drainage system must be provided in accordance with the relevant requirements of Building Code of Australia and the conditions of this consent, to the satisfaction of the *Certifying Authority* and details are to be included in the construction certificate.
  - b) The stormwater must be discharged (by gravity) either:
    - i. Directly to the kerb and gutter along the site frontage; or
    - ii. Directly to Council's underground drainage system in Alison Road via a new kerb inlet pit along the site frontage.
  - c) 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) 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.
  - e) If connecting to Council's underground drainage system, a reflux valve shall be provided (within the site) over the pipeline discharging from the

site to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system.

- f) Any new kerb inlet pits (constructed within Council's road reserve) are to be constructed generally in accordance with Council's standard detail for the design of kerb inlet pits (drawing number SD6 which is available from Council).
- g) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage (detention/infiltration) system.
- h) A sediment/silt arrestor pit must be provided within the site near the street boundary prior to discharge of the stormwater to Council's drainage system and prior to discharging the stormwater to any absorption/infiltration system.

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

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

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

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

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

- k) Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line.
- l) Any onsite detention systems shall be located in areas easily accessible.

**Site seepage & Dewatering**

25. A report must be obtained from a qualified, experienced Hydrogeological Engineer, which provides an assessment of the site and the potential impact of groundwater and the water table upon the development, prior to issuing a Construction Certificate, to the satisfaction of the Certifying Authority.

The report must confirm whether or not the site is or may be affected by *groundwater* or *fluctuating water table* and the report must include details of the measures to be implemented to effectively manage any groundwater.

26. The following requirements must be satisfied to minimise the impact of any groundwater or site seepage water on the development, Council assets and neighbouring properties:
- a) Groundwater and sub-soil drainage must not be connected or discharged to the stormwater detention tank or to Council's street gutter or drainage system, unless specific written approval has been obtained from Council beforehand, and
  - b) Groundwater and sub-soil drainage must be restricted from entering the basement level/s and the stormwater drainage system, by tanking and waterproofing the basement areas of the building, and
  - c) Adequate provisions must be made for the groundwater to drain around the basement level/s and ensure that the basement will not impede the movement of the ground water through the development site, and
  - d) Details of the proposed methods of managing groundwater, tanking and waterproofing must be prepared by a suitably qualified and experienced Hydrogeological Engineer and be submitted to and approved by the certifying authority, prior to issuing the construction certificate.
27. Details of the proposed connection and or disposal of any site seepage, groundwater or construction site stormwater to Council's stormwater drainage system must be submitted to and approved by Council's Development Engineering Coordinator, prior to commencing these works, in accordance with section 138 of the Roads Act 1993.

Details must include the following information:

- Site plan
- Hydraulic engineering details of the proposed disposal/connection of groundwater or site stormwater to Council/s drainage system
- Volume of water to be discharged
- Location and size of drainage pipes
- Duration, dates and time/s for the proposed works and disposal
- Details of water quality and compliance with the requirements of the *Protection of the Environment Act 1997*
- Details of associated plant and equipment, including noise levels from the plant and equipment and compliance with the requirements of the *Protection of the Environment Act 1997* and associated Regulations and Guidelines
- Copy of any required approvals and licences from other Authorities (e.g.

A water licence from the Department of Planning/Department of Water & Energy).

- Details of compliance with any relevant approvals and licences

### **Waste Management**

28. The proposed operational Waste Management Plan submitted with the development application (Prepared by Cracknell & Lonergan and stamped by Council 9<sup>th</sup> January 2013) shall be amended to include the following corrections, and is required to be submitted to and approved by Council's Director of City Services prior to issuing of a construction certificate;

- A total of 15 x 240L bins will be required for the boarding house component consisting of 8 x garbage + 7 x recycling.
- Details of waste disposal for the showroom/office and workshop shall be provided (council, private contactor)
- A total of 2 x 240L bins will be required for the showroom consisting of 1 x garbage + 1 x recycling.
- A total of 2 x 240L bins will be required for the workshop consisting of 1 x garbage + 1 x recycling.
- Liquid trade waste must be disposed of in accordance with environmental regulations. Details shall be provided.

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

### **Demolition & Construction Waste**

29. A *Demolition and Construction Waste Management Plan* must be developed and implemented for the development, to the satisfaction of Council.

The Demolition and Construction 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.

### **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 Regulatory Requirements**

30. 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) 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
- d) at least two days notice must be given to the Council, in writing, prior to commencing any works; and
- e) the relevant requirements of the *Home Building Act 1989* (as applicable) must be complied with and details provided to the Principal Certifying Authority and Council.

#### **Demolition Work & Removal of Asbestos Materials**

31. Demolition work must be carried out in accordance with the following requirements:

- a) Demolition work must be carried out in accordance with Australian Standard, AS2601 (2001) - The Demolition of Structures and a Demolition Work Plan is required to be developed and implemented to the satisfaction of the Principal Certifying Authority prior to commencing any demolition works.
- b) The demolition, removal, storage and disposal of any materials containing asbestos must be carried out in accordance with the relevant requirements of WorkCover NSW, Council's Asbestos Policy and the following requirements:
  - A licence must be obtained from WorkCover NSW for the removal of friable asbestos and or more than 10m<sup>2</sup> of bonded asbestos (i.e. fibro)
  - Asbestos waste must be disposed of in accordance with the *Protection of the Environment Operations Act 1997* & relevant Regulations
  - A sign must be provided to the site/building stating "Danger Asbestos Removal In Progress"
  - A Clearance Certificate or Statement must be obtained from a suitably qualified person (i.e. Occupational Hygienist) upon completion of the asbestos removal works, which is to be submitted to the Principal Certifying Authority and Council prior to issuing an Occupation Certificate.

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

#### **Construction Noise & Vibration**

32. Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result

in an unreasonable loss of amenity to nearby residents and the relevant provisions of the *Protection of the Environment Operations Act 1997* 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 and Vibration Management Plan*, prepared in accordance with the DECC Construction Noise Guideline, by a suitably qualified person is to be developed and implemented throughout the works, to the satisfaction of the Council. A copy of the plan must be provided to the Council and Principal Certifying Authority prior to the commencement of site works.

### **Construction Traffic Management**

33. Prior to the commencement of any works on the site, an Application for a 'Works Zone' and Construction Traffic Management Plan must be submitted to Councils Integrated Transport Department, and approved by the Randwick Traffic Committee, for a 'Works Zone' to be provided in John Street for the duration of the demolition & construction works.

The 'Works Zone' must have a minimum length of 12m and extend for a minimum duration of three months. The suitability of the proposed length and duration is to be demonstrated in the application for the Works Zone. The application for the Works Zone must be submitted to Council at least six (6) weeks prior to the commencement of work on the site to allow for assessment and tabling of agenda for the Randwick Traffic Committee.

The requirement for a Works Zone may be varied or waived only if it can be demonstrated in the Construction Traffic Management Plan (to the satisfaction of Council's Traffic Engineers) that all construction related activities (including all loading and unloading operations) can and will be undertaken wholly within the site. The written approval of Council must be obtained to provide a Works Zone or to waive the requirement to provide a Works Zone prior to the commencement of any site work.

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

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

- A description of the demolition, excavation and construction works
- A site plan/s showing the site, roads, footpaths, site access points and vehicular movements
- Any proposed road and/or footpath closures
- Proposed site access locations for personnel, deliveries and materials
- Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site)
- Provision for loading and unloading of goods and materials
- Impacts of the work and vehicular movements on the road network, traffic and pedestrians
- Proposed hours of construction related activities and vehicular movements to and from the site



- Current/proposed approvals from other Agencies and Authorities (including NSW Roads & Traffic Authority, Police and State Transit Authority)
  - Any activities proposed to be located or impact upon Council's road, footways or any public place
  - Measures to maintain public safety and convenience
35. A *Traffic Control Plan* must be submitted to and approved by Council and relevant Authorities, prior to carrying out any work which results in the closure or partial closure of a State or Regional Road, as identified by the NSW Roads & Traffic Authority.

#### **Sydney Water**

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

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

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

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

#### **Public Utilities**

37. A public utility impact assessment must be carried out on all public utility services located on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the building works. The assessment should include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of services.

Documentary evidence from the relevant public utility authorities confirming that their requirements have been or are able to be satisfied, must be submitted to the principal certifying authority prior to the commencement of any demolition, excavation or building works.

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

#### **Landscaping**

39. The PCA must ensure that the Landscape Plan prepared by Julie Cracknell & Peter Lonergan Architects, dwg DA09, dated July 2012, is amended by a professional with formal qualifications in the landscape/horticultural industry to include the following requirements:

- a) A Planting Plan & Plant Schedule which nominates the exact location and quantity of all proposed species, including their botanic names, pot size at the time of planting and dimensions at maturity;

- b) The design must ensure that plants are strategically positioned so as to minimise any visual or acoustic impact on surrounding sites, whilst also maximising screening and privacy for occupants, with ground-cover or 'spill-over' type plants to be used to cascade over the edge of the planters to create a softening effect to the edges of the building;
- c) Any other details required in order to document the proposed landscape works, such as gravel/pebbles/mulch, lighting, surface finishes, fencing, screens and similar;
- d) Consideration should be given to incorporating additional elements that will encourage use of the space, such as fixed bench seating and similar to provide opportunities for passive recreation;
- e) The rooftop planter shall extend around the full perimeter of the rooftop terrace (excluding the covered stair, lift and void area), and must have a minimum soil depth of 600mm, and a minimum soil width of 900mm, with the existing planters shown on DA-12 to remain in place. Construction details confirming compliance are to be submitted.

#### **REQUIREMENTS DURING CONSTRUCTION & SITE WORK**

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

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

#### **Building Inspection Requirements**

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

#### **Excavations & Support of Adjoining Land**

- 41. 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.
- 42. All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and supported to prevent them from being dangerous to life, property or buildings.

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

Retaining walls, shoring, or piling must be designed and installed in accordance with appropriate professional standards and the relevant requirements of the Building Code of Australia and Australian Standards. Details of proposed retaining walls, shoring or piling are to be submitted to and approved by the

Principal Certifying Authority for the development prior to commencing such excavations or works.

#### Permitted Working Hours

43. 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"> <li>• Monday to Friday - 7.00am to 5.00pm</li> <li>• Saturday - 8.00am to 5.00pm</li> <li>• Sunday &amp; public holidays - No work permitted</li> </ul>
Excavating of rock, use of jack-hammers, pile-drivers or the like	<ul style="list-style-type: none"> <li>• Monday to Friday - 8.00am to 5.00pm</li> <li>• Saturday - No work permitted</li> <li>• Sunday &amp; public holidays - No work permitted</li> </ul>
Internal work only within a commercial or industrial development, located in a commercial or industrial zone, which is not audible within any residential dwelling or commercial or industrial premises	<ul style="list-style-type: none"> <li>• Monday to Saturday - No time limits (subject to column 1)</li> <li>• Sunday &amp; public holidays - No work permitted</li> </ul>
Additional requirements for all development (except for single residential dwellings)	<ul style="list-style-type: none"> <li>• Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - No work permitted</li> </ul>

*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.*

#### Construction Site Management

44. Public health, safety and convenience must be maintained at all times during demolition and building works and the following requirements must be complied with at all times:

- a) A sign must be provided and maintained in a prominent position throughout the works, which contains the following details:
  - name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours,
  - name, address and telephone number of the *Principal Certifying Authority*,
  - a statement stating that "unauthorised entry to the work site is prohibited".
- b) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, trip hazards, materials, soils or debris at all times. Any damage caused to the road, footway or

nature strip must be repaired immediately, to the satisfaction of Council.

- c) Building materials, sand, soil, waste materials, construction equipment or other materials or articles must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
- d) Bulk bins, waste containers or other articles must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container or other articles in a public place can be made to Council's Building Services section.
- e) During demolition and construction, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to the satisfaction of Council.

Details of the proposed sediment control measures are to be detailed in the *site management plan* which must be submitted to the Principal Certifying Authority and Council prior to the commencement of any site works. The sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction. A copy of the plan is to be maintained on-site and be made available to Council officers upon request.

- f) Public safety must be maintained at all times and public access to any demolition and building works, materials and equipment on the site is to be restricted. If necessary, a temporary safety fence or hoarding (having a minimum height of 1.5m) is to be provided to protect the public. Temporary site fences are to be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible. If necessary, an overhead (B Class type) hoarding may be required to protect the public or occupants of the adjoining premises from falling articles or materials.

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

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

All works within or upon the road reserve, footpath, nature strip or other

public place are to be completed to the satisfaction of Council, prior to the issuing of an occupation certificate for the development. For further information, please contact Council's Road / Asset Opening Officer on 9399 0691 or 9399 0999.

#### **Road/Asset Opening Permit**

45. 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) 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.
  - b) Council's Road / Asset Opening Officer must be notified at least 48 hours in advance of commencing any excavation works and also immediately upon completing the works (on 9399 0691 or 0409 033 921 during business hours), to enable any necessary inspections or works to be carried out.
  - c) Relevant *Road / Asset Opening Permit* fees, construction 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,
  - d) The owner/developer 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* or occupation of the development (whichever is sooner).
  - e) Excavations and trenches must be back-filled and compacted in accordance with AUSPEC standards 306U.
  - f) Excavations or trenches located upon a road or footpath are required to be provided with 50mm depth of cold-mix bitumen finish, level with the existing road/ground surface, to enable Council to readily complete the finishing works at a future date.
  - g) Excavations or trenches located upon turfed areas are required to be back-filled, compacted, top-soiled and re-turfed with Kikuyu turf.
  - h) The work and area must be maintained in a clean, safe and tidy condition at all times and the area must be thoroughly cleaned at the end of each day's activities and upon completion.
  - i) The work can only be carried out in accordance with approved hours of building work as specified in the development consent, unless the express written approval of Council has been obtained beforehand.
  - j) Sediment control measures must be implemented in accordance with the conditions of development consent and soil, sand or any other material must not be allowed to enter the stormwater drainage system or cause a pollution incident.
  - k) The owner/developer must have a Public Liability Insurance Policy in force, with a minimum cover of \$10 million and a copy of the insurance policy must be provided to Council prior to carrying out any works within

or upon the road, footpath, nature strip or in any public place.

#### **Stormwater Drainage**

46. 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.

47. Any required dewatering must be monitored by the consulting Engineer/s to the satisfaction of the principal certifying authority and documentary evidence of compliance with the relevant conditions of consent and dewatering requirements must be provided to the principal certifying authority and the Council.

The site conditions and fluctuations in the water table are to be reviewed by the consulting Engineer prior to and during the excavation/construction process, to ensure the suitability of the excavation and dewatering process and compliance with Council's conditions of consent.

48. A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of Section 138 of the Roads Act 1993.

#### ***Service stations, fuel bowsers & vehicle repair workshops etc – UPSS Regulation***

49. The removal of the underground petroleum storage systems must be carried out in accordance with the requirements of the *Protection of the Environment Operations Act 1997*, (the 'Act'), *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008* (the 'UPSS Regulation'), relevant referenced Guidelines, Australian Standards and the following requirements.

- a) The decommissioning of underground Petroleum Storage Systems must comply with the relevant requirements of the UPSS Regulation 2008, DECC Guidelines for implementing the UPSS Regulation 2008 and the following requirements (as applicable):

##### *Decommissioning and removal of tanks*

- i) The decommissioning work and removal of tanks must be carried out in accordance with relevant Regulations and Standards including:-
- The UPSS Regulation 2008
  - The Occupation Health & Safety Regulation 2001
  - AS1940 (2004) – Storage and handling of flammable and combustible liquids
  - AS4976 (2008) – The removal and disposal of underground petroleum storage systems
  - WorkCover NSW requirements and guidelines.
- ii) A *validation report* must be prepared by a suitably qualified person and be submitted to Council and the DECC, no later than 60 days of the completion of the works.

50. Fill material that is imported to the site must satisfy the requirements of the

NSW *Protection of the Environment Operations (Waste) Regulation 2005* and the NSW Environment Protection Authority (EPA) Waste Classification Guidelines (2008). Fill material must meet the relevant requirements for Virgin Excavated Natural Material (VENM) or be the subject of a (general or specific) Resource Recovery Exemption from the EPA.

Details of the importation of fill and compliance with these requirements must be provided to the satisfaction of a suitably qualified Environmental Consultant or Site Auditor.

51. The works must not cause any environmental pollution, public nuisance or, result in an offence under the *Protection of the Environment Operations Act 1997* or *Work Health & Safety Act 2011* and associated *Regulations*.
52. Any hazardous and/or intractable wastes arising from the works are to be managed and disposed of in accordance with the requirements of WorkCover NSW and the Office of Environment and Heritage/Environment Protection Authority, including the provisions of:
  - Work Health and Safety Act 2011
  - The Occupational Health and Safety (Hazardous Substances) Regulation 2001
  - The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
  - Protection of the Environment Operations Act 1997 (NSW)
  - Protection of the Environment Operations (Waste) Regulation 2005
  - NSW DECC/EPA Waste Classification Guidelines 2008
  - Randwick City Council's Asbestos Policy

#### **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'.

*Notes: An Occupation Certificate must be obtained from the PCA prior to occupation and use of the premises.*

*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.

53. A Plan of Management (PoM), prepared with the advice of an independent, suitably qualified and experienced consultant in acoustics, shall be submitted to Council and accepted in writing by the Manager of Health, Building and Regulatory Services, **prior to the issue of the Occupation Certificate**.

The Plan of Management shall contain suitable measures and procedures to achieve the following:

- Ensure compliance with the relevant conditions of approval.
- Minimise the potential impacts as a result of the operation of the premises upon nearby residents.
- Effectively minimise and manage anti-social behaviour.
- Ensure a clean and comfortable living environment for occupants.

The Plan of Management shall include, but not necessarily be limited to, the

following information and control measures:

- Details of the role and responsibilities of the on-site management including: daily operation and administration, cleaning, maintenance of garden areas and landscaping, compliance with the Plan of Management and emergency management (e.g. fire evacuation).
- Information relating to staffing arrangement, including the location and 24-hour contact details of the site manager / caretaker.
- Measures to ensure proper maintenance and monitoring of cleanliness of all common areas, including the Common Room and outdoor courtyard.
- Time restrictions on the use of common areas within the development, such as the indoor common Room, roof terrace and outdoor courtyard areas.
- Details of cleaning and vermin control, including information that indicates how regular the shared facilities (e.g. Common Room and Common Courtyards) are cleaned to a professional standard.
- Details of house rules, which shall be provided to all residents, including:
  - The maximum number of residents per room (2)
  - Measures for ensuring that guests do not stay overnight and exceed an appropriate number
  - Guest behaviour / visitor policy
  - Activities and noise control
  - Operation hours of the communal courtyard and common areas
  - Prohibition of alcohol and drug consumption
  - Permissible use and prohibited use of external balconies (e.g. prohibiting the storage of excessive furniture and late night social gatherings in the balconies, etc.)
- Measures to minimise unreasonable amenity impacts on the living, bedroom and other areas of the adjoining developments. Specifically, the Plan of Management is to specify measures that will minimise noise from the outdoor spaces and balconies of the boarding house.
- Details of internal signage including:
  - Contact details of the on-site manager / caretaker
  - Emergency contact numbers for essential services, such as fire brigade, ambulance, police and utilities (i.e. gas, electricity)
  - Egress routes and any evacuation plan
  - Means of contacting emergency services in the event of emergency (i.e. where landline telephone is provided within the boarding house)
- Waste minimization and recycling strategies and practices.

#### **Occupation Certificate Requirements**

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

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.



**Fire Safety Certificate Requirements**

55. Prior to issuing an interim or final Occupation Certificate, a single and complete *Fire Safety Certificate*, encompassing all of the essential fire safety measures contained in the *fire safety schedule* must be obtained and be submitted to Council, in accordance with the provisions of the *Environmental Planning and Assessment Regulation 2000*. The *Fire Safety Certificate* must be consistent with the *Fire Safety Schedule* which forms part of the Construction Certificate.

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

**High-level Window Openings**

56. 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 (except in relation to an opening on the 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 provided prior to the issue of an Occupation Certificate.

**Noise Emissions - Certification**

57. Where plant and equipment is installed in the premises (e.g. air-conditioners, mechanical ventilation/exhaust systems or refrigeration motors etc), a written report or statement must be obtained from a suitably qualified and experienced consultant in acoustics.

The report/statement must demonstrate and confirm that noise and vibration from the development satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Office of Environment & Heritage/Environment Protection Authority Noise Control Manual & Industrial Noise Policy, Council's conditions of consent (including any relevant approved acoustic report and recommendations), to the satisfaction of Council. The assessment and report must include all relevant fixed and operational noise sources and a copy of the report/statement must be provided to Council prior to the issue of an occupation certificate.

**Council's Infrastructure, Vehicular Crossings & Road Openings**

58. Prior to issuing a final occupation certificate for the development, the owner/developer must meet the full cost for Council or a Council approved contractor to:
- a) Construct a concrete vehicular crossing opposite the vehicular entrance to the basement in John Lane.

- b) Construct kerb and gutter for the full site frontage except opposite the vehicular entrance in John Lane.
  - c) Carry out a full depth, 1 metre wide, road construction in front of the kerb and gutter along the full site frontage in John Lane.
  - d) If required, reconstruct concrete vehicular crossings and laybacks at kerb opposite the vehicular entrances to the work bays in John Street.
  - e) Remove any redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, and integral kerb and gutter to Council's specification.
  - f) Reconstruct concrete footpath along the full John Street frontage
  - g) Install 'No Stopping' signage in John Lane as required
59. The owner/developer must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
60. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:
- a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
  - b) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a *Pre-paid Works Application Form*, prior to issuing an occupation certificate, together with payment of the relevant fees.
  - c) If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.
  - d) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.

### **Service Authorities**

#### **Sydney Water Requirements**

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

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

Following the application, a "Notice of Requirements" will be provided, detailing water and sewer extensions to be built and charges to be paid. Please make

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

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

62. The applicant shall meet the full cost for the overhead power lines and communication cables located along the Alison Road site frontage to be relocated underground. The applicant shall liaise directly with the relevant service utility authorities to organise for the cables to be relocated. All cables must be relocated underground to the satisfaction of the relevant service utility authority prior to the issuing of an occupation certificate for the development.

#### **Stormwater Drainage**

63. 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 system is maintained and that no works which could affect the design function of the detention/ 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.
64. 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 pumping systems installed (including wet well volumes).
65. 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.

66. The applicant shall submit to the Principal Certifying Authority (PCA) and Council certification from a suitably qualified and experienced professional engineer, confirming that the walls of the basement have been fully tanked and waterproofed to prevent the entry of all groundwater in the basement

level/s and that any required sub-soil drainage systems have been provided in accordance with the conditions of this consent.

### **Landscaping**

67. Certification from a qualified professional in the landscape/horticultural industry must be submitted to, and be approved by, the PCA, confirming that landscaping at this site has been installed substantially in accordance with the amended landscape plan and relevant conditions of consent, with the owner/s to implement strategies to ensure that it is maintained in a healthy and vigorous state until maturity.

### **Waste Management**

68. The owner or applicant is required to contact Council's City Services department, to make the necessary arrangements for the provision of waste services for the premises.
69. The waste storage area in the basement to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.
70. The waste storage areas shall be clearly signposted.
71. Prior to any occupation certificate being issued for the site or commencing the use of the land as provided in this consent, a Validation Report prepared by a suitably qualified Environmental Consultant must be submitted to the satisfaction of Council. The report must demonstrate that the relevant land contamination conditions in this consent have been satisfied and that the site is suitable for the proposed development.
72. A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council **prior to an occupation certificate** being issued for the development, which demonstrates and certifies that noise and vibration from the development satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW EPA/DECC Noise Control Manual & Industrial Noise Policy, Council's conditions of consent (including any relevant approved acoustic report and recommendations), to the satisfaction of Council. The assessment and report must include all relevant fixed and operational noise sources.
73. Places of Shared Accommodation must comply with the *Local Government (General) Regulation 2005* and the premises must be registered with the Council, and the approved registration/inspection fee is to be forwarded to Council **prior to issuing an occupation certificate**.

### **OPERATIONAL CONDITIONS**

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

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

74. There must be no encroachment of any automotive parts, motorcycles or associated articles onto Council's road reserve, footway, nature strip or public place. All motorcycles that will be on display must be located wholly within the premises.

### **Fire Safety Statements**

75. A single and complete *Fire Safety Statement* (encompassing all of the fire safety measures upon the premises) must be provided to the Council in accordance with the requirements of the *Environmental Planning & Assessment Regulation 2000*.

The *Fire Safety Statement* must be provided on an annual basis, each year following the issue of the *Fire Safety Certificate* and other period if any of the fire safety measures are identified as a *critical fire safety measure* in the *Fire Safety Schedule*.

The *Fire Safety Statement* is required to confirm that all the fire safety measures have been assessed by a properly qualified person and are operating in accordance with the standards of performance specified in the *Fire Safety Schedule*.

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

#### **Environmental Amenity**

76. The use and operation of the premises shall not give rise to an environmental health or public nuisance, cause a vibration nuisance or, result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.
77. The proposed use and operation of the premises (including all plant and equipment) must 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 Office of Environment & Heritage/Environment Protection Authority Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

#### **Waste Management**

78. Adequate provisions are to be made within the premises for the storage, collection and disposal of trade/commercial waste and recyclable materials, to the satisfaction of Council.

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

The operator of the business must also arrange for the recycling of appropriate materials and make the necessary arrangements with an authorised waste services contractor accordingly.

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

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

**The following conditions are applied to ensure proper operation and management of the subject boarding house:**

80. The boarding house premises shall be operated in accordance with the definition of "boarding house" as stipulated in Randwick Local Environmental Plan 1998. Accommodation is not to be provided on a temporary basis to persons whose principal place of residence is elsewhere and/or for tourism purposes.
81. Each proposed dwelling unit within the development, with the exception of the manager's room / caretaker's flat, shall accommodate a maximum of 2 residents at all times. In addition, the 2 residents shall be related family members or couples. The manager / caretaker shall be responsible for ensuring that this requirement is adhered to by validating relevant personal details before admission. This condition is to ensure that strangers are not sharing the units and potentially altering the approved use of the premises.
82. The manager / caretaker of the boarding house must reside on the premises and must be a person over the age of 18 years.
83. The hours of the operation of the motorcycle showroom and vehicle repair workshop on the ground floor level are restricted to: -
  - Monday through to Friday, inclusive from: 8:00am to .6:00pm.
  - Saturday & Sundays, from: 9:00am to 3:00pm.
84. The use and occupation of the communal courtyards and terraces within the premises shall be restricted to a curfew of no later than 10:00pm and no earlier than 7:00am.
85. The manager shall ensure that a notice is placed near the entrance to the property in a visible position to the public, advising of the manager's / caretaker's name and contact number.
86. Each occupant shall be furnished with a set of house rules (i.e. a Plan of Management as required by this consent) and that no variation shall be permitted without the further approval of Council.
87. The manager / caretaker shall maintain a record of all residents with details of their names, length of stay and number of persons in each room. This information shall be stored for a minimum of 12 months on site and made available to Council's Officers upon request.
88. All residents in the boarding house are to sign a lease or license agreeing to comply with the approved Plan of Management for the boarding house, with the length of the lease to be determined by the management.
89. The individual rooms and common areas of the boarding house, including the Common Room and the outdoor communal courtyards shall be maintained in a clean and tidy condition at all times.
90. The following facilities are to be provided for each of the proposed dwelling units within the development:
  - (a) A washing machine, and
  - (b) A refrigerator unit (for example, a bar fridge), and
  - (c) A stove-top with two burners, and
  - (d) A ceiling fan, and
  - (e) All furniture and facilities proposed to be provided to the dwelling units as listed under section 5.4.1, page 44 "Apartment Contents" of the submitted Statement of Environmental Effects, prepared by Nino Urban Planning and Development, dated April 2012, that accompanies this

development application.

91. The boarding house premises shall be operated in accordance with the approved Plan of Management at all times.

**Environmental Amenity**

92. 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.
93. Street numbering must be provided to the front of the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council.

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

94. Each boarding room must be occupied by no more than two people at any one time.
95. Adequate provisions are to be made within the premises for the storage and removal of waste and recyclable materials, to the satisfaction of Council and the location, collection, storage and removal of wastes generated within the premises must not result in a public health nuisance or cause pollution.

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

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

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

97. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises.
98. The use and operation of the premises shall not give rise to an environmental health or public nuisance.
99. There are to be no emissions or discharges from the premises, which give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulation.
100. The design, construction and operation of the vehicle repair workshops or the like must comply with the following requirements (as applicable):
- a) A bund wall must be constructed around all work and liquid storage areas to prevent any spillage entering into the stormwater system. The bunded area must provide for at least a volume equal to 110% of the largest containers stored and graded to a blind sump so as to facilitate

- cleansing.
- b) A trafficable bund, capable of preventing the escape of any pollutant into Council's stormwater drainage system, must be provided to all access ways/exits from the development.
  - c) Flammable and combustible liquids must be stored in accordance with AS 1940-2004 - The Storage and Handling of Flammable and Combustible Liquids and relevant requirements of NSW WorkCover Authority.
  - d) Prior to the storage of any 'dangerous goods' on the premises, a licence must be obtained from the WorkCover Authority (Chemical Safety Branch) and a copy of the licence must be forwarded to Council.
  - e) Service and parking areas must be graded and drained to a stormwater treatment device capable of removing litter, oil, grease and sediment prior to discharge to the stormwater system complying with relevant EPA/DECC requirements & guidelines and Council's conditions of consent.
  - f) A permanent record of receipts for the removal of both liquid and solid waste from the site shall be kept and maintained up to date at all times. The records are to be made available to EPA/DECC & Council Officers, upon request.
  - g) All stormwater drains/pits on the site must be provided and maintained with the message "The drain is just for rain". Lettering shall be 100mm high block bold yellow lettering, using quality road line marking paint.
101. Servicing, detailing and repairs of vehicles or vehicle parts must be conducted in a covered, bunded area. Vehicles awaiting repair, under repair or awaiting delivery, shall not be stored, parked, or otherwise permitted to stand in a public street. All such vehicles must be accommodated within the premises.
102. All automotive parts being stored wholly within the building and no automotive parts shall be stored in the open.
103. Covered, bunded work areas, including workshops and lube bays, being graded into collection sumps and/or grated drains so that surface effluent generated within the workshop area is directed into a dedicated drainage system for treatment, storage and disposal. If liquid wastes are to be disposed of to the sewer, a Trade Waste Agreement from Sydney Water is to be obtained. A copy of the licence is to be forwarded to Council as proof of appropriate disposal. Alternatively, disposal of waste is to be conducted in accordance with the Environmental Protection Authority's Waste Tracking Guidelines as described in the Environmental Protection Authority's Waste Regulation under the *Protection of the Environment Operations Act 1997* (NSW) and details of compliance must be provided to Council.
104. Sufficient supplies of appropriate absorbent materials and/or other appropriate spill clean up equipment shall be kept on site to recover any liquid spillage. Liquid spills must be cleaned up using dry methods only and shall not give rise to an offence under the *Protection of the Environment Operations Act 1997*.
105. No spray painting being carried out on the premises, unless the prior development consent has been obtained from Council.
106. No panel beating, dismantling or wrecking of vehicles shall be carried out on the premises.



**GENERAL ADVISORY NOTES**

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

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

A2 The assessment of this development application does not include an assessment of the proposed building work under the Building Code of Australia (BCA) and Disability (Access to Premises – Buildings) Standards 2010.

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

A3 In existing buildings, the levels of fire and occupant safety should be upgraded where necessary and details should be incorporated in the Construction Certificate to the satisfaction of the Certifying authority.

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

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

A4 The applicant is advised that Places of Shared Accommodation (including Boarding / Lodging Houses, Bed & Breakfast businesses, Backpackers, Residential Hotels or the like must comply with relevant public health and safety legislation and requirements and they must be registered with Council prior to an Occupation Certificate being issued for the development. The relevant registration and inspection fee is also required to be paid to Council in accordance with Council's adopted Pricing Policy.

A5 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.

A6 The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

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

**CP31/13 Director City Planning Report - 8 Simeon Street, Clovelly  
(DA/794/2011/A)**

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137/13

**RESOLUTION: (Andrews/Roberts)** that Council, as the consent authority, grants development consent under Section 96(2) of the Environmental Planning and Assessment Act 1979 to modify Development Consent No DA/794/2011 by carrying out internal changes, converting roof space to rumpus room, changes to window openings on elevations, lowering the finished floor levels of the dwelling at ground and first floor levels and reducing the rear yard and deck levels at 8 Simeon Street, Clovelly following manner:

**A Amend Condition No. 1 to read:**

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

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
DA01C- Site Plan	In + Out Pty Ltd	14 January 2013	15 January 2013
DA03C- Ground Floor Plan			
DA04B- First floor Plan			
DA05B – Upper sitting area			
DA06C- Roof Plan			
DA07C- Section S1			
DA08B- Section S2			
DA09D- East and West Elevations			
DA10C-North Elevation			
DA11C-South Elevation			

**B Delete Condition No. 2**

**CP32/13 Director City Planning Report - 8 Nagle Avenue, Maroubra (DA/774/2009/A)**

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

138/13

**RESOLUTION: (Nash/Stavrinos)** that Council as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No DA/774/2009/A for permission to modify the approved development by increasing the length of carport, alteration to front of dwelling, internal reconfiguration and alteration to location and size of some windows at No.8 Nagle Avenue, Maroubra in the following manner:

- **Amend Condition No 1 to read:**

The development must be implemented substantially in accordance with the plans numbered 51/09 dated 12 October 2009 and received by Council on 22 October 2009, the application form and on any supporting information received with the application, as amended by the **Section 96 plans 51/09A, dated 25 February 2013 and received by Council on 8 April 2013 only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application**, except as may be amended by the following conditions and as may be shown in red on the attached plans:

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

**CP33/13 Director City Planning Report - 18 Cliffbrook Parade, Clovelly  
(DA/601/2012)**

139/13

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

- A. That Council supports the objections under State Environmental Planning Policy No. 1 Development Standards in respect to non-compliance with Clauses 20E(2), 20F(2), 20G(2) and 20G(4) of Randwick Local Environmental Plan 1998 (Consolidation), relating to landscaped area, floor space ratio, building height and external wall height respectively, on the grounds that the proposed development complies with the objectives of the above clauses, and will not unreasonably affect the amenity of the adjoining premises and 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. 601/2012 for alterations and additions to an existing residential flat building, including construction of a 3<sup>rd</sup> level; installation of front balconies; construction of a rear extension with 2 car spaces, access stairs, lift and terraces; and landscaping, at No. 18 Cliffbrook Parade, Clovelly, subject to the attached conditions of consent:

**DEVELOPMENT CONSENT CONDITIONS**

**GENERAL CONDITIONS**

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

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

**Approved Plans & Supporting Documentation**

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

Plan Number / Title	Dated	Received	Prepared By
TA A01 0002 (Rev 01) Roof / Site Plan	April 2013	22 April 2013	Turco & Associates Architects
TA A01 0900 Demolition Plans	March 2012	22 April 2013	
TA A01 1000 (Rev 01) Floor Plans	April 2013	22 April 2013	
TA A01 1001 (Rev 01) Plans – Extent of Additions	April 2013	22 April 2013	
TA A02 2000 (Rev 01) Elevations	April 2013	22 April 2013	
TA A02 2001 (Rev 01) Elevations – Extent of Additions	April 2013	22 April 2013	
TA A03 3000 (Rev 01) Sections	April 2013	22 April 2013	
TA A09 9000 (Rev 01) Photomontages	April 2013	22 April 2013	
TA A01 1100 (Rev 01) Strata Plans	April 2013	22 April 2013	
LA001 Landscape Concept Plan	20.06.2012	19 September 2012	Alice Laurie Landscapes

BASIX Cert. No.	Project Name	Dated	Received
A137226_02	1/18 Cliffbrook Parade, Clovelly_02	2 May 2013	2 May 2013
A137235_02	2/18 Cliffbrook Parade, Clovelly_02	2 May 2013	2 May 2013
A137243_02	3/18 Cliffbrook Parade, Clovelly_02	2 May 2013	2 May 2013

### Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements and details are to be included in the *Construction Certificate*:

- a) The proposed privacy screens to the stairwell on Levels 1 to 3, the waste storage area on Level 1, and rooftop terraces on Level 2 in the northern section of the site, must be constructed with galvanized steel slats, with the total area of openings not exceeding 25% of the surface area of the screens.
- b) The following windows must be constructed with translucent / obscured glazing:

Floor	Unit	Elevation	Windows
Level 1	Unit 1	East	Ensuite
Level 1	Unit 1	West	Bathroom
Level 2	Unit 2	East	Dining and kitchen areas
Level 2	Unit 2	West	Ensuite and bathroom

- c) The opening adjacent to the Level 2 stair landing on the western elevation of the building must be enclosed with fixed translucent / obscured glazing.
- d) The canopy above Level 1 on the western elevation of the building (measuring approximately 12.1m x 1.2m in dimensions) MUST BE DELETED.

An awning measuring not more than 1200mm (length) x 900mm (width) may be installed above the Level 1 entry door to Unit 1 on the western elevation of the building.

- e) The front fence along the Cliffbrook Parade boundary of the site must have a maximum height of not more than 1800mm, as measured from the existing ground level, with the solid masonry portion not exceeding 1200mm. The upper 1/3 of the fence must be constructed with timber or metal slats with a minimum of 30% openness over the surface area of the timber / metal component.
- f) No spa pool is permitted in the front yard to the south of the building.
- g) A roller door must be installed to provide security to the parking spaces. The roller door must be installed at 5500mm from the southern wall of the car park.
- h) A lockable door must be installed at the pedestrian entry from the car park to the lift lobby on Level 1, which is located adjacent to the storage facility for Unit 3.
- i) A minimum of one (1) bicycle parking space must be provided within the development. The design and construction of the bicycle parking facility

must comply with Australian Standard 2890.3: Bicycle Parking Facilities.

- j) Suitable security lighting must be installed along the pedestrian entry path adjacent to the western boundary of the site. The lighting devices must have the light source located not higher than 1.2m above the finished ground level, and must be directed towards the ground.
- k) Lighting to the premises must be designed in accordance with Australian Standard AS 4282: *Control of the Obtrusive Effects of Outdoor Lighting* so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.

#### **REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED**

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

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

#### **Consent Requirements**

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

#### **External Colours, Materials & Finishes**

- 4. The colours, materials and surface finishes to the development must be consistent with the approved drawings outlined in Condition 1.

#### **Section 94A Development Contributions**

- 5. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, based on the development cost of \$437,800, the following applicable monetary levy must be paid to Council: **\$4,378**.

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

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

#### **Affordable Housing Contributions**

- 6. A monetary contribution of **\$78,562.50** is required for the purpose of mitigating the loss of low cost rental accommodation on the site caused by the development, pursuant to Clause 51 of State Environmental Planning Policy (Affordable Rental Housing) 2009. The contribution must be paid in full to Council prior to the issuing of any Construction Certificate relating to the development.

#### **Long Service Levy Payments**

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

the *Environmental Planning & Assessment Act 1979*.

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

#### **Security Deposit**

8. 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.

#### **Vehicle Access**

9. To improve vehicle access to the carspaces, plans submitted for the construction certificate must incorporate the following amendment:
- a) A 2m x 2m splay shall be provided for vehicle movement at the intersection of the southern Right of Way boundary and the prolongation of the western internal garage wall. The splay must be clear of all obstructions. (Refer to markings in red on the A1 sized approved plans.)

Note: This will require a reconfiguration of the waste bin area and storage area for Unit 3.

#### **Stormwater Drainage**

10. To meet the demand of the proposed development and comply with the requirements of the SEPP 71 (Coastal Protection) all site stormwater must be piped to a sediment/silt arrester pit that then drains under the coastal walk to discharge to Gordon's Bay Reserve via a suitable outlet. If an upgrade of the existing stormwater drainage system is required detailed drainage plans with levels reduced to Australian Height Datum (AHD), shall be prepared by a suitably qualified Hydraulic Engineer and be submitted to and approved by the certifying authority. A copy of the plans shall be forwarded to Council, if Council is not the certifying authority.

The drainage plans must demonstrate compliance with the Building Code of Australia, Australian Standard AS3500.3:2003 (Plumbing and Drainage - Stormwater Drainage) and the relevant conditions of this development approval.

11. The location and details of any proposed internal stormwater pipelines, silt arrester pit and outlet shall be submitted to and approved by the certifying authority (\* and Council see note b below) prior to a construction certificate

being issued for the development. A copy of the plans shall be forwarded to Council, prior to a construction certificate being issued, if Council is not the certifying authority.

Notes:

- a. The sediment/silt arrestor pit shall be constructed:-
  - i. within the site at or near the southern boundary.
  - ii. with a child proof and corrosion resistant fastening system (e.g. spring loaded jay-bolt).
  - iii. with a minimum of 4 x 90 mm diameter weep holes (preferably located in the walls of the pit at the floor level) and with a suitable geotextile material **with a high filtration rating** located around the weep holes.
  - iv. with the pit floor being a minimum 300mm below the invert level of the outlet pipelines.
  - v. with a **galvanised** heavy duty screen (Lysaght RH3030 Maximesh or similar) located over the outlet pipes draining to the infiltration pit and the kerb. (Similar to a Mascot GRC stormwater discharge control pit, product code DS3SDC).
- b. The location and features of any point of discharge (e.g headwall) in Gordon's Bay Reserve must be approved by Council's Development Engineer (9399-0881) and Natural Resources Coordinator (9399-0683) in writing prior to a construction certificate being issued for this development.
- c. Any overflow pipes from rainwater tanks shall be directed to the sediment arrestor pit.

### **Sydney Water Requirements**

12. 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](http://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 prior to issuing the construction certificate.

### **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

*Assessment Regulation 2000*, Councils development consent conditions and to achieve reasonable levels of environmental amenity.

**Building Code of Australia & Fire Safety**

13. In accordance with section 80A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA). Details of compliance are to be provided in the Construction Certificate.
14. All new building work (including alterations, additions, fit-out work and fire safety works) are to be carried out in accordance with the relevant provisions of the Building Code of Australia (BCA) and details are to be included in the Construction Certificate, to the satisfaction of the Certifying Authority.
15. The existing levels of fire and safety within the building are to be upgraded in accordance with the following requirements, to provide improved levels of fire and occupant safety in the building:
  - A report prepared by a suitably qualified and experienced Building Code of Australia/Fire Safety Consultant is to be submitted to and approved by Council's Manager of Health, Building & Regulatory Services, prior to issuing a Construction Certificate.

The report must include a detailed assessment of the existing building and compliance with the Building Code of Australia. The report must also include details of the measures and works considered appropriate to achieve an adequate level of fire safety and sound transmission and insulation between the sole occupancy units for the building and the occupants.

The fire safety upgrading works and sound transmission measures (as approved by Council) are required to be incorporated into the Construction Certificate and be implemented prior to issue of a final Occupation Certificate for the development.
16. In existing buildings, the following works are to be carried out to ensure minimum levels of fire safety (as applicable) to the satisfaction of the Certifying Authority:
  - Any new or replacement ceilings, walls and floor linings and doorways are required to satisfy the relevant requirements of the Building Code of Australia.
  - Any residential parts of the building must be provided with a smoke detection and alarm system, in accordance with the relevant provisions of the Building Code of Australia.

Details of the above works are to be included in the construction certificate, to the satisfaction of the Certifying Authority.
17. The building and fire safety upgrading works must be included in the *Construction Certificate* for the development and must be carried out prior to issuing of a final *Occupation Certificate* for the development. Written correspondence must be provided to Council which confirms that all of the upgrading works have been carried out in accordance with the conditions of consent.



**Access & Facilities**

18. Access and/or facilities for people with disabilities must be provided to all new building work in accordance with any relevant provisions of the Building Code of Australia Disability (Access to Premises – Buildings) Standards 2010, to the satisfaction of the Certifying Authority.

**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.*

**Building & Design**

20. Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.
21. A single common television aerial, and/or satellite dish (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.

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

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

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

**Certification and Building Inspection Requirements**

22. 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) 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

- d) at least two days notice must be given to the Council, in writing, prior to commencing any works.

#### **Dilapidation Reports**

23. A dilapidation report prepared by a *professional engineer* or suitably qualified and experienced building surveyor shall be submitted to the *certifying authority* prior to the commencement of demolition, excavation or building works detailing the current condition and status of **all buildings and ancillary structures located upon all of the premises adjoining the subject site** (e.g. dwellings, residential flat buildings, garages, carports, verandah's, fences, retaining walls, swimming pools and driveways etc); **all structures located immediately adjacent to the right of way at the rear of Nos. 14 to 22 Cliffbrook Parade**; and the **paved surfaces of the aforementioned right of way**.

The report (including photographs) is required to detail the current condition and status of the items identified above, which may be affected by the subject works. A copy of the dilapidation report must be given to the owners of the premises encompassed in the report/s before commencing any works.

#### **Demolition Work & Removal of Asbestos Materials**

24. Demolition work must be carried out in accordance with the following requirements:
- a) Demolition work must be carried out in accordance with Australian Standard, AS2601 (2001) - The Demolition of Structures and a Demolition Work Plan is required to developed and implemented to the satisfaction of the Principal Certifying Authority prior to commencing any demolition works.
- b) The demolition, removal, storage and disposal of any materials containing asbestos must be carried out in accordance with the relevant requirements of WorkCover NSW, Council's Asbestos Policy and the following requirements:
- A licence must be obtained from WorkCover NSW for the removal of friable asbestos and or more than 10m<sup>2</sup> of bonded asbestos (i.e. fibro)
  - Asbestos waste must be disposed of in accordance with the *Protection of the Environment Operations Act 1997* & relevant Regulations
  - A sign must be provided to the site/building stating "Danger Asbestos Removal In Progress"
  - A Clearance Certificate or Statement must be obtained from a suitably qualified person (i.e. Occupational Hygienist) upon completion of the asbestos removal works, which is to be submitted to the Principal Certifying Authority and Council prior to issuing an Occupation Certificate.

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

#### **Construction Noise & Vibration**

25. 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 provisions of the *Protection of the Environment Operations Act 1997* 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 and Vibration Management Plan*, prepared in accordance with the DECC Construction Noise Guideline, by a suitably qualified person is to be developed and implemented throughout the works, to the satisfaction of the Council. A copy of the plan must be provided to the Council and Principal Certifying Authority prior to the commencement of site works.

### **Construction Traffic Management**

26. An application for a 'Works Zone' and Construction Traffic Management Plan must be submitted to Councils Integrated Transport Department, and approved by the Randwick Traffic Committee, for a 'Works Zone' to be provided in Oak Street for the duration of the demolition & construction works.

The 'Works Zone' must have a minimum length of 12m and extend for a minimum duration of three months. The suitability of the proposed length and duration is to be demonstrated in the application for the Works Zone. The application for the Works Zone must be submitted to Council at least six (6) weeks prior to the commencement of work on the site to allow for assessment and tabling of agenda for the Randwick Traffic Committee.

The requirement for a Works Zone may be varied or waived only if it can be demonstrated in the Construction Traffic Management Plan (to the satisfaction of Council's Traffic Engineers) that all construction related activities (including all loading and unloading operations) can and will be undertaken wholly within the site. The written approval of Council must be obtained to provide a Works Zone or to waive the requirement to provide a Works Zone prior to the commencement of any site work.

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

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

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

footways or any public place

- Measures to maintain public safety and convenience
- Measures to minimize disruptions to neighbours access via the existing Right of Way

#### **Public Utilities**

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

#### **Landscaping**

30. The Landscape Concept Plan by Alice Laurie Landscapes, dwg LA 001, dated 20.6.12 and stamped by Council 19 September 2012, must be amended to reflect the architectural changes that have been made to the proposal, and will need to detail the additional treatment that can now be provided to the following areas, as shown on dwg TA A01, 1001, Rev01 by Turco & Associates:
- a) the UNIT 1, LVLOG courtyard fronting the coastal walk and adjacent the path/walkway;
  - b) along the western and eastern edges of LVL01 – UNIT 1;
  - c) around the rear terraces of LVL02 – UNIT 02;
  - d) the planter along the eastern edge of LVL03 – UNIT 03.
31. The PCA must also ensure that the following information is included on this revised plan:
- a) The minimum soil width of planter boxes over podium must be 400mm, with the minimum soil depth to be 500mm.
  - b) For those garden areas that will not receive natural rainfall (due to overhead awnings, canopies, balconies and similar), an automatic drip irrigation system shall be installed, with details showing that this system will be connected to the sites rainwater tanks, with back-up connection to the mains supply, in accordance with all current Sydney Water requirements.
  - c) Ground-cover species that will cascade over the edge of the planters shall be provided in those planters on the upper levels.
  - d) Additional notation showing soil and mulch/gravel details, edging, paving, fencing, lighting, surface finishes, retaining wall details, and any other landscape elements in order fully detail the proposed works.
  - e) In order to reduce the amount of storm-water generated by the site, as well as to recharge groundwater supplies, porous/permeable paving shall be used for all ground level surfacing.

### **REQUIREMENTS DURING CONSTRUCTION & SITE WORK**

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

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

### **Building Inspection Requirements**

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

### **Excavations & Support of Adjoining Land**

33. 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.
34. All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and supported to prevent them from being dangerous to life, property or buildings.

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

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

### **Permitted Working Hours**

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

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> <li>• Monday to Friday - 7.00am to 5.00pm</li> <li>• Saturday - 8.00am to 5.00pm</li> <li>• Sunday &amp; public holidays - No work permitted</li> </ul>
Excavating of rock, use of jack-hammers, pile-drivers or the like	<ul style="list-style-type: none"> <li>• Monday to Friday - 8.00am to 5.00pm</li> <li>• Saturday - No work permitted</li> <li>• Sunday &amp; public holidays - No work permitted</li> </ul>
Internal work only within a commercial or industrial development, located in a	<ul style="list-style-type: none"> <li>• Monday to Saturday - No time limits (subject to column 1)</li> <li>• Sunday &amp; public holidays - No</li> </ul>

commercial or industrial zone, which is not audible within any residential dwelling or commercial or industrial premises	work permitted
Additional requirements for all development (except for single residential dwellings)	<ul style="list-style-type: none"> <li>• Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - No work permitted</li> </ul>

*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.*

### **Construction Site Management**

36. Public health, safety and convenience must be maintained at all times during demolition and building works and the following requirements must be complied with at all times:
- a) A sign must be provided and maintained in a prominent position throughout the works, which contains the following details:
    - name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours,
    - name, address and telephone number of the *Principal Certifying Authority*,
    - a statement stating that "unauthorised entry to the work site is prohibited".
  - b) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, trip hazards, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.
  - c) Building materials, sand, soil, waste materials, construction equipment or other materials or articles must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
  - d) Bulk bins, waste containers or other articles must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container or other articles in a public place can be made to Council's Building Services section.
  - e) During demolition and construction, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to the satisfaction of Council.

Details of the proposed sediment control measures are to be detailed in the *site management plan* which must be submitted to the Principal

Certifying Authority and Council prior to the commencement of any site works. The sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction. A copy of the plan is to be maintained on-site and be made available to Council officers upon request.

- f) Public safety must be maintained at all times and public access to any demolition and building works, materials and equipment on the site is to be restricted. If necessary, a temporary safety fence or hoarding (having a minimum height of 1.5m) is to be provided to protect the public. Temporary site fences are to be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible. If necessary, an overhead (B Class type) hoarding may be required to protect the public or occupants of the adjoining premises from falling articles or materials.

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

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

All works within or upon the road reserve, footpath, nature strip or other public place are to be completed to the satisfaction of Council, prior to the issuing of an occupation certificate for the development. For further information, please contact Council's Road / Asset Opening Officer on 9399 0691 or 9399 0999.

#### **Building Encroachments**

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

#### **Gordons Bay Reserve**

38. No foreign matter, including, but not limited to: litter, cement wash, concrete, fill, soils, mulch, building materials, chemicals, petroleum-based products, paint, etc, shall be disposed of in, or placed in, or where they may enter, Gordons Bay Reserve. In all instances where such substances have been disposed of in, have been placed in, or have entered, the reserve, all affected areas shall be immediately repaired to the satisfaction of Council's Natural Resources Coordinator.
39. The applicant shall maintain pedestrian access along Cliffbrook Parade (coastal walk) during the course of the proposed works.

**Road / Asset Opening Permit**

40. 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.

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

**Right of Way Access**

41. As access to neighbouring properties via the existing Right of Way may be affected by the proposed works the applicant/builder shall inform all affected parties in writing of the expected time frame for these works. A minimum of 7 days notice must also be given prior to any works requiring closure of the right of way and be kept to a minimum as much as possible to minimize disruption to affected parties. At all other times access to properties through the Right of Way must be maintained.

**Access handles/Right of Way**

42. Permission is granted for the pruning of those various shrubs/small trees growing in the rear yards of properties in both Melrose Parade and Cliffbrook Parade, only where they overhang the Right of Way, and need to be pruned so as to facilitate truck/machinery access or to avoid damage to this vegetation during the course of works.
43. Should pruning beyond the common boundary/Right of Way be required, only in the interests of adhering to correct pruning standards, the applicant must obtain written permission from the relevant private property owners for access to perform this work, with this approval to be submitted to the satisfaction of the PCA, prior to commencing such pruning works.
44. All tree works must be undertaken by an Arborist who holds a minimum of AQF Level III in Arboriculture, and to the requirements of Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and NSW Work Cover Code of Practice for the Amenity Tree Industry (1998).

**REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

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

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

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

**Occupation Certificate Requirements**

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.

### **Fire Safety Certificates**

46. Prior to issuing an interim or final Occupation Certificate, a single and complete *Fire Safety Certificate*, encompassing all of the essential fire safety measures contained in the *fire safety schedule* must be obtained and be submitted to Council, in accordance with the provisions of the *Environmental Planning and Assessment Regulation 2000*. The *Fire Safety Certificate* must be consistent with the *Fire Safety Schedule* which forms part of the Construction Certificate.

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

### **Structural Certification**

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

### **BASIX Requirements & Certification**

48. In accordance with Clause 154B of the *Environmental Planning & Assessment Regulation 2000*, a Certifying Authority must not issue an Occupation Certificate for this development, unless it is satisfied that any relevant BASIX commitments and requirements have been satisfied.

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

### **Occupant Safety - Windows**

49. 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 openings upon the front or any street elevation of the building), such as a metal security screen or metal security mesh and frame system, but not standard fly-screen material,
- Other appropriate effective safety measures or barriers.

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

**Noise Emissions - Certification**

50. Where plant and equipment is installed in the premises (e.g. air-conditioners, mechanical ventilation/exhaust systems or refrigeration motors etc), a written report or statement must be obtained from a suitably qualified and experienced consultant in Acoustics.

The report/statement must demonstrate and confirm that noise and vibration from the development satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Office of Environment & Heritage/Environment Protection Authority Noise Control Manual & Industrial Noise Policy, Council's conditions of consent (including any relevant approved acoustic report and recommendations), to the satisfaction of Council. The assessment and report must include all relevant fixed and operational noise sources and a copy of the report/statement must be provided to Council prior to the issue of an Occupation Certificate.

**Landscape Certification**

51. Prior to issuing a Final (or any type of interim) Occupation Certificate, certification from a qualified professional in the landscape/horticultural industry must be submitted to, and be approved by, the PCA, confirming that landscaping at this site has been installed substantially in accordance with the Landscape Concept Plan by Alice Laurie Landscapes, dwg LA 001, dated 20.6.12, and relevant conditions of consent, with the owner/s to implement strategies to ensure that it is maintained in a healthy and vigorous state until maturity.

**Council's Infrastructure, Vehicular Crossings, street verge**

52. 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.
53. 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.

**Stormwater Drainage**

54. The applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with Australian Standard 3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and the conditions of this development approval. The certification must be provided following inspection/s of the site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the PCA.

**NOTE:**

Council's Development Engineer and Natural Resources Coordinator shall be notified to arrange inspection of any completed drainage works within Gordons Bay reserve. The completed works and any required remedial action must be to the satisfaction of Council. Please contact Council's Development Engineer (9399-0881) and Natural Resources Coordinator (9399-0686) at the appropriate time.

**REQUIREMENTS PRIOR TO THE ISSUE OF A SUBDIVISION/STRATA CERTIFICATE**

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

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

55. A formal subdivision application is required to be submitted to and approved by the Council or an accredited certifier and all relevant conditions of this development consent are required to be satisfied.
56. All floors, external walls and ceilings depicted in the proposed strata plan must be constructed.
57. All floors, external walls and ceilings depicted in the proposed strata plan must correspond to those depicted in this development consent and construction certificate for the building.
58. 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.
59. The applicant shall create suitable right of carriageway, easements for services and internal stormwater lines, as required. The applicant shall be advised that the minimum easement width for any internal stormwater line is 0.9 metres.
60. The conditions of development consent must be satisfied and all public roads and reserves must be satisfactorily restored prior to endorsement of the strata subdivision plans.

**Sydney Water Requirements**

61. 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](http://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 issuing an *Occupation Certificate* or *Subdivision Certificate*, whichever the sooner.

#### **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.

#### **Fire Safety Statements**

62. A single and complete *Fire Safety Statement* (encompassing all of the fire safety measures upon the premises) must be provided to the Council in accordance with the requirements of the *Environmental Planning & Assessment Regulation 2000*.

The *Fire Safety Statement* must be provided on an annual basis each year following the issue of the *Fire Safety Certificate*, and other period if any of the fire safety measures are identified as a *critical fire safety measure* in the *Fire Safety Schedule*.

The *Fire Safety Statement* is required to confirm that all the fire safety measures have been assessed by a properly qualified person and are operating in accordance with the standards of performance specified in the *Fire Safety Schedule*.

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

#### **Environmental Amenity**

63. The use and operation of the premises shall not give rise to an environmental health or public nuisance, cause a vibration nuisance or, result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.

64. The proposed use and operation of the premises (including all plant and equipment) must 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 Office of Environment & Heritage/Environment Protection Authority Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

#### **Waste Management**

65. Adequate provisions are to be made within the premises for the storage, collection and disposal of trade/commercial waste and recyclable materials, to the satisfaction of Council.

Any trade/commercial waste materials must not be disposed in or through Council's domestic garbage service. All trade/commercial waste materials

must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed waste collection and disposal service are to be submitted to the Principal Certifying Authority and Council prior to commencing operation of the business.

The operator of the business must also arrange for the recycling of appropriate materials and make the necessary arrangements with an authorised waste services contractor accordingly.

66. 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.
67. Street numbering must be provided to the front of the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council.

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

#### **GENERAL ADVISORY NOTES**

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

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

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

- A2 Demolition, building or excavation work must not be commenced until;
- A Construction Certificate has been obtained from an Accredited Certifier or Council
  - An Accredited Certifier or Council has been appointed as the Principal Certifying Authority for the development
  - Council and the Principal Certifying Authority have been given at least 2 days notice (in writing) prior to commencing any works.
- A3 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA), Disability (Access to Premises – Buildings) Standards 2010 and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards. You are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.
- A4 Any proposed amendments to the design and construction of the building may require a new development application or a section 96 amendment to the existing consent to be obtained from Council, before carrying out such works

- A5 Council's *Building Approvals & Certification team* can issue Construction Certificates and be your Principal Certifying Authority for the development, to undertake inspections and ensure compliance with the development consent, relevant building regulations and standards of construction. For further details contact Council's *Building Approvals & Certification team* on 9399 0944.
- A6 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place, to the satisfaction of the Certifying Authority.
- A7 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:
- the consent of the owners of such adjoining or supported land to trespass or encroach, or
  - an access order under the *Access to Neighbouring Land Act 2000*, or
  - an easement under section 88K of the *Conveyancing Act 1919*, or
  - an easement under section 40 of the *Land & Environment Court Act 1979*, as appropriate.
- Section 177 of the *Conveyancing Act 1919* creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).
- A8 External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the building, or cause a nuisance or damage to any adjoining land.
- A9 Finished ground levels external to the building are to be consistent with the development consent and are not to be raised, other than for the provision of approved paving or the like on the ground.
- A10 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.
- A11 A Local Approval application must be submitted to and be approved by Council's Building Approvals & Certification team prior to commencing any of the following activities on a footpath, road, nature strip or in any public place: -
- Install or erect any site fencing, hoardings or site structures
  - Operate a crane or hoist goods or materials over a footpath or road
  - Placement of a waste skip or any other container or article.
- For further information please contact Council's Building Approvals & Certification team on 9399 0944.
- A12 The necessary development consent and a construction certificate or a complying development certificate (as applicable) must be obtained for proposed external plant and equipment, if not included in this consent.

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

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

- A14 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.

- A15 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.

- A16 In existing buildings, the levels of fire and occupant safety should be upgraded where necessary and details should be incorporated in the Construction Certificate to the satisfaction of the Certifying authority.

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

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

- A17 Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

- A18 The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

- A19 Further information and details on Council's requirements for trees on development sites can be obtained from the recently adopted Tree Technical Manual, which can be downloaded from Council's website at the following link, <http://www.randwick.nsw.gov.au> - Looking after our environment – Trees – Tree Management Technical Manual; which aims to achieve consistency of

approach and compliance with appropriate standards and best practice guidelines.

**MOTION: (Nash/D'Souza)** that the application be deferred for mediation and for the applicant to consider the submission of amended plans detailing the removal of the upper level unit. **LOST.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor D'Souza	Councillor Andrews
Councillor Garcia	Councillor Belleli
Councillor Matson	Councillor Bowen
Councillor Nash	Councillor Moore
Councillor Neilson	Councillor Roberts
Councillor Seng	Councillor Smith
Councillor Shurey	Councillor Stavrinou
	Councillor Stevenson
<b>Total (7)</b>	<b>Total (8)</b>

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

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor D'Souza
Councillor Belleli	Councillor Garcia
Councillor Bowen	Councillor Matson
Councillor Moore	Councillor Nash
Councillor Roberts	Councillor Neilson
Councillor Seng	Councillor Shurey
Councillor Smith	Councillor Stevenson
Councillor Stavrinou	
<b>Total (8)</b>	<b>Total (7)</b>

**AMENDMENT: (Neilson/Matson)** that the application be deferred to allow the applicant to submit amended plans to reduce the height to comply with the LEP 12 metre height limit. **LOST.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Neilson	Councillor Andrews
Councillor Shurey	Councillor Belleli
	Councillor Bowen
	Councillor D'Souza
	Councillor Garcia
	Councillor Matson
	Councillor Moore
	Councillor Nash
	Councillor Roberts
	Councillor Seng
	Councillor Smith
	Councillor Stavrinou
	Councillor Stevenson



Total (2)

Total (13)

**CP34/13 Director City Planning Report - 18 Napper Street, South Coogee  
(DA/150/2011/A)**

140/13

**RESOLUTION: (Andrews/Stevenson)** that Council, as the consent authority, grants development consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify approved Development Application No. DA/150/2011 by altering the internal layout of the dwelling house, new platform and associated spiral stair added to the rear pool area, and construction of new enclosure over the existing pool area, at No. 18 Napper Street, South Coogee, subject to the following conditions:

**Amend Condition No. 1 to read:**

1. The development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council's approved stamp:

<i>Plan</i>	<i>Drawn by</i>	<i>Revision</i>	<i>Dated</i>	<i>Received</i>
02A	Arkivis	C	29-06-2011	1-09-2011
03A		C	29-06-2011	1-09-2011
04A		C	29-06-2011	1-09-2011
05A		C	29-06-2011	1-09-2011
06A		C	29-06-2011	1-09-2011
07A		C	29-06-2011	1-09-2011
08A		C	29-06-2011	1-09-2011
09A		C	29-06-2011	1-09-2011
10A		C	29-06-2011	1-09-2011
Footpath, Driveway Plan and Driveway Section		C	29-06-2011	1-09-2011

the application form and on any supporting information received with the application, as amended by the **Section 96 'A' - plans drawn by Arkivis, plans numbered 01A to 07A (Issue C), dated 22/08/2012, received by Council on 18 October 2012 and 08A to 09A (Issue C), dated 22/08/2012 and received by Council on 11 February 2013**, 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.

**The following conditions are added:**

85. The privacy screening shown on the north-east side elevation of the dwelling associated with the first floor terrace must be installed in accordance with Conditions 2b & c prior to occupation of the building.
86. A planter box shall be provided to the south western end of the proposed platform deck and must have a minimum *soil depth* of 600mm, and a minimum *soil width* of 900mm. The proposed planting species must be a species that will attain either a minimum height of 1.6 metres at maturity, or one which will be clipped/hedged to this height.

87. The area of the pool enclosed by the bifold doors and screening must only be used as an outdoor recreation area must not be converted into habitable floor area.
88. An amended BASIX Certificate shall be submitted to reflect any changes made in the plans submitted on 18 October 2012.

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

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

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

**Total (9)**

**Total (6)**

**AMENDMENT: (Matson/Neilson)** that Council, as the consent authority, grants development consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify approved Development Application No. DA/150/2011 by altering the internal layout of the dwelling house, new platform and associated spiral stair added to the rear pool area, and construction of new enclosure over the existing pool area, at No. 18 Napper Street, South Coogee, subject to the following conditions:

**Amend Condition No. 1 to read:**

- The development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council's approved stamp:

<i>Plan</i>	<i>Drawn by</i>	<i>Revision</i>	<i>Dated</i>	<i>Received</i>
02A	Arkivis	C	29-06-2011	1-09-2011
03A		C	29-06-2011	1-09-2011
04A		C	29-06-2011	1-09-2011
05A		C	29-06-2011	1-09-2011
06A		C	29-06-2011	1-09-2011
07A		C	29-06-2011	1-09-2011
08A		C	29-06-2011	1-09-2011
09A		C	29-06-2011	1-09-2011
10A		C	29-06-2011	1-09-2011
Footpath, Driveway Plan and Driveway Section		C	29-06-2011	1-09-2011

the application form and on any supporting information received with the application, as amended by the **Section 96 'A' - plans drawn by Arkivis, plans numbered 01A to 07A (Issue C), dated 22/08/2012, received by Council on 18 October 2012 and 08A to 09A (Issue C), dated 22/08/2012 and received by Council on 11 February 2013**, 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.

**The following conditions are added:**

85. The privacy screening shown on the north-east side elevation of the dwelling associated with the first floor terrace must be installed in accordance with Conditions 2b & c prior to occupation of the building.
86. A planter box shall be provided to the south western end of the proposed platform deck and must have a minimum soil depth of 600mm, and a minimum soil width of 900mm. The proposed planting species must be a species that will attain either a minimum height of 1.6 metres at maturity, or one which will be clipped/hedged to this height.
87. To ensure that the rear structure is not fully enclosed thereby constituting "floor area" the proposed privacy screens to the north eastern and north western ends of the boundary shall be higher than 1.6m from the existing ground level and the bi-fold doors between columns along the south western elevation must be deleted.
88. An amended BASIX Certificate shall be submitted to reflect any changes made in the plans submitted on 18 October 2012. **LOST.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Bowen	Councillor Andrews
Councillor D'Souza	Councillor Belleli
Councillor Garcia	Councillor Nash
Councillor Matson	Councillor Roberts
Councillor Moore	Councillor Seng
Councillor Neilson	Councillor Smith
Councillor Shurey	Councillor Stavrinou
	Councillor Stevenson
<b>Total (7)</b>	<b>Total (8)</b>

**CP35/13 Director City Planning Report - 164-168 Marine Parade, Maroubra (DA/491/2012)**

141/13

**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 20F(2) of Randwick Local Environmental Plan 1998 (Consolidation), relating to floor space ratio, on the grounds that the proposed development complies with the objectives of the above clause, and will not unreasonably 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. 491/2012 for alterations and additions to an approved multi unit housing building including retention of existing dividing wall between garages 3 and 4, conversion of storeroom 3 into 2 separate storerooms for units 3 and 4 at lower ground level, retention of existing laundry in unit 3, adjustment to stair configuration, conversion of second floor level into one 1 bedroom unit with internal reconfiguration and

adjustment to openings on north-west elevation at No. 164-168 Marine Parade, 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.

### Approved Plans & Supporting Documentation

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

Plan Number / Title	Dated	Received	Prepared By
A-01 (Rev B) Site Plan	Dec. 12	17 Dec 2012	Alex Pappas Architects Pty Ltd
A-02 (Rev B) Lower Ground Floor Plan	Dec. 12	17 Dec 2012	
A-03 (Rev B) Ground Floor Plan	Dec. 12	17 Dec 2012	
A-04 (Rev B) First Floor Plan	Dec. 12	17 Dec 2012	
A-05 (Rev B) Second Floor Plan	Dec. 12	17 Dec 2012	
A-06 (Rev B) Elevations	Dec. 12	17 Dec 2012	
A-07 (Rev B) Elevations	Dec. 12	17 Dec 2012	
A-08 (Rev B) Section A-A	Dec. 12	17 Dec 2012	

BASIX Certificate No.	Dated	Received
A140808_02	31 January 2013	31 January 2013

### Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements and details are to be included in the *Construction Certificate*:
  - (a) The splayed / tapered wall in the common staircase adjacent to Unit 3 on the First Floor shall be straightened in line with the main existing wall of the staircase.
  - (b) The bath tub in the en suite between Bedroom 1 and Bedroom 2 shall be deleted and the laundry room shall be relocated adjacent to the en suite.
  - (c) The partition walls between Bedroom 3 and the bathroom shall be straightened and made perpendicular to the southern external walls of the proposed development.
  - (d) The partition walls between Bedroom 1 and Bedroom 2 shall be straightened and made perpendicular to the southern external walls of the proposed development and the splayed / tapered glazed opening between Bedroom 1 and the adjoining east-facing balcony shall be straightened accordingly.

- (e) Bedroom 2 in Unit 1 shall be made into a study room.
- (f) Provision of fire protection devices for any openings exposed to the side boundaries comprising open sensor triggered fire shutters appropriately concealed to ensure that the façades of the building maintain integrity and amenity of the building; the streetscape and the foreshore.

**REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED**

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

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

**Consent Requirements**

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

**External Colours, Materials & Finishes**

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

Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the *Environmental Planning and Assessment Act 1979* prior to a construction certificate being issued for the relevant building works.

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

**Design Verification**

- 6. In accordance with the provisions of clauses 143A and 154A of the *Environmental Planning & Assessment Regulation 2000*, a 'Design Verification Certificate' must be provided to the Certifying Authority and the Council, prior to issuing a construction certificate and an occupation certificate, respectively.

**Long Service Levy Payments**

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

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

**Compliance with the Building Code of Australia**

- 8. In accordance with section 80 A (11) of the *Environmental Planning &*

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

**Compliance with sub-division code**

9. All floors, external walls and ceilings depicted in the proposed strata plan must correspond to those of the building as constructed.
10. 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.
11. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the website [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under Developing Your Land" or telephone 13 20 92 for assistance.

Following 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 release of the plan of subdivision.

12. The applicant shall provide Council with a copy of the survey 'Plan of Redefinition' of the property prior to receiving subdivision approval.
13. 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.
14. 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.
15. 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.

**Smoke Alarms**

16. Smoke alarms are required to be installed in each Class 1 building or dwelling in accordance with the relevant provisions of Part 3.7.2 of the B.C.A. – Housing Provisions. Smoke alarms must comply with AS3786 – Smoke alarms and 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.

**Sydney Water**

17. 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](http://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.

#### **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.

#### **Design Alignment levels**

18. 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 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 0881.

19. The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$135.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.

#### **Stormwater Drainage**

20. Surface water/stormwater (from the redeveloped portion of the site) must be drained and discharged to the street gutter in front of the site to the satisfaction of the certifying authority and details of the proposed stormwater drainage system are to be included in the construction certificate details for the development.

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

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

The following conditions of consent must be complied with prior to the commencement of any works on the site. The necessary documentation and

information must be provided to the Council or the *Principal Certifying Authority*, as applicable.

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

22. 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.

23. 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*.

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

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

25. **Prior to the commencement of any building or fire safety works**, the person having the benefit of the development consent must:

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

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

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

The *Principal Certifying Authority* must specify the relevant stages of construction to be inspected in accordance with section 81A (2) (b1) (ii) of the



Environmental Planning & Assessment Regulation 2000 and a satisfactory inspection must be carried out, to the satisfaction of the *Principal Certifying Authority*, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

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

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

27. A sign must be erected and maintained in a prominent position on the site for the duration of the works, which contains the following details:
- name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours,
  - name, address and telephone number of the *Principal Certifying Authority*,
  - a statement stating that "unauthorised entry to the work site is prohibited".
28. The required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, in accordance with Section 109F of the Environmental Planning & Assessment Act 1979.

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

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

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

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

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

### Public Utilities

30. A public utility impact assessment must be carried out on all public utility services located on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the building works. The assessment should include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of services.
31. The owner/builder must make the necessary arrangements and meet the full cost for telecommunication companies, gas providers, Ausgrid, Sydney Water and other service 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.

#### ***Construction site management***

32. Demolition work and the removal, storage, handling and disposal of building materials must be carried out in accordance with the following requirements (as applicable):
  - Australian Standard 2601 (2001) – Demolition of Structures
  - Occupational Health and Safety Act 2000
  - Occupational Health and Safety (Hazardous Substances) Regulation 2001
  - Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
  - Randwick City Council Asbestos Policy (adopted 13 September 2005)
  - WorkCover NSW Codes of Practice and Guidelines
  - The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.
33. In accordance with Council's Asbestos Policy, the following requirements are to be satisfied if any materials containing asbestos are present in the building:
  - a) Compliance with Randwick City Council's Asbestos Policy (adopted 13 September 2005).

*A copy of Council's Asbestos Policy is available on Council's web site at [www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au) in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.*
  - b) A Demolition Work Plan must be developed and implemented in accordance with Australian Standard AS2601-2001, Demolition of Structures.
  - c) A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
  - d) Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation

1996.

- e) Asbestos waste must be disposed of at an approved waste disposal depot (refer to the DEC or Waste Service NSW for details of sites). Copies of all receipts detailing method and location of disposal must be maintained on site and be provided to Council officers upon request, as evidence of correct disposal.
- f) On demolition sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.
- g) A certificate or Statement, prepared by a suitably qualified person (ie an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council upon completion of the works (prior to an Occupation Certificate being issued), which confirms that the relevant requirements contained in the Asbestos Survey and conditions of consent, in relation to the safe removal and disposal of asbestos, have been satisfied.
34. All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and supported to prevent them from being dangerous to life, property or buildings.

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

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

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

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

single residential dwellings)	Monday is a public holiday - No work permitted
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*An application to vary the abovementioned hours may be submitted to Council's Manager Health, Building & Regulatory Services for consideration and approval to vary the specified hours may be granted in exceptional circumstances and for limited occasions (e.g. for public safety, traffic management or road safety reasons). Any applications are to be made on the standard application form and include payment of the relevant fees and supporting information. Applications must be made at least 10 days prior to the date of the proposed work and the prior written approval of Council must be obtained to vary the standard permitted working hours.*

36. 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 provisions of the *Protection of the Environment Operations Act 1997* must be satisfied at all times.

Noise and vibration from any rock excavation machinery and pile drivers (or the like) must be minimised by using appropriate plant and equipment and silencers and a construction noise and vibration minimization strategy, prepared by a suitably qualified consultant is to be implemented during the works, to the satisfaction of the Principal Certifying Authority.

37. Public safety and convenience must be maintained at all times during demolition, excavation and construction works.
- a) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.
  - b) A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or footway for services or the like.
  - c) Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
  - d) Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health, Building & Regulatory Services department.
  - e) During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for *Managing Urban Stormwater – Soils and Construction*, published by the NSW Department of Housing. Sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction.
  - f) Public access to demolition/building works, materials and equipment on the site is to be restricted and a temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone

- wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.
- g) Temporary fences or hoardings or the like are to be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.
- h) The public safety provisions and temporary fences or hoardings must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.
- i) If it is proposed to locate any hoardings, site fencing or amenities upon any part of the footpath, nature strip or any public place, the written consent from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.
- j) Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line or any public place and the stockpiles must be protected with adequate sediment control measures.
- k) 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.
- l) A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities upon any part of the footpath, road, nature strip or in any public place:
- Install or erect any site fencing, hoardings or site structures
  - Operate a crane or hoist goods or materials over a footpath or road
  - Placement of a waste skip or any other container or article.
38. Demolition work and the removal, storage, handling and disposal of building materials must be carried out in accordance with the following requirements (as applicable):
- Australian Standard 2601 (2001) – Demolition of Structures
  - Occupational Health and Safety Act 2000
  - Occupational Health and Safety (Hazardous Substances) Regulation 2001
  - Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
  - Randwick City Council Asbestos Policy (adopted 13 September 2005)
  - WorkCover NSW Codes of Practice and Guidelines
  - The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.
39. Public safety and convenience must be maintained at all times during demolition, excavation and construction works.
- a) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.

- b) A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or footway for services or the like.
- c) Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
- d) Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health, Building & Regulatory Services department.
- e) During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing. Sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction.
- f) Public access to demolition/building works, materials and equipment on the site is to be restricted and a temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.
- g) Temporary fences or hoardings or the like are to be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.
- h) The public safety provisions and temporary fences or hoardings must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.
- i) If it is proposed to locate any hoardings, site fencing or amenities upon any part of the footpath, nature strip or any public place, the written consent from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.
- j) Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line or any public place and the stockpiles must be protected with adequate sediment control measures.
- k) 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.
- l) A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the

following activities upon any part of the footpath, road, nature strip or in any public place:

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

#### **Road/Asset Opening Permit**

40. 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.

#### **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.

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

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

42. **Prior to the issuing of an interim or final occupation certificate**, a statement is required to be obtained from the Principal Certifying Authority, which confirms that the development is not inconsistent with the development

consent and the relevant conditions of development consent have been satisfied.

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

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

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

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

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

44. A Certificate prepared by a *professional engineer* shall be submitted to the certifying authority **prior to issuing a construction certificate** which certifies that the structural adequacy of the existing building to support an additional storey.

45. A Certificate prepared by a *professional engineer* shall be submitted to the certifying authority **prior to issuing an occupation certificate or strata subdivision certificate**, which certifies that the structural adequacy of the building, including balustrades to external balconies and the trafficable roof.

#### **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.

#### **Notification of Swimming Pools & Spa Pools**

47. Written notification must be provided to Council advising of the installation and completion of the Swimming Pool (or Spa Pool), to satisfy the requirements of the *Swimming Pools Act 1992*.

Council's "Notification & Registration of a Swimming Pool" form must be completed and forwarded to Council prior to any Occupation Certificate being issued for the pool.

#### **Occupant Safety**

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

Options may include one or more of the following measures:

- The window having a minimum sill height of 1.5m above the internal floor level,



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

### **Street Numbering**

49. 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.

### **Fire safety**

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

- a) The following works are to be undertaken in accordance with the specified provisions of the Building Code of Australia (BCA), as applicable:

- 1) Provide a -/60/30 fire door set, with a self-closing device, to the front entry of each sole-occupancy unit in accordance with clause C3.11 of the Building Code of Australia (BCA).
- 2) Install a smoke detection and alarm system throughout the building in accordance with specification E2.2a of the BCA,
- 3) Provide emergency lighting system to the common stairway and corridor/s, in accordance with clause E4.2 & E4.4 of the BCA,
- 4) Provide portable fire extinguisher within the building adjacent to the electrical switchboard, in accordance with clause E1.6 of the BCA,
- 5) Provide a non-combustible enclosure (ie a metal cabinet) with seals to prevent the passage of smoke to electricity meters and switchboard located in corridors, exits and within stairways etc,
- 6) Balustrades and handrails to stairway/s, balconies, decks or the like are to be designed and constructed to satisfy clause D2.16 & D2.17 of the BCA,
- 7) The main entry/exit door is to be provided with a 'hold-open' device, or swing in the direction of egress, to facilitate people seeking egress from the building in the event of an emergency,
- 8) Prior to commencing the abovementioned works, a Construction Certificate must be obtained from Council's Building Certification Services or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and *Environmental Planning & Assessment Regulation 2000*.

- b) All new building works (including the proposed alterations/additions) must satisfy the relevant performance or deemed-to-satisfy provisions of the Building Code of Australia.

- c) All of the fire safety upgrading works and new building work must be detailed in the Construction Certificate for the development.

51. The fire safety upgrading works must be carried out **prior to issuing of an Occupation Certificate** for the development and written confirmation must

be provided to Council which confirms that all of the upgrading works have been carried out in accordance with the conditions of consent.

*Include additional conditions, as applicable to address the individual design features of buildings, including:*

- *Buildings 3 or more storeys*
- *Buildings having more than 2 SOU's on the upper floor*
- *Timber floors*
- *Timber stairways*
- *Sound transmission*
- *Structural adequacy concerns*
- *Glazing concerns*
- *Weatherproofing*

*Refer to the standard conditions for fire safety upgrading works (contained in standard local approval conditions BDR-L1 - Local Approval Conditions - May 2006) for further details.*

### **Council's Infrastructure, Vehicular Crossings & Road Openings**

52. Prior to issuing a final occupation certificate or occupation of the development (whichever is sooner), the owner/developer must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
53. 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.

### **Landscaping**

54. The PCA must ensure that landscaping at this site is installed substantially in accordance with the Landscape Planting Plan by Michael Siu, dwg no L01/1-R16112, revision A, dated 16.01.13, prior to the issue of a Final Occupation Certificate, with the owner/s to implement strategies to ensure it is maintained in a healthy and vigorous state until maturity.

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, and will be completed at the applicant's cost, to Council's satisfaction, prior to the issue of a Final Occupation Certificate.

#### **Waste Management**

56. A minimum of 6 x 240L bins in total shall be provided for the site consisting of 3 x garbage + 3 x recycling. The owner or applicant is required to contact Council's City Services department, to make the necessary arrangements for the provision of any required additional waste bin/s for the premises.

#### **OPERATIONAL CONDITIONS**

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

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

#### **External Lighting**

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

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

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

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

#### **Pool Plant & Equipment**

59. The pool plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:

- before 8.00am or after 8.00pm on any Sunday or public holiday; or
- before 7.00am or after 8.00pm on any other day.

#### ***Protection of the Environment Operations Act 1997 – Air Conditioners***

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

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

#### **Air Conditioning & Equipment**

61. Air conditioning plant and equipment shall not be operated during the following

hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:

- before 8.00am or after 10.00pm on any Saturday, Sunday or public holiday; or
- before 7.00am or after 10.00pm on any other day.

#### **Rainwater Tank Requirements**

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

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

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

- b) Plant and equipment associated with rainwater tanks are to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.
- c) The operation of plant and equipment associated with rainwater tanks are to be restricted to the following hours if the noise emitted can be heard within a habitable room in any other residential premises:
- before 8.00am or after 8.00pm on weekends or public holiday; or
  - before 7.00am or after 8.00pm on weekdays.

#### **Waste Management**

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

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

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

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

64. All floors, external walls and ceilings depicted in the proposed strata plan must be constructed.
65. All floors, external walls and ceilings depicted in the proposed strata plan must correspond to those depicted in this development consent and construction certificate for the building.
66. 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](http://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 issuing an *Occupation Certificate* or *Subdivision Certificate*, whichever the sooner.

67. If a 'Plan of Redefinition' is required the applicant shall provide Council with a copy of the plan prior to receiving subdivision approval.
68. 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.
69. The applicant shall create suitable right of carriageway, easements for services and internal stormwater lines, as required. The applicant shall be advised that the minimum easement width for any internal stormwater line is 0.9 metres.
70. A formal subdivision application is required to be submitted to and approved by the Council or an accredited certifier and all relevant conditions of this development consent are required to be satisfied.
71. 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.

#### **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.

- 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.

- This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA), Disability (Access to Premises – Buildings) Standards 2010 and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards. You are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.
- 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.

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.

- 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.
- 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.

- 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.
- Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.
- The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

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

**RESOLVED: (PROCEDURAL MOTION) (Neilson/Nash)** that the section of the draft DCP relating to Carr Street be dealt with separately in order to allow for Councillors declaring an interest in Carr Street to be involved in the remainder of the debate and voting on the draft DCP.

**CP36/13 Director City Planning Report - Draft Comprehensive Development Control Plan - Post Exhibition Report (DEFERRED) (F2007/00568)**

142/13

**RESOLUTION: (Nash/Roberts)** that Council:

- a) Note the issues raised in submissions received during the public exhibition of the draft DCP and that, in accordance with Section 21 of the *Environmental Planning and Assessment Regulation 2000*, these issues have been thoroughly considered and are not of such significance as to warrant a further re-exhibition of the draft DCP;
- b) Endorse the Randwick Comprehensive Development Control Plan (as amended

- and shown in highlights and tracked changes in Attachment 3) for finalisation, in accordance with the requirements of the *Environmental Planning and Assessment Act 1979 and Regulation*, and commencement when published via a public notice in the local newspaper;
- c) Endorse the Repeal of the following DCPs on the date of commencement of the Comprehensive DCP in accordance with the requirements of the *Environmental Planning and Assessment Act Regulation 2000*, and when published via a public notice in the local newspaper:
- (i) Backpacker Accommodation DCP -26 May 2000
  - (ii) Defence Site Bundock and Avoca Streets Randwick DCP-21 May 2003
  - (iii) Dwelling House and Attached Dual Occupancies DCP-1 March 2000 (amended 20 December 2002)
  - (iv) Eastern Suburbs Memorial Park DCP-3 February 2000
  - (v) Footpath Trading and Dining DCP-27 July 2004
  - (vi) Kensington Town Centre DCP-22 January 2003
  - (vii) Maroubra Beach Commercial Precinct DCP-26 May 2000
  - (viii) Multi Unit Housing DCP-1 March 2000
  - (ix) Outdoor Advertising DCP-4 August 1998
  - (x) Parking DCP-24 December 1998
  - (xi) Public Notification of Development Proposals and Council Plans DCP-25 February 2003
  - (xii) Randwick Junction DCP-18 February 1999
  - (xiii) DCP 6: Land Bounded by Kemmis Street, Frenchmans Road and Clovelly Road, Randwick – 20 June 1986
  - (xiv) DCP 8: Military Road and Bunnerong Road, Matraville-25 March 1987
  - (xv) DCP 13: Bunnerong Power Station, Matraville-11 March 1999
  - (xvi) DCP 16: Kingsford Commercial Centre-7 May 1996
  - (xvii) DCP 18: Randwick Bus Depot, Corner King and Dangar Streets, Randwick – 14 July 2003
  - (xviii) DCP 21: Amusement Centres- 2 May 1995
  - (xix) DCP 22: The Spot and Surrounds-24 October 1995
  - (xx) Maroubra Junction Town Centre DCP-18 May 2004
  - (xxi) Prince Henry Site DCP- 8 December 2004
  - (xxii) Matraville Town Centre DCP-29 August 2006
  - (xxiii) Royal Randwick Racecourse DCP-8 May 2007
  - (xxiv) Telecommunications and Radio Communications DCP1 October 2007
  - (xxv) University of NSW, Kensington Campus DCP-16 April 2007
  - (xxvi) Exempt and Complying Development DCP – 15 January 2008
- d) Endorse the repeal of the following planning policies on the date of commencement of the Comprehensive DCP and when published via a notice in the local newspaper:
- (i) Amusement Centres Policy-1986
  - (ii) Balcony Enclosures on Residential Flat Buildings Policy-1986
  - (iii) Childcare Centres Policy-2004
  - (iv) Conservation in Struggletown Policy – 1986
  - (v) Heritage Development Policy-1996 (amended)
  - (vi) Landscape Elements Interim Management Policy -2011
  - (vii) Rainwater Tanks Policy-2003
  - (viii) Subdivision Code-2004 (last amended)
  - (ix) Interim DCP Policy-2013
- e) Agree that the Director, City Planning may make minor modifications to rectify any numerical, typographical, graphical, interpretation and formatting issues if required in finalising and printing the Plan.
- f) Endorse the following key amendments to the draft DCP:

- (i) *Introduction*
  - o Amend sections 2.2 *Performance Based and Numerical Controls* and 2.3 *Achieving the Numerical Controls* to clarify the existing and new structure of the DCP.
- (ii) *B1 Design*
  - o Adjust guidance notes, certain objectives and controls for clarity and to be more consistent with and complement the requirements of SEPP 65.
- (iii) *C3 Low Density Residential*
  - o Amend *Section 3.3.3 Rear Setbacks* to read " *the minimum rear setback must be 25% of allotment depth or 8m, **whichever is the lesser***".
  - o Amend Section 6.2 (ii) to apply to both garages and carports.
  - o Amend Section 6.6 (iii) to include the maximum width of double carports to be 6 metres as is the case for garages.
- (iv) *C4 Medium Density Residential*
  - o Amend *Section 3.4.3 Rear Setbacks* to read '*for attached dwellings, provide a minimum rear setback of 25% of the allotment depth or 8.0m **whichever is the lesser***'.
- (v) *D5 Late Night Trading*
  - o Include a guiding note to clarify that all new or extensions to existing licensed premises require a Social Impact Assessment.
  - o Include a guiding note to clarify that 'bars' fall within the definition of 'pub' (as per the Standard Instrument definition).
  - o Amend *Section 3 Management Plan* requirements to include measures to discourage illicit drug use/manage drug related incidents.
- (vi) *D7 Neighbourhood Centres*
  - o *General Controls*: Amend wording to clarify roof design, upper-most storey, and minimum floor to ceiling heights (3.3 metres on the ground floor and 2.7 metres for the upper floors).
- (vii) *D8 Maroubra Beach Centre*
  - o Amend *Section 9 Awnings and Colonnades* to clarify multiple objectives of the colonnade (e.g. design, accessibility, flood management) and spacing of colonnades from 4 to 5 metres.
  - o Include a control requiring the undergrounding of power lines for the Maroubra Beach Amalgamated Scheme.

**MOTION: (Nash/Roberts) CARRIED UNANIMOUSLY – SEE RESOLUTION.**

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

**RESOLUTION: (Nash/Roberts)** that Council also endorse the following key amendments to the draft DCP:

143/13

- o Amend C4 Medium Density Residential *Section 8.2(Area Specific Controls) 58-64 Carr Street, Coogee* to:
  - Include reference of 'neighbourhood shop' to also be limited to the developable area only.
  - Reduce the size of the developable area to better align with the footprint of the commercial premise at 52-56 Carr St.
  - Include a new condition under control xix) as follows '*street facade should display proportions and detailing which respect the prevailing building facades of the sites at 62 and 64 Carr St.*



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

**AMENDMENT: (Neilson/D'Souza)** replace the 2nd bullet point of the recommendation for C4 Medium Density Residential *Section 8.2 (Area Specific Controls) 58-64 Carr St Coogee, Coogee*, with the following wording: - "Reduce the size of the commercial developable area identified for 58-60 Carr St to that permitted within the controls for Medium Density Residential and that the existing east side setback be retained and the driveway from Carr Street left intact. The resultant developable area would occupy the area directly in the front of the building at 58-60 Carr St (and extending south under the existing building) giving any proposed café or restaurant a frontage of 13 metres and only at ground level." **LOST.**

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Bowen	Councillor Garcia
Councillor D'Souza	Councillor Moore
Councillor Neilson	Councillor Nash
	Councillor Roberts
	Councillor Seng
	Councillor Smith
	Councillor Stavrinou
	Councillor Stevenson
<b>Total (4)</b>	<b>Total (9)</b>

**CP37/13 Director City Planning Report - Reporting Variation to Development Standard under State Environment Planning Policy No. 1 (SEPP 1) April, 2013 (F2008/00122)**

144/13 **RESOLUTION: (Nash/Smith)** that the report be received and noted.

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

**General Manager's Reports**

**GM8/13 General Manager's Report - Review of the 2012-13 Annual Operational Plan - March Quarterly Report (F2012/00026)**

145/13 **RESOLUTION: (Nash/Smith)** that the information contained in the March 2013 Quarterly review of the 2012-13 Annual Operational Plan be received and noted.

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

**GM9/13 General Manager's Report - Continuation of Community Partnership with Randwick District Rugby Football Club (F2004/06659)**

146/13 **RESOLUTION: (Nash/Smith)** that Council continues with the 'community partnership' with the Randwick District Rugby Football Club and the tremendous initiatives with the Club to assist local schools and youth and improve the general health of the Randwick Council area and that the \$10,000.00 be funded from the 2012-13 Contingency Fund.

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

**Director City Services Reports**

Nil.

**Director Governance & Financial Services Reports****GF22/13 Director Governance & Financial Services Report - Affixing of the Council Seal - Caltex Australia Pty Ltd (F2011/07367)**

147/13 **RESOLUTION: (Nash/Smith)** that the Council's Seal be affixed to the signing of pipeline agreements between Council and Caltex Australia Petroleum Pty Ltd in relation to the pipelines located along Denison Street and Beauchamp Road, Matraville and Macauley Street and Botany Road, Matraville.

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

**GF23/13 Director Governance & Financial Services Report - Investment Report - April 2013 (F2004/06527)**

148/13 **RESOLUTION: (Nash/Smith)** that the investment report for April 2013 be received and noted.

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

**GF24/13 Director Governance & Financial Services Report - Quarterly Budget Review - March 2013 (F2011/00530)**

149/13 **RESOLUTION: (Nash/Smith)** that:

- a) the report in relation to the March 2013 budget review be received and noted; and
- b) the proposed March 2013 budget variations shown in the attachment to this report be adopted.

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

**GF25/13 Director Governance & Financial Services Report - Constitutional Recognition of Local Government - Referendum (F2008/00656)**

150/13 **RESOLUTION: (Matson/D'Souza)** that Council note the decision of the Australian Government to hold a referendum at the Federal election on 14 September 2013 to ask Australians to financially recognise local government in our nation's Constitution.

**MOTION: (Roberts/Stavrinos)** that:

- a) the report be received and noted; and
- b) Council's banner program is not to be used to promote the yes case in the referendum.

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

## Petitions

- (a) Cr Andrews tabled a petition containing 60 signatures opposed to the installation of a bus shelter at 77 Torrington Road, Maroubra.

## Motion Pursuant to Notice

### **NM34/13 Notice of Motion from Cr Nash - Council Policy in Relation to the Distribution of Political Material (F2013/00059)**

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151/13

**RESOLUTION: (Nash/Matson)** that Council adopt a policy, to commence forthwith, as follows:

1. Prohibiting the distribution, dissemination or publication, using any council resources, of any council newsletter or any other communication featuring the name or identity of any councillor (including the mayor) or any candidate for any local government election during the caretaker period, or any state or federal election in the 30 days prior to the relevant election, or such other period as may be notified by the relevant government department;
2. Notwithstanding paragraph (1) above, the Mayor be permitted to publish his or her "Mayor's Column" at all times during any state or federal election, but subject to existing restrictions.

**MOTION: (Nash/Matson) CARRIED – SEE RESOLUTION.**

### **NM35/13 Notice of Motion from Cr Moore - Kensington and West Kingsford Precinct Viewpoints for the Proposed Kensington Community Centre (F2004/08211)**

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152/13

**RESOLUTION: (Moore/Nash)** that Council:

- a) notes the recent Kensington and West Kingsford Precinct meeting held on Monday 13 May had in attendance some 50 or so residents and resolved a number of preferences for the proposed transformation of the former Kensington Bowling Club to a Community Centre as well as future development options for Kensington Park;
- b) requests the Council's Precinct Liaison Officer contact the Precinct Secretary requesting the resolutions be forwarded for inclusion in the consultation process initiated by Council as part of preparing proposals for the future of the site; and
- c) conduct a facilitated public meeting in West Ward to consult with local residents on a possible community centre as part of the development of Kensington Oval.

**MOTION: (Moore/Nash) CARRIED – SEE RESOLUTION.**

### **NM36/13 Notice of Motion from Cr Moore - Kingsford Town Centre Parking Needs Assessment (F2012/00050)**

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153/13

**RESOLUTION: (Moore/Nash)** that Council, in recognising the importance car parking plays in underpinning a vibrant business centre, accepts its role and responsibility in supporting a mix of parking schemes specific to the needs of respective town centres and commercial districts within Randwick City and in so doing:

- a) acknowledges both the existing limitations and the growing demand for car parking within the Kingsford Town Centre required to service, in addition to local residents and visitors, over 2,000 businesses turning over in excess of \$600M p.a. as evidenced by:
- i. the February 2013 Kingsford Town Centre Strategy identifying the competing commuter and university personnel demands on the quality and distribution of public parking in Kingsford
  - ii. the current consultation with residents and businesses as part of the Kensington and West Kingsford Local Area Traffic Management study highlighting parking as a major concern
  - iii. complaints by residents and businesses alike made to Council Officers and Councillors relating to various car parking problems in Kingsford
- b) requests a report reviewing and recommending methodologies to address parking in the Kingsford Town Centre taking into consideration predicted access demands including an assessment of the effectiveness, both benefits and shortcomings, of:
- i. the currently utilised parking schemes;
  - ii. the measures under current investigation and consideration;
  - iii. the addition of another level to the Council car park in Houston Road with entries and exits being Houston Road for the ground floor and Houston Lane for the upper level including an initial feasibility and cost estimate;
  - iv. the viability of utilising UNSW onsite parking stations during university non-core hours;
  - v. construction of a parking station on the current Kingsford market/STA site;
  - vi. other measures not currently under consideration, excluding parking meters, with the potential to address medium to long term needs.

**MOTION: (Moore/Nash) CARRIED – SEE RESOLUTION.**

**AMENDMENT: (Andrews/Nil)** that Council investigates an underground carpark in Anzac Parade, opposite Souths Juniors, via a public/private partnership. **LAPSED FOR WANT OF A SECONDER.**

**RESOLVED: (Procedural Motion) (Stevenson/Stavrinis)** that items NM37/13 and NM40/13 be considered simultaneously.

**NM37/13 Notice of Motion from Cr Stavrinis - Child Immunisation  
(F2004/07676)**

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154/13

**RESOLUTION: (Stavrinis/Andrews)** that:

- 1) Council recognise statistics showing that the eastern suburbs of Sydney has one of the lowest rates of child immunisation in Australia; and
- 2) Council have a link on its website to reputable sites that answer the concerns of parents with regards to child immunisation.

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

**NM38/13 Notice of Motion from Cr Stavrinou - Sister City, Hangzhou  
(F2005/00294)**

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155/13 **RESOLUTION: (Stavrinou/Nash)** that Council commence dialogue with our sister city in Hangzhou to determine if they would be interested in providing some cultural support for a Chinese new year festival to be held in Randwick City.

**MOTION: (Stavrinou/Nash) CARRIED - SEE RESOLUTION.**

**NM39/13 Notice of Motion from Cr Garcia - Randwick and Coogee Amateur  
Swimming Club (F2004/07114)**

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156/13 **RESOLUTION: (Garcia/Nash)** that Council:

1. note that the Randwick and Coogee Amateur Swimming Club (the Club) is one of the oldest swimming clubs in Australia, having been established in 1896;
2. note that the Club has been a happy part of the Saturday routines of many local families and children who take to the water to participate in the Club's weekly swimming events at Wylie's baths;
3. note that at its most recent AGM, the Club posted a net profit for the year of \$296.90 and moved to seek to raise funds by organising sausage sizzles at the local Bunnings stores; and
4. arrange for Council Officers to discuss with the office bearers of the Club ways in which it might assist the Club in its membership recruitment drive for season 2013-14.

**MOTION: (Garcia/Nash) CARRIED - SEE RESOLUTION.**

**NM40/13 Notice of Motion from Cr Stevenson - Immunisation of Children  
(F2004/07676)**

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157/13 **RESOLUTION: (Stevenson/D'Souza)** that Council:

1. proactively support immunisation of all children in our Community;
2. ensure all Childcare centres operated, funded or subsidised by Council have up-to-date policies regarding immunisation of children accepted or put on waiting lists;
3. contact the parents of all children on the waiting lists be contacted and provided with the up-to-date scientific evidence supporting immunisation of children;
4. prepare a report to be considered by Council regarding the establishment of a childcare centre master waiting list to be used by all centres operated by Council, receiving a subsidy or funding from council and any privately owned Childcare businesses wishing to participate, that will give parents better information on the availability of childcare places and immunisation only centres in Randwick City; and
5. prepare a report to be considered by Council that Council operated Childcare centres have a compulsory immunisation policy and that future funding of council supported Childcare centres be contingent on a requirement that they have a compulsory immunisation policy. This report is to take into

consideration the upcoming legislative changes in this area.

**MOTION: (Stevenson/D'Souza) CARRIED - SEE RESOLUTION.**

### Confidential Reports

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

### Closed Session

**GF26/13 Confidential - Expression of Interest Process - Kensington Bowling Club (F2011/07367)**

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

158/13 **RESOLUTION: (Stevenson/Garcia)** that this matter be deferred for further consideration at a Councillors' briefing session.

**MOTION: (Stevenson/Garcia) CARRIED - SEE RESOLUTION.**

**GF27/13 Confidential - Supply of Electricity for Large Sites, Street Lighting and Green Power (F2012/00557)**

*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.*

159/13 **RESOLUTION: (Smith/Roberts)** that Council endorses the selection of AGL as the electricity supplier for large sites, street lighting and green power, for the 2013-14 and 2014-15 financial years.

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

**CS5/13 Confidential - Tractor - Open Space and Beach Services (F2013/00184)**

*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.*

160/13 **RESOLUTION: (Andrews/Moore)** that this report be received and noted.

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

**CS6/13 Confidential - T07/12 Floodplain Risk Management Studies - Maroubra Bay, Coogee Bay and Kensington Centennial Park (F2012/00141)**

*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.*

161/13

**RESOLUTION: (Andrews/Stavrinou)** that Council:

- a) accepts the tender offered by WMAWater Pty Ltd at the lump sum price of \$115,780 for the Maroubra Bay Floodplain Risk Management Study;
- b) accepts the tender offered by Cardno Pty Ltd at the lump sum price of \$132,730 for the Coogee Bay Floodplain Risk Management Study;
- c) accepts the tender offered by WMAWater Pty Ltd at the lump sum price of \$96,000 for the Kensington Centennial Park Floodplain Risk Management Study;
- d) the General Manager, or delegated representative, be authorised to execute contract documents on behalf of Council; and
- e) the unsuccessful tenderers are notified.

**MOTION: (Andrews/Stavrinou) CARRIED UNANIMOUSLY - SEE RESOLUTION.****CS7/13 Confidential - T04/13 - Tender for Remediation of Chifley Sport Reserve (F2013/00172)**

*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.*

162/13

**RESOLUTION: (Andrews/Neilson)** that:

1. under Regulation 178(1)(a) of the Local Government (General) Regulation 2005, Statewide Civil Pty Ltd be accepted as the successful tenderer;
2. the General Manager, or delegated representative, be authorised to enter into a contract on behalf of Council; and
3. unsuccessful tenderers are notified.

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

Note: Cr Stevenson was not present during consideration of the above item.

**GM10/13 Confidential - 4R Argyle Crescent, Randwick (DA/315/2011) (DA/315/2011)**

*This matter is considered to be confidential under Section 10A(2) (g) Of the Local Government Act, as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

163/13

**RESOLUTION: (Smith/Garcia)** that Council not appeal against the decision of the Land & Environment Court in relation to proceedings (2013 NSWLEC 59 – *Defence Housing Australia v Randwick City Council*).**MOTION: (Smith/Garcia) CARRIED – SEE RESOLUTION.****Open Session**

The meeting moved back into open session.

**Notice of Rescission Motions**

Nil.

There being no further business, His Worship the Mayor, Cr T Bowen, declared the meeting closed at 11.29pm.

**The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 25 June 2013.**

.....  
**CHAIRPERSON**