

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, 25 JUNE 2013 AT 6:07PM**

Present:

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

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

North Ward	- Councillors 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 (from 6.28pm) & H Stavrinos
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 Corporate & Financial Planning	Mr M Woods
Manager Integrated Transport	Mr T Lehmann
Manager Corporate Improvement	Ms A Warner
Manager Community Development	Ms T Mok
Manager Strategic Planning	Ms K Armstrong

Prayer & Acknowledgement of Local Indigenous People

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

Apologies/Granting of Leave of Absences

An apology was received from Cr Neilson.

RESOLVED: (Belleli/Roberts) that the apology received from Cr Neilson be accepted and leave of absence from the meeting be granted.

Confirmation of the Minutes

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY 28 MAY 2013

131/13

RESOLUTION: (Stavrinou/Nash) that the Minutes of the Ordinary Council Meeting held on Tuesday 28 May 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) Cr Belleli declared a pecuniary interest in Item MM42/13 as he and his wife's performing arts school performs at the Des Renford Aquatic Centre. Cr Belleli will be taking no part in the debate or voting on this matter.
- (b) Cr Belleli declared a non-significant non pecuniary interest in Item CP48/13 as many years ago he worked with the father of a person who signed the petition and as his wife teaches dancing in child care centres.
- (c) All Liberal Councillors declared a non-significant non pecuniary interest in Item MM42/13 as they know one of the local Liberal Federal candidates who works for the Victor Chang Institute.
- (d) Cr Matson declared a non-significant non pecuniary interest in Item CP40/13 as he knows a person who has made a submission on this matter.
- (e) Cr Matson declared a non-significant non pecuniary interest in Item NR2/13 as he knows a former Councillor who has made a submission on this matter.
- (f) Cr Stevenson declared a pecuniary interest in Item NM40/13 as he has in the past attended functions held by the Australian Turf Club. Cr Stevenson will be taking no part in the debate or voting on this matter.
- (g) Cr D'Souza declared pecuniary interest in Item CP41/13 as he has a pharmacy in the vicinity of the subject premises. Cr D'Souza will be taking no part in the debate or voting on this matter.
- (h) Cr Bowen declared a pecuniary interest in Item CP46/13 as his son attends a pre-school affected by this matter. Cr Bowen will be taking no part in the debate or voting on this matter.
- (i) Cr Bowen declared a non-significant non pecuniary interest in Item GM13/13 as he knows one of the objectors who has objected to the footpath in Scott Street, Maroubra.
- (j) Cr Bowen declared a non-significant non pecuniary interest in Item MM48/13 as he is a long term season pass holder of the South Sydney Football Club.
- (k) Cr Belleli declared a non-significant non pecuniary interest in Item GM13/13 as he lives in one of the streets that is listed in the budget.
- (l) Cr Bowen declared a non-significant non pecuniary interest in Item GM13/13 as he lives in one of the streets that is listed in the budget.
- (m) Cr Matson declared a non-significant non pecuniary interest in Item CP42/13 as he knows an ex-councillor who has a financial interest in this matter.

Address of Council by Members of the Public

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

CP40/13 301 ALISON ROAD, COOGEE (DA/101/2013)

Applicant Connie Argyrou (representing the applicant)

CP42/13 6 DUNDAS STREET, COOGEE (DA/400/2012)

Objector Anna Vantsos

Applicant Stuart Harding (representing the applicant)

NR2/13 NOTICE OF RESCISSION MOTION SUBMITTED BY CRS SMITH, ANDREWS AND ROBERTS - 2-6 GOODWOOD STREET, KENSINGTON (DA/195/2012/A)

Against Rosemary McKenzie

For Anthony Betros

GF31/13 A NEW LOCAL GOVERNMENT ACT FOR NSW - DISCUSSION PAPER

Margery Whitehead

The meeting was adjourned at 6.52pm and was resumed at 7.16pm.

Mayoral Minutes

MM41/13 Mayoral Minute - Bendigo Bank - Waiving of Fees (F2013/00096)

132/13 **RESOLUTION: (Mayor, Cr T Bowen)** that:

- a) Council vote \$167.00 to cover the application fee for the Clovelly Community Bank to celebrate their 11th Birthday outside the bank at 222-226 Clovelly Road, Clovelly and funds be charged to the 2012-13 Contingency Fund;
- b) the activity organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the activity; and
- c) the Mayor or his representative be given the opportunity to address the activity on behalf of Council.

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

MM42/13 Mayoral Minute - 13th Annual Des Renford Chair of Hearts Research Family Gala and Charity Day - Use of Des Renford Aquatic Centre (F2008/00064)

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

133/13 **RESOLUTION: (Mayor, Cr T Bowen)** that Council vote \$8,500.00 to cover the costs associated with Council's contribution towards the organising and staging of the Des Renford Family Day and Swim Challenge to be held on Sunday 3 November 2013 for the purpose of raising money for the Victor Chang Cardiac Foundation and this be funded from the 2013-14 Contingency Fund.

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

MM43/13 Mayoral Minute - Confirmation of Sponsorship of the Westpac Rescue Helicopter Lifesaver Service (F2009/00266)

134/13 **RESOLUTION: (Mayor, Cr T Bowen)** that Council enters into a Memorandum of Understanding, containing the initiatives outlined in this report, with the Westpac Life Saver Rescue Helicopter service for the next three years by donating \$15,000.00 per

annum plus GST from the Contingency Fund.

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

MM44/13 Mayoral Minute - Maroubra Surfing Walk of Fame (F2010/00026)

135/13 **RESOLUTION: (Mayor, Cr T Bowen) that Council:**

- a) approves an additional \$14,000.00 to hold the community event to be funded from the 2013-14 Contingency Fund to hold the Beach Breaks event on 28 July in conjunction with the Surfing Walk of Fame; and
- b) approves an additional \$7,500.00 cash sponsorship and waive the fees of \$3,500.00, being in-kind support, for the Surfing NSW Junior Titles contest.

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

MM45/13 Mayoral Minute - Call for Councils to Develop Dementia-Friendly Societies (F2004/06275)

136/13 **RESOLUTION: (Mayor, Cr T Bowen) that:**

- a) Alzheimer's Australia be advised that Randwick City Council is prepared to work with them to develop an approach to making the Randwick local government area a "dementia-friendly society" and
- b) a report be brought back to council in relation to any costs involved in the rollout of a "dementia-friendly society" program.

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

MM46/13 Mayoral Minute - Annual Community Thank You Event for Emergency Services Volunteers (F2013/00032)

137/13 **RESOLUTION: (Mayor, Cr T Bowen) that:**

- a) Council endorse an annual community event to thank the SES volunteers, Police, Ambulance, Fire Brigade and Rural Fire Service, Council staff etc. who assist our community in cases of emergency; and
- a) the event be funded from the annual events budget, with the allocation of \$3,000.00 towards this event in the first quarterly budget review in 2013-14.

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

MM47/13 Mayoral Minute - NAIDOC 2013 Activities in Randwick (F2004/07684)

138/13 **RESOLUTION: (Mayor, Cr T Bowen) that Council endorses the events celebrating 2013 NAIDOC Week.**

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

MM48/13 Mayoral Minute - Facilities for the South Sydney Rugby League Club and Heffron Park Maroubra (F2010/00044)

139/13

RESOLUTION: (Mayor, Cr T Bowen) that:

- a) Council progress the proposal to relocate the South Sydney "Rabbitohs" Rugby League Club training and administration facilities to Heffron Park;
- b) an application be made to the Federal Regional Development Australian Fund (Round Five) grant funding for the project; and
- c) a cap of \$3 million of Council funding be placed on this project.

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

Nil.

Director City Planning Reports**CP38/13 Director City Planning Report - 1420 Anzac Parade, Little Bay
(DA/547/2011/C)**

140/13

RESOLUTION: (Andrews/Roberts) 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/547/2011/C for addition of bedroom to Brodie Avenue wing and alteration to support facilities, construction of gazebo and shade structure, new door to northern end of Anzac Parade wing, two additional carpark spaces in Brodie Avenue car park at 1420 Anzac Parade, Little Bay in the following manner:

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, 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>
DA.01 Issue B, DA.02 Issue B, DA.03 Issue B, DA.04 Issue B dated 11/7/11, DA.05 Issue C dated 18/7/11, DA.06 Issue B, DA.07 Issue B, DA.08 Issue B dated 18/7/11, DA.09 Issue A, DA.10 Issue A dated 15/7/11, DA.19 Issue B, DA.20 Issue B, DA.21 Issue B, DA.22 Issue B dated 15/7/11 dated 18/7/11, DA.25 Issue A dated 18/7/11 as amended by detail plan DA.23 Issue A dated 13/10/11.	Eeles Trelease Pty Ltd Architects	Various. Refer to plan nos.
Landscape Drawing Nos. 11016-DA01 Rev A, 110016-DA02 Rev A, 11016-DA03 Rev A, 11016-DA07 Rev A, 11016-DA08 Rev A	Aspect Studios	All dated 15 July 2011
Equinox: Shadow study isometric, Shadow study in Plan; Winter Solstice; Shadow Study in Isometric; Winter solstice Shadow Study in Plan; Summer Solstice Shadow Study in Isometric; Summer solstice shadow Study in Plan.		
Statement of Heritage Impact (SHI)	prepared by Graham Brooks and Associates Pty Ltd	dated July 2011.
Statement of Environmental Effect (SEE) Planning	prepared by HMUP Urban	dated 18 July 2011.

Visual Impact Study: Setting of Henry's Trading Post	Eeles Trelease Pty Ltd.	
Traffic and Parking Report	Halcrow.	dated 15/07/2011
Storm Water Concept Plan No. 16740 Issue 1 by	Wallis & Spratt.	
BCA Compliance Report	Blackett Maguire + Goldsmith.	dated 14/07/2011

As amended by the Section 96'A' plan numbered DA.03 Issue C, dated 1 June 2012 and received by Council on 4 June 2012, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application.

As amended by the Section 96 'B' plans numbered DA 00, DA01, DA02, DA03, DA04, DA05, DA19, DA20, DA22, issue E, dated 22 February 2013 and received by Council on 25 February 2013, including all accompanying documentation which forms part of this consent, in particular the letter and attachments dated 23 February 2013 from Thinc Projects, the Acoustic Report by Marshall Day Acoustics, dated 23 February 2013 and the Plan of Management for Onsite Waste Storage and Handling by Thinc Projects, endorsed by Council's approval stamp. The plans associated with the S96B application shall prevail over the plans for the previous Section 96 A application and the original development application in the case of any inconsistency, and

As amended by the Section 96 'C' plans numbered DA01 Issue G – Site Plan, DA03 Issue I – Ground Floor Plan, DA04 Issue G – First Floor Plan, DA20 Issue G East and North Elevation, DA22 Issue G Section A-A, LPDA 13 Pergola Details 2: stage 3 dated June 2013 and received by Council on 7 June, 2013, , including all accompanying documentation which forms part of this consent, in particular the letters dated 22 April 2013 and 4 June 2012 from Helen Mucahy Urban Planning, endorsed by Council's approval stamp. The plans associated with the S96(C) application shall prevail over the plans for the previous Section 96 A and B application and the original development application in the case of any inconsistency.

And that Condition 87 be modified to state:

87. *The proprietor shall establish and maintain a formal and documented system for the recording and resolution of complaints made to the premises by nearby residents. All complaints are to be attended to in a courteous and efficient manner and referred promptly to the Operations Manager. The appropriate remedial action, where possible, is to be implemented as soon as possible and the Operations Manager is to contact the complainant within 48 hours to confirm the manner in which the issue is to be addressed and the proposed time frame for implementation.*

Upon reasonable prior notice, the Operations Manager must make available the incident book to authorized Council officers."

And Add New Condition 15B to state:

- 15B. *A total of 17 car-spaces within the development shall be allocated as visitor parking with associated signage/markings clearly indicating as such to be installed prior to the issuing of an occupation certificate.*

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

**CP39/13 Director City Planning Report - 3 Hamilton Street, Coogee
(DA/266/2013)**

141/13

RESOLUTION: (Andrews/Roberts) that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 266/13 for Construction of hard stand car park space to front of existing dwelling, including new retaining walls and steps and alteration to front fence at No. 3 Hamilton Street, Coogee, subject to the following conditions:

GENERAL CONDITIONS

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

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

Approved Plans & Supporting Documentation

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

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received Council</i>	<i>by</i>
DWG No 16/13 Proposed Hard Stand Car Space	Peter Banfield	17/4/13	3 May 2013	

REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

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

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

Consent Requirements

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

Security Deposit

3. 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*:

- \$600.00 - Damage / Civil Works Security Deposit

The damage/civil works security deposit may be provided by way of a cash, cheque or credit card payment and is refundable upon a satisfactory inspection by Council upon the completion of the civil works which confirms that there

has been no damage to Council's infrastructure.

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

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

Design Alignment levels

4. The design alignment level (the finished level of concrete, paving or the like) at the property boundary for the driveway and pedestrian entrance, shall be:

- **RL 49.35 (Refer to Survey Mark shown on plans)**

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

The amended plans must also detail the levels across the Council verge to ensure that the grass verge/pedestrian path is not adversely affected.

To ensure appropriate drainage is provided, all surface water from the hard stand space must not be directed to adjoining properties but should drain directly to Hamilton Street.

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

5. 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 **Car** the development.

Space Gates

6. Prior to the issuing of a Construction Certificate the approved plans are to be amended showing the deletion of the proposed timber picket stacking gates.

Note: This is so as to provide a minimum 5.00m length for the car space at all times.

Landscaping and Permeable Surfaces

7. Prior to the issuing of a Construction Certificate, amended plans are to be submitted which detail the proposed plants to be used within the proposed planter box. Permeable materials such as porous paving units or gravel or deep soil may be provided in between concrete wheel strips. Use of grass-crete is also an acceptable outcome. The area of permeable material is restricted to the area of the car space only, while the adjoining pedestrian path from the entry gate to the verandah may be hard paved.

Street Tree Management

8. The applicant shall submit a total payment of **\$415.25** (including GST), to cover the following costs:
- a. For Council to remove, stump-grind and dispose of the most southern street tree, *Lophostemon confertus* (Brush Box) from the Hamilton Street verge, prior to the commencement of any site works, so as to accommodate the proposed crossing in this same area as shown; and;

- b. Being the cost for Council to supply and install 1 x 25 litre street tree of the same species back on the verge in front of no.5 so as to maintain the avenue planting in this street.

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

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

Street Tree Protection

9. In order to ensure retention of the most northern street tree on Council's Hamilton Street verge, towards the northern site boundary, and to the north of the proposed vehicle crossing, being a *Lophostemon confertus* (Brush Box) in good health, the following measures are to be undertaken:
 - a. All documentation submitted for the Construction Certificate application must show its retention, with the position and diameter of both its trunk and canopy to be clearly and accurately shown in relation to the proposed works.
 - b. All plans must show that the northern edge of the proposed crossing will be offset a minimum distance of **5 metres**, measured off the outside edge of its trunk at ground level, with the ground level between the tree and the crossing and kerb to be graded smoothly and evenly upon completion so as to match in with surrounding/existing levels.
 - c. Any excavations associated with the installation of new services, pipes, stormwater systems or similar over public property must be located either along the southern site boundary, or, along either side of the proposed crossing.
 - d. This tree must be physically protected by installing evenly spaced star pickets at a setback of 2 metres to its south, west and north (measured off the outside edge of its trunk at ground level), as well as against the footpath to its east, to which, safety tape/para-webbing/shade cloth or similar shall be permanently attached so as to completely enclose this tree for the duration of works.
 - e. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER".
 - f. Within the TPZ, there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, with all Site Management Plans needing to acknowledge these requirements.
 - g. The applicant is not authorised to perform any works to this tree, and shall contact Council's Landscape Development Officer on 9399-0613 should pruning or any similar such work appear necessary, with the applicant required to cover all associated costs with such work, to Council's satisfaction, prior to the issue of a Final Occupation Certificate.

- h. Any roots encountered during the course of the approved works must be cut cleanly by hand and the affected area backfilled with clean site soil as soon as practically possible.
- i. A refundable deposit in the form of cash, credit card or cheque for an amount of **\$500.00** shall be paid at the Cashier on the Ground Floor of the Administrative Centre, **prior to a Construction Certificate being issued for the development**, in order to ensure compliance with the conditions listed in this consent, and ultimately, preservation of the tree.

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

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

Long Service Levy Payments

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

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

REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE

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

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

Compliance with the Building Code of Australia

- 11. 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.

Design Alignment levels

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

Any enquiries regarding this matter should be directed to Council's

Development Engineer on 9399 0923.

Driveway Design

13. The gradient of the internal access driveway must be designed and constructed in accordance with AS 2890.1 (2004) – Off Street Car Parking and the levels of the driveway must match the alignment levels at the property boundary (as specified by Council). Details of compliance are to be included in the construction certificate.

Stormwater Drainage

14. A surface water/stormwater drainage system must be provided in accordance with the following requirements, to the satisfaction of the Certifying Authority and details are to be included in the construction certificate:-
- a) Surface water/stormwater drainage systems must be provided in accordance with the relevant requirements of the Building Code of Australia (Volume 2);
 - b) The surface water/stormwater must be drained and discharged to the street gutter or, subject to site suitability, the stormwater may be drained to a suitably designed absorption pit;
 - c) Any absorption pits or soaker wells should be located not less than 3m from any adjoining premises and the stormwater must not be directed to any adjoining premises or cause a nuisance;
 - d) External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the building, or cause a nuisance or damage to the adjoining premises;
 - e) Details of any proposed drainage systems or works to be carried out in the road, footpath or nature strip must be submitted to and approved by Council before commencing these works.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

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

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

Certification, PCA & other Requirements

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

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

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

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

Home Building Act 1989

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

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

Construction Noise & Vibration Management Plan

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

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

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

Construction Site Management Plan

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

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

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

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

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

Public Utilities

19. A *Public Utility Impact Assessment* must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.

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.

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.

Tree Management

20. No objections are raised to the removal of any existing vegetation throughout the front setback where necessary in order to accommodate the proposed works and landscaping as shown.

Landscaping

21. Landscaping within the raised planter proposed along the southern side of the internal hardstand must use a high quality selection and arrangement of decorative species so as to assist with presentation of the development to the streetscape.

Inspections During Construction

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

The *Principal Certifying Authority* must specify the relevant stages of

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

Site Signage

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

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

Restriction on Working Hours

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

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

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

Demolition Work Requirements

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

- Work Health & Safety Act 2011 and Regulations
- WorkCover NSW Code of Practice for the Safe Removal of Asbestos
- WorkCover NSW Guidelines and Codes of Practice
- Australian Standard 2601 (2001) – Demolition of Structures
- The Protection of the Environment Operations Act 1997 and Regulations
- Relevant DECCW/EPA Guidelines
- Randwick City Council Asbestos Policy

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

be obtained from Council's Customer Service Centre.

Removal of Asbestos Materials

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

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

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

Sediment & Erosion Control

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

Public Safety & Site Management

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

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

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

- b) Building materials, sand, soil, waste materials, construction equipment or

other articles must not be placed upon the footpath, roadway or nature strip at any time.

- c) The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times. Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.
- d) Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.
- e) Sediment and erosion control measures must be implemented throughout the site works in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to Council's satisfaction.
- f) Site fencing, building materials, bulk bins/waste containers and other articles must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health, Building and Regulatory Services department.
- g) Temporary safety fencing is to be provided to any swimming pools under construction, pending the completion of all building work and the pool must not be filled until a fencing inspection has been carried out and approved by the principal certifying authority.

Support of Adjoining Land, Excavations & Retaining Walls

29. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 E of the *Environmental Planning & Assessment Regulation 2000*, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.
30. All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations must be properly guarded and supported to prevent them from being dangerous to life, property or buildings.

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

Details of proposed retaining walls, shoring, piling or other measures are to be submitted to and approved by the Principal Certifying Authority.

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

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

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

Building Encroachments

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

Road/Asset Opening Permit

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

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

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

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

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

Council's Infrastructure, Vehicular Crossings, street verge

34. The applicant must meet the full cost for Council or a Council approved contractor to:
- a. Construct a concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.
 - a. Reconstruct the Council footpath to suit the new vehicular entrance and pedestrian gate entrance. This may require the construction of steps north of the new pedestrian entrance.
35. 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.
36. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the

following requirements:

- a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
 - a) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a Pre-paid Works Application Form, prior to an occupation certificate being issued for the development, together with payment of the relevant fees.
 - b) If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.
 - c) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.
37. That part of the nature-strip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant's expense.

Occupation Certificate Requirements

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

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

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.

None.

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.

- Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au and relevant

Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.

- 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.
- 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.

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

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

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

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

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

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

- A5 A Local Approval application must be submitted to and be approved by Council's Building Approvals & Certification team prior to commencing any of the following activities on a footpath, road, nature strip or in any public place: -
- Install or erect any site fencing, hoardings or site structures
 - Operate a crane or hoist goods or materials over a footpath or road
 - Placement of a waste skip or any other container or article.

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

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

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

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

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

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

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

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

**CP40/13 Director City Planning Report - 301 Alison Road, Coogee
(DA/101/2013)**

142/13

RESOLUTION: (Andrews/Roberts) that Council, as the consent authority, refuses development consent under Section 80 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 101/2013 for construction of a 3-storey residential flat building comprising two blocks with a total of 8 units, basement car parking for 12 vehicles, landscaping and associated stormwater management works, at No. 301 Alison Road, Coogee, for the following reasons:

1. The proposal does not satisfy the relevant objectives for Zone R3 Medium Density Residential stipulated under Randwick Local Environmental Plan 2012, in that the development has an excessive mass and scale, and will result in detrimental visual and amenity impacts on the adjoining properties and the street.
2. The proposal does not satisfy the building height standard stipulated under Clause 4.3 of Randwick Local Environmental Plan 2012. The applicant's written justifications for the contravention of the standard are not well founded and fail to satisfy the provisions of Clauses 4.3(3) and (4) of the LEP.
3. The proposal does not satisfy the design quality principles of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.
4. The location and design of the waste storage facility will create significant visual and odour impacts on the proposed ground floor unit within Block A and the public domain. The proposal fails to satisfy the objectives and controls under Section B6 *Recycling and Waste Management* of Randwick Development

Control Plan.

5. The proposed car parking design does not comply with the Australian Standard 2890.1 – *Off Street Car Parking*. The proposal does not contain any bicycle and motorcycle parking. Additionally, the parking design relies overwhelmingly on mechanical stackers and no information has been submitted to demonstrate the suitability of this arrangement. Therefore, the proposal is not considered to satisfy the objectives and controls under Section B7 *Transport, Traffic, Parking and Access* of Randwick Development Control Plan.
6. The proposal does not satisfy the objectives and controls under C4 *Medium Density Residential* of Randwick Development Control Plan relating to landscaped open space and deep soil area, rear setback, building façade, roof design, external wall height and ceiling height, materials and finishes, solar access, natural ventilation and energy efficiency, privacy, safety and security, parking and access, fencing, storage and air-conditioning facilities.
7. The height, form and massing of the development are not considered to contribute to an appropriate architectural and urban design outcome, and will detrimentally affect the visual amenity of the neighbouring residences and the streetscape. The development scheme has not properly examined the relationship between the building and the site conditions and the surrounding context and does not demonstrate a skilful design. Therefore, the proposal is not considered to satisfy Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979.
8. The proposal has not addressed in adequate detail the potential overshadowing and privacy impacts on the adjoining residences. The proposal has not successfully demonstrated that a reasonable level of amenity for the neighbouring properties will be retained. In this regard, the proposal is not considered to be satisfactory from a social impact perspective and fails to satisfy Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979.
9. The application does not demonstrate a sound and comprehensive analysis of the site conditions and context, and potential amenity impacts on the adjoining residents. The proposal is considered to be an expedient development without properly considering its relationship with the site and the adjoining residential uses. In the light of the unsatisfactory architectural and amenity outcomes expected of the proposal, the site is not considered to be suitable for the proposed development. Accordingly, the proposal fails to satisfy Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979.
10. The proposal is not within public interest and does not satisfy Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979.

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

**CP41/13 Director City Planning Report - 495-503 Bunnerong Road,
Matraville (DA/67/2009/E)**

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

143/13

RESOLUTION: (Garcia/Nash) 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/67/2009 by carrying out various internal alterations to create 6 additional studio apartments and reduction in size of one window on the southern elevation of the building at 495-503 Bunnerong

Road, Matraville in the following manner:

A Amend Condition 1 to read:

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

Plan Number	Revision	Prepared by	Plot Date	Received on
01	G	OPRA Architects	12/10/09	12/10/09
02	C		07/09/09	07/09/09
03	D		07/09/09	07/09/09
04	D		12/10/09	12/10/09
05	D		07/09/09	07/09/09
06	A		07/09/09	07/09/09
07	C		07/09/09	07/09/09
08	C		07/09/09	07/09/09
09	C		07/09/09	07/09/09
10	C		07/09/09	07/09/09
11	C		07/09/09	07/09/09
12	B		07/09/09	07/09/09
13	A		07/09/09	07/09/09
14	A		07/09/09	07/09/09
A-15	D		12/01/09	07/09/09
A-16	D		12/01/09	07/09/09
A-17	D		12/01/09	07/09/09
21	-		07/09/09	07/09/09
22	A		07/09/09	07/09/09
23	-		07/09/09	07/09/09
24	-		07/09/09	07/09/09
25	-		07/09/09	07/09/09
26	1		07/09/09	07/09/09

the application form and any supporting information received with the application, as amended by the following: -

- Section 96 "B" plans numbered A02 and A03, dated 12/01/2011 and received by Council on 13 January 2011;
- Section 96 "C" plans numbered A01, A02, A03, A04, A06, A07, A08, A09, dated 12/01/2011 and received by Council on 13 January 2011;
- Section 96 "D" plans numbered A05, issue G, dated 1 November 2012 and received by Council on 23 November 2012, plans numbered A07-A11, all issue D, dated 16 November 2012 and received by Council on the 23 November 2012 and plans numbered A06-A11, all issue A, dated 16 November 2012 and received by Council on 23 November 2012, and;
- ***Section 96 'E' plans A06 Rev C, A07 Rev E and A08 Rev B, all dated 4 April 2013 and received by Council on 9 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 and except as may be amended by the following conditions:***

B Add the following conditions:

Carspace Allocation

132. Units C9, C10, C11, C12 and C13 on the approved plans shall be dedicated a minimum of 2 carspaces each which must not include any of the proposed stacked carspaces.

provided with obscured glass entry doors.

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

Cr D'Souza returned to the meeting at this point.

**CP42/13 Director City Planning Report - 6 Dundas Street, Coogee
(DA/400/2012)**

144/13

RESOLUTION: (Matson/Garcia) that Council, as the consent authority, grants development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/400/2012 for substantial alterations and additions to the existing dwelling house including new roof, new pool at basement level, associated site and landscaping works at 6 Dundas Street, Coogee, subject to the following conditions:

GENERAL CONDITIONS

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

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

Approved Plans & Supporting Documentation

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

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received</i>
DA 01 Rev B	MD+A Architects	24 March 2013	8 May 2013
DA 02 Rev B		24 March 2013	8 May 2013
DA 13 Rev B		24 March 2013	8 May 2013
DA 14 Rev B		24 March 2013	8 May 2013
DA 15 Rev B		24 March 2013	8 May 2013
DA 16 Rev B		24 March 2013	8 May 2013
DA 20 Rev B		24 March 2013	8 May 2013
DA 21 Rev B		24 March 2013	8 May 2013
DA 22 Rev B		24 March 2013	8 May 2013
DA 23 Rev B		24 March 2013	8 May 2013
DA 24 Rev B		24 March 2013	8 May 2013
DA 25 Rev B		24 March 2013	8 May 2013
DA 26 Rev B		24 March 2013	8 May 2013
DA 27 Rev B		24 March 2013	8 May 2013
DA 28 Rev B		24 March 2013	8 May 2013
DA 29 Rev B		24 March 2013	8 May 2013
DA 30 Rev B		24 March 2013	8 May 2013
DA 31 Rev B		24 March 2013	8 May 2013

<i>BASIX Certificate</i>	<i>No.</i>	<i>Dated</i>
Single dwelling	429164S	21 June 2012

Amendment of Plans & Documentation

- The approved plans and documents must be amended in accordance with the following requirements:
 - The western wall of the proposed first floor shall be setback from the western boundary to align with the eastern edge of the western most living room window of Unit 3, 8 Dundas Street. Amended full set of drawings incorporating the increased setback of the rear western wall of

the first floor as depicted in the amend proposal received by Council on 12 June 2012 shall be submitted for the approval of Council's Manager Development Assessments prior to issuing a construction certificate for the development.

- b) The northern edge of the western wall of the proposed first floor shall be setback by an additional 1m from the northern boundary. Amended full set of drawings incorporating the increased setback of the rear western wall of the first floor as depicted in the amend proposal received by Council on 12 June 2012 shall be submitted for the approval of Council's Manager Development Assessments prior to issuing a construction certificate for the development.
- c) Fences in front of the building line or on street frontages may be up to 1.8m provided that the upper two thirds is at least 50% open. Details of compliance shall be submitted for the approval of Council's Manager Development Assessments prior to issuing a construction certificate for the development.
- d) The eastern ledge adjoining the living room on the first floor shall be made into a non-trafficable roof to mitigate overlooking impacts on adjoining properties. Details of compliance finishes shall be submitted for the approval of Council's Manager Development Assessments prior to issuing a construction certificate for the development.
- e) The proposed landscaping that replaces the existing hedge at the south east corner of the site shall be installed with plant species that that have a mature height of no more than 1.8m. Details of compliance shall be submitted for the approval of Council's Manager Development Assessments prior to issuing a construction certificate for the development

REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

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

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

Consent Requirements

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

External Colours, Materials & Finishes

- 4.
 - a) An amended schedule of external colours and finishes shall be to be submitted for the approval of Council's Manager Development Assessments prior to issuing a construction certificate for the development.
 - b) The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.
 - c) All materials used within the development shall be treated so as to

minimise the impact of reflectivity upon neighbouring sites prior to installation. This may be achieved through powder coating or anodizing treatments.

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 \$942,452.06 the following applicable monetary levy must be paid to Council: \$9424.52
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.

Security Deposit

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

- \$2000.00 - Damage / Civil Works Security Deposit

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

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

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

Design Alignment levels

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

- New Pedestrian Entrance in Oberon Street – RL 41.87 AHD.

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

Any amendment to the proposed level has to be obtained from Council's Development Engineers on 9399 0923.

8. 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.

Oberon Street Landscape/Footpath Design

9. Prior to the issuing of a Construction Certificate the applicant is to delete all proposed landscaping, footpath and retaining wall works proposed on Council property along the Oberon St frontage as shown on Landscaping Plan prepared by I Hristovska.

Note: Council intends to keep the existing footpath location and landscaping as is and the submitted Landscape plan for works on Council property was not supported by Council Officers.

Footpath Design/Pedestrian Entrance Oberon Street

10. Prior to the issuing of a Construction Certificate the applicant is to have footpath plans submitted to and approved by Council's Coordinator of Engineering Services which shows the following:

- Council's existing footpath location, grades & steps between the existing garage door entrance and the footpath where it meets the Dundas Street frontage.
- Proposed footpath grades/steps so as to provide pedestrian access to the new lowered pedestrian entrance to the site in Oberon Street (RL 41.87 AHD). The plans are to include any proposed new retaining walls/underpinning/handrails etc along the northern edge of the Council footpath and proposed draining of the Council footpath opposite the pedestrian entrance.

Note: Should the applicant be unable to achieve Council's requirements for lowering/reconstructing the Council footpath at this location the applicant may have to consider raising the level of the pedestrian entrance and have steps constructed within the site between the gate entrance and the dwellings front door entrance.

Enquiries regarding this condition can be directed to Council's Development Engineer, Mr Paul O'Sullivan on 9399 0923.

Sydney Water

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

The approved plans must be submitted to a Sydney Water Quick Check agent, to determine whether the development will affect Sydney Water's waste water and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

If suitable, the plans will be appropriately stamped. For details please refer to the Sydney Water web site at www.sydneywater.com.au for:

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

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

12. Sediment/silt arrestor pit/s are to be provided within the site at or near the street boundary prior to stormwater being discharged from the site. The sediment/silt arrestor pits are to be constructed generally in accordance with the following requirements, to the satisfaction of the principal certifying

authority:

- The base of the pit located a minimum 300mm under the invert level of the outlet pipe.
- The grate is to be a galvanised heavy-duty grate that has a provision for a child proof fastening system.
- A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.
- A galvanised heavy-duty screen located over the outlet pipe (Mascot GMS Multi-purpose filter screen or similar)
- A child proof and corrosion resistant fastening system for the access grate (spring loaded j-bolts or similar).
- The inlet pipeline located on the side of the pit so that the stormwater will discharge across the face of the screen.
- A sign adjacent to this pit stating that:
 "This sediment/silt arrester pit shall be regularly inspected and cleaned."

Site seepage & Dewatering

13. Site seepage and sub-soil drainage (from planter boxes etc) must comply with the following requirements:

- a) Seepage/ground water and subsoil drainage (from planter boxes etc) must not be collected & discharged directly or indirectly to Council's street gutter or underground drainage system
- b) Adequate provision is to be made for the ground water to drain around the basement levels (to ensure the basement will not dam or slow the movement of the ground water through the development site).
- c) The walls of the basement level/s of the building are to be waterproofed/tanked to restrict the entry of any seepage water and subsoil drainage into the basement level/s of the building and the stormwater drainage system for the development.
- d) Sub-soil drainage systems may discharge via infiltration subject to the hydraulic consultant/engineer being satisfied that the site and soil conditions are suitable and the seepage is able to be fully managed within the site, without causing a nuisance to any premises and ensuring that it does not drain or discharge (directly or indirectly) to the street gutter.
- e) Details of the proposed stormwater drainage system including methods of tanking/waterproofing the basement level/s and any sub-soil drainage systems (as applicable) must be prepared or approved by a suitably qualified and experienced *Professional Engineer* to the satisfaction of the Certifying Authority and details are to be included in the construction certificate documentation.

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.

Compliance with the Building Code of Australia

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

Smoke Alarms

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

BASIX Requirements

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

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

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

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

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

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

Certification, PCA & other Requirements

17. Prior to the commencement of any building works, the following requirements must be complied with:

- a) a *Construction Certificate* must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.

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

- b) a *Principal Certifying Authority* (PCA) must be appointed to carry out the

- necessary building inspections and to issue an *occupation certificate*; and
- c) a *principal contractor* must be appointed for the building work, or in relation to residential building work, an *owner-builder* permit may be obtained in accordance with the requirements of the *Home Building Act 1989*, and the PCA and Council are to be notified accordingly; and
 - d) the *principal contractor* must be advised of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*; and
 - e) at least two days notice must be given to the Council, in writing, prior to commencing any works.

Home Building Act 1989

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

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

Dilapidation Reports

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

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

Construction Noise & Vibration Management Plan

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

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

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

Construction Site Management Plan

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

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

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

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

Demolition Work Plan

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

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

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

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

site and be made available to Council officers upon request.

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

Notes

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

Demolition & Construction Waste Plan

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

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

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

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

Demolition & Construction Waste

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

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

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

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

Public Utilities

25. 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.

26. 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.

Traffic Management

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

The Construction Site Traffic Management Plan must be prepared by a suitably qualified person, submitted to Council at least 4 weeks prior to commencement of works 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

REQUIREMENTS DURING CONSTRUCTION & SITE WORK

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

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

Inspections During Construction

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

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

Site Signage

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

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

Restriction on Working Hours

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

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

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

Demolition Work Requirements

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

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

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

Removal of Asbestos Materials

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

- Relevant Occupational Health & Safety legislation and WorkCover NSW

requirements

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

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

Sediment & Erosion Control

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

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

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

Public Safety & Site Management

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

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

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

- b) Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.
- c) The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times. Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.
- d) Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.
- e) Sediment and erosion control measures must be implemented throughout the site works in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to Council's satisfaction.
- f) Site fencing, building materials, bulk bins/waste containers and other articles must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health, Building and Regulatory Services department.
- g) Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual "Traffic Control at Work Sites" (Version 4), to the satisfaction of Council.
- h) Temporary safety fencing is to be provided to any swimming pools under construction, pending the completion of all building work and the pool must not be filled until a fencing inspection has been carried out and approved by the principal certifying authority.

Support of Adjoining Land, Excavations & Retaining Walls

- 35. 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.
- 36. All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations must be properly guarded and supported to prevent them from being dangerous to life, property or buildings.

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

Details of proposed retaining walls, shoring, piling or other measures are to be submitted to and approved by the Principal Certifying Authority.

37. Prior to undertaking any demolition, excavation or building work in the following circumstances, a report must be obtained from a *professional engineer* which details the methods of support for the dwelling or associated structure on the adjoining land, to the satisfaction of the *Principal Certifying Authority*:
- when undertaking excavation or building work within the zone of influence of the footings of a dwelling or associated structure that is located on the adjoining land;
 - when undertaking demolition work to a wall of a dwelling that is built to a common or shared boundary (e.g. semi-detached or terrace dwelling);
 - when constructing a wall to a dwelling or associated structure that is located within 900mm of a dwelling located on the adjoining land.

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

Survey Requirements

38. A Registered Surveyor's check survey certificate or other suitable documentation must be obtained at the following stage/s of construction to demonstrate compliance with the approved setbacks, levels, layout and height of the building to the satisfaction of the Principal Certifying Authority (PCA):
- prior to construction (pouring of concrete) of the footings or first completed floor slab,
 - upon completion of the building, prior to issuing an occupation certificate,
 - as otherwise may be required by the PCA.

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

Building Encroachments

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

Road/Asset Opening Permit

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.

Tree Management

41. There is to be no storage of building materials and/or washing down of materials, at any time, on Council's nature strip in Dundas Street or the Council landscaped area in Oberon Street.

Site Amenities

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

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

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

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

BASIX Requirements

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

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

Occupant Safety

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

Options may include one or more of the following measures:

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

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

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

Swimming Pool Safety

46. Swimming pools are to be provided with childproof fences and self-locking gates, in accordance with the *Swimming Pools Act 1992* and regulations.

The swimming pool is to be surrounded by a fence having a minimum height of 1.2m, that separates the pool from any residential building situated on the premises and from any place (whether public or private) adjoining the premises; and that is designed, constructed and installed in accordance with AS 1926.1 - 2007.

Gates to pool area shall be a maximum width of 1 metre, and be self-closing and latching; the gate is required to open outwards from the pool area and prevent a small child opening the gate or door when the gate or door is closed.

A 'warning notice' must be erected in a prominent position in the immediate vicinity of the swimming pool, in accordance with the provisions of the *Swimming Pools Regulation 2008*, detailing pool safety requirements, resuscitation techniques and the importance of the supervision of children at all times.

Swimming Pool & Spa Pool Requirements

47. Swimming pools (and spa pools) are to be designed, installed and operated in accordance with the following general requirements:

- a. Backwash of the pool filter and other discharge of water is to be drained to the sewer in accordance with the requirements of the Sydney Water Corporation; and
- b. All pool overflow water is to be drained away from the building and adjoining premises, so as not to result in a nuisance or damage to premises; and
- c. Water recirculation and filtrations systems are required to comply with AS 1926.3 – 2010: Swimming Pool Safety – Water Recirculation and Filtration Systems; and
- d. Pool plant and equipment is to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.

Notification of Swimming Pools & Spa Pools

48. 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" (which can be found

on Council's website under 'Find a Form') form must be completed and forwarded to Council prior to any Occupation Certificate being issued for the pool.

Council's Infrastructure, Vehicular Crossings, street verge

49. The applicant must meet the full cost for Council or a Council approved contractor to:
- a. Reconstruct the Council footpath along the Oberon Street frontage, adjacent to the boundary so as to meet the new approved pedestrian entrance level, to Council's requirements/satisfaction. This includes any necessary associated works such as steps, retaining walls/underpinning and handrails etc.
50. The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip, landscaped area, etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
51. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:
- a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
 - b) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a Civil 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.
52. That part of the naturestrip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant's expense.
53. That part of the Council landscape area located on the Oberon Street frontage which is damaged during the construction of the proposed works shall be repaired/replaced to Council's requirements at the applicant's expense.

OPERATIONAL CONDITIONS

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

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

Use of premises

54. The premises is to be used as a single residential dwelling only at all times and must not be used for dual or multi-occupancy purposes.

External Lighting

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

Street Numbering

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

Waste Management

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

Plant & Equipment

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

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

Swimming/Spa Pools

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.

Air Conditioners

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

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

Rainwater Tanks

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

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

ADVISORY NOTES

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

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

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

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

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

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

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

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

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

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

- A6 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place, to the satisfaction of the Certifying Authority.

- A7 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is

proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:

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

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

- A8 The finished ground levels external to the building must be consistent with the development consent and are not to be raised, other than for the provision of approved paving or the like on the ground.
- A9 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.
- A10 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.
- A11 Underground assets (eg pipes, cables etc) 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 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.
- A12 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.
- A13 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: (Matson/Garcia) CARRIED UNANIMOUSLY - SEE RESOLUTION.

**CP43/13 Director City Planning Report - 8 Chapel Street, Randwick
(DA/5/2013)**

145/13

RESOLUTION: (Andrews/Roberts) -

- A. That Council supports the objection under State Environmental Planning Policy No. 1 – Development Standards in respect to non-compliance with Clauses 20F (1) of Randwick Local Environmental Plan 1998, relating to Floor Space Ratio, 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 and Infrastructure 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/5/2013 for demolition of an existing caretaker/workshop building located in the south-western corner of the existing hospital building and construction of a single storey hydrotherapy facility with internal access to the existing hospital building at the Eastern Suburbs Private Hospital (Heritage Conservation Area), at No. 8 Chapel Street, Randwick, subject to the following conditions:

DEVELOPMENT CONSENT CONDITIONS

GENERAL CONDITIONS

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

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

Approved Plans & Supporting Documentation

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

<i>Plan</i>	<i>Rev</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
DA 01	A	Unknown	17 November 2012	7 January 2013
DA 02	A		16 April 2013	11 June 2013
DA 03			17 November 2012	7 January 2013
DA 04	B		6 June 2013	11 June 2013
DA 05			16 April 2013	11 June 2013

Amendment of Plans & Documentation

2. The addition shall have a height of no greater than RL 78.00, as indicated in red on the approved plans.

REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

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

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

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

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

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

Section 94A Development Contributions

5. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, based on the development cost of \$400,000.00, the following applicable monetary levy must be paid to Council: \$4,000.00..

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

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

Long Service Levy Payments

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

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

Security Deposit

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

- \$600.00 - 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.

Sydney Water

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 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.

Street Tree Protection

9. In order to ensure retention of the *Corymbia gummifera* (Red Bloodwood), located on Council's Dutruc Street verge, to the northwest of the proposed hydro-therapy pool, between the two existing vehicle crossings, as well as to its south, directly in front of the proposed works, the two semi-mature, *Eucalyptus haemastoma* (Scribbly Gums) and then the two smaller *Eucalyptus haemastoma* (Scribbly Gums) in good health, the following measures are to be undertaken:

- a. All documentation submitted for the Construction Certificate application must show the retention of these five trees, with the position and diameter of both their trunks and canopies to be clearly and accurately shown on all drawings.
- b. Any excavations associated with the installation of new services, pipes, stormwater systems or similar over public property must be located along either side of the existing crossings, or, an even distance between their trunks.
- c. These five trees are to be individually protected by the installation of 1.8 metre high steel mesh/chainwire fencing, which shall be located a minimum distance of **1.5 metres** to their north and south (measured off the outside edge of their trunks at ground level), matching up with the back of the kerb to their west, and pedestrian footpath to their east, in order to completely enclose each tree for the duration of works.
- d. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are

completed, to which, signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER".

- e. Within the TPZ's, there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, with all Site Management Plans needing to acknowledge these requirements.
- f. Any roots encountered during the course of the approved works must be cut cleanly by hand and the affected area backfilled with clean site soil as soon as practically possible.
- g. A refundable deposit in the form of cash, credit card or cheque for an amount of **\$2,000.00** shall also be paid at the Cashier on the Ground Floor of the Administrative Centre, **prior to a Construction Certificate being issued for the development**, in order to ensure compliance with the conditions listed in this consent, and ultimately, preservation of this street tree.

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

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

Tree Protection Measures

10. In order to also ensure retention of the two trees within the existing informal gravel car-park on the adjoining parcel to the south, close to the front property boundary, being from northwest to southeast, a *Cupressus sempervirens* (Italian Cypress), then a *Cupressus macrocarpa* 'Brunniana' (Brunnings Golden Cypress) in good health, the following measures are to be undertaken:
- a. All documentation submitted for the Construction Certificate application must show the retention of both trees, which are to be physically protected as one group by the installation of 1.8 metre high steel mesh/chainwire fencing, which shall be located a minimum distance of **1.5 metres** to their north, east and south (measured off the outside edge of their trunks at ground level), matching up with the front property to the west, in order to completely enclose them for the duration of works.
 - b. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER".
 - c. In order to prevent soil/sediment being washed into the TPZ, and over their root systems, erosion control measures shall be provided around the perimeter of the TPZ.
 - d. Within the TPZ, there is to be no storage of materials, machinery or site

office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, with all Site Management Plans needing to acknowledge these requirements.

REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE

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

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

Compliance with the Building Code of Australia

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

Smoke Alarms

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

Stormwater Drainage

13. A surface water/stormwater drainage system must be provided in accordance with the following requirements, to the satisfaction of the Certifying Authority and details are to be included in the construction certificate:-
- a) Surface water/stormwater drainage systems must be provided in accordance with the relevant requirements of the Building Code of Australia (Volume 2);
 - b) The surface water/stormwater must be drained and discharged to the street gutter or, subject to site suitability, the stormwater may be drained to a suitably designed absorption pit;
 - c) Any absorption pits or soaker wells should be located not less than 3m from any adjoining premises and the stormwater must not be directed to any adjoining premises or cause a nuisance;
 - d) External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the building, or cause a nuisance or damage to the adjoining premises;
 - e) Details of any proposed drainage systems or works to be carried out in the road, footpath or nature strip must be submitted to and approved by Council before commencing these works.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

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

(PCA), as applicable.

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

Certification, PCA & other Requirements

14. Prior to the commencement of any building works, the following requirements must be complied with:

- a) a *Construction Certificate* must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.

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

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

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

Home Building Act 1989

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

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

Dilapidation Reports

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

- excavations for new dwellings, additions to dwellings, swimming pools or the like which are proposed to be located within the *zone of influence* of the footings of any dwelling, associated garage or other substantial

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

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

Construction Noise & Vibration Management Plan

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

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

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

Construction Site Management Plan

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

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

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

A copy of the Construction Site Management Plan must be provided to the

Principal Certifying Authority and Council prior to commencing site works. A copy must also be maintained on site and be made available to Council officers upon request.

Demolition Work Plan

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

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

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

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

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

Notes

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

Public Utilities

20. 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.
21. 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.

Pruning of Street Trees

22. Prior to the commencement of works, the applicant will need to advise Council if any of the street trees growing on the Dutruc Street verge will need to be pruned in order to avoid damage by trucks, machinery or similar; or; to avoid interference with the works in anyway, and in this regard will need to contact

Council's Landscape Development Officer (9399-0613).

23. If permission is granted, it will only be performed by Council, with a **minimum of 4 weeks notice required to perform this work**, which will be wholly at the applicants cost, who must pay the required fee into **Tree Amenity Income** at the Cashier on the Ground Floor of the Administrative Centre, **prior to the issue of a Final Occupation Certificate being issued for the development.**

REQUIREMENTS DURING CONSTRUCTION & SITE WORK

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

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

Inspections During Construction

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

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

Site Signage

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

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

Restriction on Working Hours

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

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

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

Demolition Work Requirements

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

- Work Health & Safety Act 2011 and Regulations
- WorkCover NSW Code of Practice for the Safe Removal of Asbestos
- WorkCover NSW Guidelines and Codes of Practice
- Australian Standard 2601 (2001) – Demolition of Structures
- The Protection of the Environment Operations Act 1997 and Regulations
- Relevant DECCW/EPA Guidelines
- Randwick City Council Asbestos Policy

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

Removal of Asbestos Materials

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

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

contractor), must be provided to Council and the Principal certifying authority upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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

Sediment & Erosion Control

29. Sediment and erosion control measures must be implemented throughout the site works in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to Council's satisfaction. Details are to be included in the *Construction Site Management Plan*.

Public Safety & Site Management

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

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

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

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

Support of Adjoining Land, Excavations & Retaining Walls

31. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 E of the *Environmental Planning & Assessment Regulation 2000*, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.
32. All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations must be properly guarded and supported to prevent them from being dangerous to life, property or buildings.

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

Details of proposed retaining walls, shoring, piling or other measures are to be submitted to and approved by the Principal Certifying Authority.

33. Prior to undertaking any demolition, excavation or building work in the following circumstances, a report must be obtained from a *professional engineer* which details the methods of support for the dwelling or associated structure on the adjoining land, to the satisfaction of the *Principal Certifying Authority*:
- when undertaking excavation or building work within the zone of influence of the footings of a dwelling or associated structure that is located on the adjoining land;
 - when undertaking demolition work to a wall of a dwelling that is built to a common or shared boundary (e.g. semi-detached or terrace dwelling);
 - when constructing a wall to a dwelling or associated structure that is located within 900mm of a dwelling located on the adjoining land.

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

Building Encroachments

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

Road/Asset Opening Permit

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

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

Tree Removal

36. Approval is granted for removal of the following trees in order to accommodate the proposed hydro-therapy pool building as shown:

- a) The two closely planted *Cupressus torulosa* (Bhutan Cypress) within the site, beyond the western edge of the ground level building which is attached to the southern side of the main Hospital building;
- b) The small *Callistemon viminalis* (Bottlebrush) to the southeast of the trees described above, adjacent the southeast corner of the existing/proposed building, on the adjoining parcel (Folio 136) should it be necessary during the course of works, as it is exempt from the provisions of Council's Tree Preservation Order (TPO).

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

37. 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.

Occupant Safety

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

Options may include one or more of the following measures:

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

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

Swimming Pool Safety

39. Swimming pools are to be provided with childproof fences and self-locking gates, in accordance with the *Swimming Pools Act 1992* and regulations.

The swimming pool is to be surrounded by a fence having a minimum height of 1.2m, that separates the pool from any residential building situated on the premises and from any place (whether public or private) adjoining the premises; and that is designed, constructed and installed in accordance with AS 1926.1 - 2007.

Gates to pool area shall be a maximum width of 1 metre, and be self-closing and latching; the gate is required to open outwards from the pool area and prevent a small child opening the gate or door when the gate or door is closed.

A 'warning notice' must be erected in a prominent position in the immediate vicinity of the swimming pool, in accordance with the provisions of the *Swimming Pools Regulation 2008*, detailing pool safety requirements, resuscitation techniques and the importance of the supervision of children at all times.

Spa Pool Safety

40. Spa pools are to be provided with a child resistant barrier, in accordance with the provisions of the *Swimming Pools Act 1992* and regulations.

A 'warning notice' must be erected in a prominent position in the immediate vicinity of the swimming pool, in accordance with the provisions of the *Swimming Pools Regulation 2008*, detailing pool safety requirements, resuscitation techniques and the importance of the supervision of children at all times.

Swimming Pool & Spa Pool Requirements

41. Swimming pools (and spa pools) are to be designed, installed and operated in accordance with the following general requirements:

- a) Backwash of the pool filter and other discharge of water is to be drained to the sewer in accordance with the requirements of the Sydney Water Corporation; and
- a) All pool overflow water is to be drained away from the building and adjoining premises, so as not to result in a nuisance or damage to premises; and
- b) Water recirculation and filtrations systems are required to comply with AS 1926.3 – 2003: Swimming Pool Safety – Water Recirculation and Filtration Systems; and
- c) Pool plant and equipment is to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.

Notification of Swimming Pools & Spa Pools

42. 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 (which can be found on Council's website under 'Find a Form') must be completed and forwarded to Council prior to any Occupation Certificate being issued for the pool.

Council's Infrastructure, Vehicular Crossings, street verge

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

Landscaping Certification

46. Prior to the PCA issuing a Final (or any type of interim) Occupation Certificate, certification from a qualified professional in the landscape/horticultural industry must be submitted to the PCA, confirming that landscaping at this site has been installed substantially in accordance with the Landscape Plans by Fesena P/L, Drwg No DA05, dated April 2013, with the owner/s to implement strategies to ensure that it is maintained in a healthy and vigorous state.

OPERATIONAL CONDITIONS

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

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

Use of approved facility

47. The hydrotherapy pool must only be used by existing patients residing at the

Eastern Suburbs Memorial Hospital.

The pool must not be used by out-patients or day-patients without obtaining further consent of Council.

Hours of operation

48. The hydrotherapy pool must only be used between the hours of 8.00am and 6.00pm – Monday to Sunday.

External Lighting

49. 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.

Plant & Equipment

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

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

Swimming/Spa Pools

51. 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.

Air Conditioners

52. Air conditioning plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:
- before 8.00am or after 10.00pm on any Saturday, Sunday or public holiday; or
 - before 7.00am or after 10.00pm on any other day.

Rainwater Tanks

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

ADVISORY NOTES

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

- A1 The requirements and provisions of the *Environmental Planning & Assessment*

Act 1979 and Environmental Planning & Assessment Regulation 2000, must be fully complied with at all times.

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

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

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

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

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

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

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

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

A6 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place, to the satisfaction of the Certifying Authority.

A7 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:

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

as appropriate.

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

- A8 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.
- A9 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.
- A10 Further information and details on Council's requirements for trees on development sites can be obtained from the recently adopted Tree Technical Manual, which can be downloaded from Council's website at the following link, <http://www.randwick.nsw.gov.au> - Looking after our environment – Trees – Tree Management Technical Manual; which aims to achieve consistency of approach and compliance with appropriate standards and best practice guidelines.

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

CP44/13 Director City Planning Report - Reporting Variation to Development Standard under State Environment Planning Policy No. 1 (SEPP 1) for the period 1-31 May 2013 (F2008/00122)

146/13 **RESOLUTION: (Andrews/ Roberts)** that the report be received and noted.

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

CP45/13 Director City Planning Report - Randwick Environment Park: Plan of Management Review and Public Exhibition (F2010/00407)

147/13 **RESOLUTION: (Moore/Smith)** that Council:

- a) endorse the attached 2013 draft Plan of Management for the Randwick Environment Park and place it on exhibition for community comment; and
- b) agree that the Director City Planning may make minor modifications to rectify any numerical, typographical, interpretation and formatting errors as required in preparing the Plan of Management for public exhibition.

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

CP46/13 Director City Planning Report - Draft Randwick Community Centre Plan of Management (F2011/00233)

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

The Deputy Mayor, Cr D'Souza, assumed the chair in the Mayor's absence.

148/13 **RESOLUTION: (Nash/Smith)** that Council:

- a) endorse the attached draft Randwick Community Centre Plan of Management for public exhibition and a public hearing, to be held in conjunction with the Draft Plan of Management for the Randwick Environment Park which adjoins the subject site;
- b) agree that the Director City Planning may make minor modifications to rectify any numerical, typographical, interpretation and formatting errors as required in preparing the Plan of Management for public exhibition/presentation.

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

The Mayor, Cr Bowen, returned to the meeting at this point and resumed the chair.

CP47/13 Director City Planning Report - Proposed Activities for 2013 Local Government Week (F2013/00015)

149/13 **RESOLUTION: (Matson/Belleli)** that Council endorses the week-long program of activities for Local Government Week, as outlined in this report, and that each of the events provides a poster, leaflets and other promotional material promoting the 'Yes' position for the national referendum on the constitutional recognition of local government.

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

General Manager's Reports

GM11/13 General Manager's Report - Community Banner Campaign (F2007/00519)

150/13 **RESOLUTION: (Belleli/Moore)** that the design of the community banners be approved and that they be installed in the near future.

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

GM12/13 General Manager's Report - Local Government NSW - Annual Conference (F2004/06645)

151/13 **RESOLUTION: (Nash/Seng)** that:

- a) Councillors interested in attending the 2013 Conference of Local Government NSW advise the General Manager as soon as possible;
- b) the eight Randwick Council delegates be comprised of three (3) ALP, three (3) Liberal, one (1) Green and one (1) Independent councillor, with replacement delegates to be organised should they be required; and
- c) Council identify and advise the General Manager of 3-5 issues (and a motion or proposed solution for each issue) which it believes are causing concern to the Council and/or the local community for input into the conference business sessions.

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

GM13/13 General Manager's Report - Randwick City Council Operational Plan 2013-14 (F2012/00176)

152/13

RESOLUTION: (Andrews/Moore) that:

- a) the Recommended Operational Plan 2013-14 be adopted as per the attached, and that the General Manager be authorised to make any minor changes as requested by the Council or the NSW Division of Local Government;
- b) the Recommended Annual Budget 2013-14 be adopted as per the attached;
- c) the Recommended General Fees & Charges be adopted for 2013-14 as per the attached;
- d) Council make and levy the Ordinary Residential Rate for 2013-14, under s494 and s498(1)(a) and (2) of the Local Government Act 1993, as a rate of 0.176640 cents in the dollar on the land value of all rateable land within the City of Randwick being categorised as Residential;
- e) Council make and levy the Ordinary Business Rate for 2013-14, under s494 and s498(1)(a) & (2) of the Local Government Act 1993, as a rate of 0.594910 cents in the dollar on the land value of all rateable land within the City of Randwick being categorised as Business;
- f) Council make and levy the Special Environmental Rate for 2013-14 under s495 and s498(1)(b) and (2) of the Local Government Act 1993, as a rate of 0.014292 cents in the dollar on the land value of all rateable land within the City of Randwick;
- g) Council make and levy the minimum ordinary Residential rate for 2013-14 under s548(1)(a), (2), (4) & (5) of the Local Government Act 1993, as \$676.72;
- h) Council make and levy the minimum ordinary Business rate for 2013-14 under s548(1)(a), (2), (4) & (5) of the Local Government Act 1993, as \$1,090.51;
- i) Council make and levy the Domestic Waste Management Charge for 2013-14 under S496 of the Local Government Act 1993, as \$493.02;
- j) Council make and levy a Domestic Waste Management Charge for an additional 140 litre bin for 2013-14 under S496 of the Local Government Act 1993, as \$245.75;
- k) Council make and levy the Stormwater Management Service Charge for residential properties for 2013-14 under S496A of the Local Government Act 1993, as \$25.00;
- l) Council make and levy the Stormwater Management Service Charge for residential strata properties for 2013-14 under S496A of the Local Government Act 1993, as \$12.50;
- m) Council make and levy the Stormwater Management Service Charge for business properties for 2013-14 under S496A of the Local Government Act 1993, as \$25.00 plus an additional \$25.00 for each 350m² or part thereof by which the parcel of land exceeds 350m²;
- n) Council make and levy the Stormwater Management Service Charge for company title properties and Business strata properties for 2013-14 under S496A of the Local Government Act 1993, calculated in accordance with the rating category of the land and then apportioned according to the number of shares held by each shareholder for company title and by unit entitlement for Business strata.
- o) the interest rate on overdue rates for 2013-14 be set at 9% which is the

maximum rate as determined by the Minister for Local Government; under s566(3) of the Local Government Act 1993;

- p) the responsible financial officer be delegated to make changes as adopted by Council; and
- q) local residents be surveyed to determine if they want a concrete footpath in Scott Street, Maroubra prior to its construction.

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

Director City Services Reports

Nil.

Director Governance & Financial Services Reports

GF28/13 Director Governance & Financial Services Report - Investment Report - May 2013 (F2004/06527)

153/13 **RESOLUTION: (Andrews/Roberts)** that the investment report for May 2013 be received and noted.

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

GF29/13 Director Governance & Financial Services Report - Review of Rating Residential Land (F2008/00460)

154/13 **RESOLUTION: (Andrews/Roberts)** that Council receive and note the report from The Research and Innovation Office, University of Technology, Sydney titled "A Review of Rating Residential Land in Randwick Local Government Area 2013".

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

GF30/13 Director Governance & Financial Services Report - Independent Local Government Review Panel - Future Directions for NSW Local Government (F2004/06554)

155/13 **RESOLUTION: (Moore/Garcia)** that the draft submission in relation to the Independent Local Government Review Panel's 'Future Directions for NSW Local Government – Twenty Essential Steps' paper be endorsed and submitted to the Review Panel by 28 June 2013.

MOTION: (Moore/Garcia) CARRIED – SEE RESOLUTION.

GF31/13 Director Governance & Financial Services Report - A New Local Government Act for NSW - Discussion Paper (F2004/07892)

156/13 **RESOLUTION: (Andrews/Roberts)** that the draft submission on the 'A New Local Government Act for NSW – Discussion Paper' be forwarded to the Local Government Act Taskforce prior to 28 June 2013.

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

GF32/13 Director Governance & Financial Services Report - Model Privacy

Management Plan for Local Government (F2004/06689)

157/13 **RESOLUTION: (Smith/Moore)** that the amended Privacy Management Plan (which is based on the Model Privacy Management Plan for Local Government – January 2013) be adopted and a copy be provided to the NSW Privacy Commissioner.

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

GF33/13 Director Governance & Financial Services Report - Annual Review of Councillors' Expenses & Facilities Policy (F2004/06576)

158/13 **RESOLUTION: (Andrews/Roberts)** that, the amended Councillors' Expenses & Facilities Policy be publicly exhibited for a period of 28 days.

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

Petitions

- (a) Cr Andrews tabled a petition containing 30 signatures from residents of Torrington Road (South) to include their properties as part of the proposed suburb of Lurline Bay.

Motion Pursuant to Notice

NM40/13 Notice of Motion from Cr Neilson - Light Rail Affecting Wansey Road (F2004/08175)

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

159/13 **RESOLUTION: (Moore/Shurey)** that:

- a) Wansey Road residents seek assurance from the NSW State Government that the light rail will not go along Wansey Road but parallel to Wansey Road and through the Australian Turf Club land, therefore, Randwick Council needs clarification from the State Government regarding the proposed route for the light rail; and
- b) Council advise Transport NSW that the preferred route for the Light Rail to Randwick is to run parallel with Wansey Road on the Australian Turf Club land between Alison Road and High Street, in order to minimise any impacts on the Wansey Road residents.

MOTION: (Moore/Shurey) CARRIED - SEE RESOLUTION.

NM41/13 Notice of Motion from Cr Stavrinis - Request for Increased Police Presence in Kingsford/Kensington. (F2004/07501)

160/13 **RESOLUTION: (Stavrinis/Andrews)** that:

- a) Council arrange a meeting with the Local Area Police Commander to address safety concerns raised by residents in the Kingsford/Kensington areas with the recommendation to increase police presence in these areas; and
- b) a report be brought back to Council looking at all the CCTV options in different localities, including Kingsford and Maroubra.

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

NM42/13 Notice of Motion from Cr Matson - Support for Moore Park Tunnel Option for CBD and South East Light Rail (F2004/08175)

161/13

RESOLUTION: (Matson/Shurey) that Council lobby the State Government:

- a) noting that the joint Randwick City Council, racecourse and UNSW Randwick Light Rail Pre-feasibility Study Final Report proposed a light rail tunnel under Moore Park;
- b) urging the Government to incorporate such a tunnel design into its own CBD and South East light rail project.

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

NM43/13 Notice of Motion from Cr Stevenson - Discounted Access to Aquatic and Fitness Centre for Seniors and Low Income Families (F2008/00064)

MOTION: (Stevenson/Garcia) that a report be brought back to Council outlining the option of implementing an Aquatic and Fitness Centre Access Card similar to the one in use by the City of Sydney to give healthcare card holders, pension card holders, senior card holders and low income household residents experiencing financial hardship use of the Aquatic and Fitness Centre. **LOST.**

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Bowen	Councillor Matson
Councillor D'Souza	Councillor Nash
Councillor Garcia	Councillor Roberts
Councillor Moore	Councillor Seng
Councillor Stevenson	Councillor Shurey
	Councillor Smith
	Councillor Stavrinis
Total (6)	Total (8)

NM44/13 Notice of Motion from Crs Andrews and Stavrinis - Proposed Amendment to Abandoned Vehicle Registration (F2004/06822)

162/13

RESOLUTION: (Stavrinis/Andrews) that Council write to the NSW Roads & Ports Minister, Mr Duncan Gay, requesting a change in legislation, to give council's the authority to remove any unregistered vehicles from the road, irrespective of any claimed ownership. The term vehicle should include any vehicle that requires registration.

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

NM45/13 Notice of Motion from Cr Matson - Response to Kingsford South 10th April 2013 Minutes Concerning Urban Activation Areas (F2013/00012)

163/13

RESOLUTION: (Matson/Andrews) that Council respond to the 10 April 2013

minutes of the Kingsford South Precinct that erroneously suggests that Councillors have voted for the State Government initiated urban activation program by:

- 1) formerly writing to the member for Maroubra asking for clarification of his comments made on this subject at the precinct meeting of 10 April 2013; and
- 2) write to the Kingsford South precinct committee informing it that there is no Council resolution supporting the urban activation program and requesting that this correction be noted in the minutes of the next precinct meeting.

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

NM46/13 Notice of Motion from Cr Smith - Proposed New Economic Development Target (F2009/00491)

164/13

RESOLUTION: (Smith/Andrews) that Council direct the Economic Development Committee to consider setting an aspirational employment self containment target (%) to assist in guiding Council's long term plans.

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

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

FOR	AGAINST
Councillor Andrews	Councillor Bowen
Councillor Bellei	Councillor D'Souza
Councillor Garcia	Councillor Moore
Councillor Matson	Councillor Shurey
Councillor Nash	Councillor Stevenson
Councillor Roberts	
Councillor Seng	
Councillor Smith	
Councillor Stavrinou	
Total (9)	Total (5)

NM47/13 Notice of Motion from Cr Matson - Response to the Leader of the Opposition's Refusal to Commit to Funding the Completion of the Maldon Dombarton Rail Link (F2004/08175)

165/13

RESOLUTION: (Matson/Shurey) that Council:

- 1) note its regret that the leader of the federal opposition will not commit to funding the completion of the Maldon Dombarton rail link; and
- 2) writes to all currently identified candidates contesting the seat of Kingsford Smith asking them to support Commonwealth funding for the extension of the Maldon Dombarton rail link as a means of reducing congestion in the electorate arising from Port Botany.

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

NM48/13 Notice of Motion from Cr Smith - Sydney 2030 Strategy (F2013/00001)

166/13

RESOLUTION: (Smith/Andrews) that Council invite the Lord Mayor of the City of Sydney, or her representatives, to present the Sydney 2030 strategy to Councillors.

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

NM49/13 Notice of Motion from Cr Smith - Proposed Change to Council's Committee Structure (F2004/06570)

This matter was withdrawn with the consent of Council.

NM50/13 Notice of Motion from Cr Smith - Proposed Independent Whistleblower Service (F2005/00303)

167/13

RESOLUTION: (Smith/Nash) that Council consider a report to consider the establishment of a best practice Randwick Whistleblower service to support employees and contractors to report unacceptable, sensitive and confidential matters.

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

NM51/13 Notice of Motion from Cr Smith - Structure of City Planning Reports (F2012/00565)

168/13

RESOLUTION: (Smith/Matson) that Council alter the current method of reporting City Planning reports to Council by providing detailed executive summary style reports highlighting all key issues and then adding the full assessment reports including any conditions as an appendix document.

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

Confidential Reports

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

Closed Session

CP48/13 Confidential - 158 Moverly Road, South Coogee (DA/584/2012) (DA/584/2012)

This matter is considered to be confidential under Section 10A(2)(e) of the Local Government Act, as it deals with information that would, if disclosed, prejudice the maintenance of law.

169/13

RESOLUTION: (Garcia/Nash) that Council enter into consent orders in relation to the Land & Environment Court proceedings No. 10282 of 2013 Design 23 Pty Ltd v Randwick City Council as there are no issues in dispute between the traffic experts in relation to pedestrian and vehicular safety and the suitability of the site as a childcare centre.

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

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

FOR	AGAINST
Councillor Andrews	Councillor Belleli
Councillor D'Souza	Councillor Bowen
Councillor Garcia	Councillor Stavrinou
Councillor Matson	Councillor Stevenson
Councillor Moore	

Councillor Nash	
Councillor Roberts	
Councillor Seng	
Councillor Shurey	
Councillor Smith	
Total (10)	Total (4)

AMENDMENT: (Belleli/Stevenson) that Council continue to defend this action in court. **LOST.**

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Stevenson	Councillor Bowen
	Councillor D'Souza
	Councillor Garcia
	Councillor Matson
	Councillor Moore
	Councillor Nash
	Councillor Roberts
	Councillor Seng
	Councillor Shurey
	Councillor Smith
	Councillor Stavrinou
Total (2)	Total (12)

GF34/13 Confidential - Randwick City Council Operational Plan and Budget 2013-14: Confidential Fees and Charges (F2012/00510)

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.

170/13 **RESOLUTION: (Andrews/Garcia)** that the recommended Confidential Fees and Charges 2013-14 be adopted for the 2013-14 financial year.

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

GF35/13 Confidential - T03/13 - Tender for Audit and Related Financial Services (F2012/00532)

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.

171/13 **RESOLUTION: (Nash/Roberts)** that Council:

- a) under Regulation 178(1)(a) of the Local Government (General) Regulation 2003, accepts Hill Rogers Spencer Steer for the category of Statutory Audit Services; and Ernst and Young, KPMG and Crowe Howarth Auswild for the category of Related Financial Services;

- b) authorises the General Manager, or delegated representative, to execute contract documents on behalf of Council for a six year term, expiring 30th October 2019; and
- c) notifies the unsuccessful tenderers.

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

Open Session

The meeting moved back into open session.

Notice of Rescission Motions

NR2/13 Notice of Rescission Motion submitted by Crs Smith, Andrews and Roberts - 2-6 Goodwood Street, Kensington (DA/195/2012/A)

172/13 **RESOLUTION: (Smith/Roberts)** that the resolution passed at the Planning Committee meeting held on Tuesday 11 June 2013 reading as follows:

'That the application be deferred to enable a Councillors' briefing session in relation to the matters of concern raised by Councillors.'

BE AND IS HEREBY RESCINDED.

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

173/13 **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/195/2012 by carrying out various internal & external alterations including to windows and service doors, alteration to unit mix modifications to basement area and reduction of carparking from 88 spaces to 80, relocation of fire stair, AC and lift cores, new roof terrace for Block B, new green wall for Blocks B and C and new water feature at 2-6 Goodwood Street, Kensington in the following manner:

A Amend Condition No. 1 to read:

Approved Plans & Supporting Documentation

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

<i>Plan</i>	<i>Rev.</i>	<i>Drawn by</i>	<i>Stamped</i>
DA0.03	A	Fox Johnson Architects	25 June 2012
DA1.01	A	Fox Johnson Architects	25 June 2012
DA1.02	A	Fox Johnson Architects	25 June 2012
DA1.03	A	Fox Johnson Architects	25 June 2012
DA1.04	A	Fox Johnson Architects	25 June 2012
DA1.05	A	Fox Johnson Architects	25 June 2012
DA1.06	A	Fox Johnson Architects	25 June 2012
DA1.07	A	Fox Johnson Architects	25 June 2012
DA1.08	A	Fox Johnson Architects	25 June 2012
DA2.01	A	Fox Johnson Architects	25 June 2012
DA2.02	A	Fox Johnson Architects	25 June 2012
DA2.03	A	Fox Johnson Architects	25 June 2012
DA4.01	A	Fox Johnson Architects	25 June 2012
Sample Board (3 Ascot Street, Kensington)		Fox Johnson Architects	27 March 2012
BASIX Certificate		No.	Dated
3 Ascot Street		420896M	21 March 2012

the application form and on any supporting information received with the application, as amended by the following **Section 96 'A' plans**

Plan	Rev.	Dated	Prepared by	Stamped
DA1.01	B	30.01.13	Fox Johnson Architects	4 February 2013
DA1.02	B	30.01.13	Fox Johnson Architects	4 February 2013
DA1.03	B	30.01.13	Fox Johnson Architects	4 February 2013
DA1.04	B	30.01.13	Fox Johnson Architects	4 February 2013
DA1.05	B	30.01.13	Fox Johnson Architects	4 February 2013
DA1.06	B	30.01.13	Fox Johnson Architects	4 February 2013
DA1.07	B	30.01.13	Fox Johnson Architects	4 February 2013
DA1.08	B	30.01.13	Fox Johnson Architects	4 February 2013
DA2.01	B	30.01.13	Fox Johnson Architects	4 February 2013
DA2.02	B	30.01.13	Fox Johnson Architects	4 February 2013
DA2.03	B	30.01.13	Fox Johnson Architects	4 February 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:

B Add the following conditions:

133. The applicant must allocate 67 parking spaces for residential units, 12 spaces for visitor parking and 3 spaces for the commercial units, (80 spaces in total). The 3 commercial units shall be allocated 1 parking space each. Any future strata subdivision application must demonstrate compliance with this requirement prior to the issuing of a strata subdivision certificate.
134. The proposed awning over the rooftop terrace to Block B shall be extended to cover the proposed seats at the north western and south western corners of the terrace. Details of compliance are to be shown on construction certificate plans
135. An amended BASIX certificate must be submitted to the Certifying Authority with the Construction Certificate application for this development.

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

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

NSW OFFICE OF WATER: GENERAL TERMS OF APPROVAL

136. An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.
137. The design and construction of the structure shall preclude the need for permanent dewatering by waterproofing those areas that may be impacted by any water table (i.e. a fully tanked structure) with adequate provision for unforeseen fluctuations of water table levels to prevent potential future inundation.
138. Construction methods and material used in and for construction shall not cause

pollution of the groundwater.

Prior to excavation

139. Measurements of groundwater levels beneath the site from a minimum of three monitoring bores shall be taken and a report provided to the NSW Office of Water. A schedule and indicative plans of the proposed ongoing water level monitoring from the date of consent until at least two months after the cessation of pumping shall be included in the report.
140. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and a report provided to the NSW Office of Water. Details of the calculation method shall be included in the report.
141. A copy of a valid development consent for the project shall be provided to the NSW Office of Water.
142. Groundwater quality testing shall be conducted and a report supplied to the NSW Office of Water. Samples must be taken prior to the commencement of pumping, and a schedule of the ongoing testing throughout the dewatering activity shall be included in the report. Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.
143. The method of disposal of pumped water shall be nominated (i.e. street drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided to the NSW Office of Water. The disposal of any contaminated pumped groundwater (tailwater) must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.
144. Contaminated groundwater shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and a report provided to the NSW Office of Water. The quality of any pumped water (tailwater) that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site.

During excavation

145. Piping or other structures used in the management of pumped groundwater (tailwater) shall not create a flooding hazard. Control of pumped groundwater (tailwater) is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
146. Measurement and monitoring arrangements to the satisfaction of the NSW Office of Water are to be implemented. Monthly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a report provided to the NSW Office of Water after dewatering has ceased. Daily records of groundwater levels are to be kept and a report provided to the NSW Office of Water after dewatering has ceased.
147. Pumped groundwater (tailwater) shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater (tailwater) shall be complied with.

148. Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulphate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
149. The location and construction of groundwater extraction works that are abandoned are to be recorded and a report provided to the NSW Office of Water after dewatering has ceased. The method of abandonment is to be identified in the documentation.
150. Access to groundwater management works used in the activity is to be provided to permit inspection when required by the NSW Office of Water under appropriate safety precautions.

Following excavation

151. All monitoring records must be provided to the NSW Office of Water after the required monitoring period has ended together with a detailed interpreted hydrogeological report identifying all actual resource and third party impacts.'

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

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

FOR	AGAINST
Councillor Andrews	Councillor Bowen
Councillor Belleli	Councillor D'Souza
Councillor Garcia	Councillor Moore
Councillor Matson	Councillor Stavrinis
Councillor Nash	
Councillor Roberts	
Councillor Seng	
Councillor Shurey	
Councillor Smith	
Councillor Stevenson	
Total (10)	Total (4)

AMENDMENT: (Stavrinis/Matson) that development consent be granted subject to the removal of the rooftop terrace in the public interest. **LOST.**

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

FOR	AGAINST
Councillor Bowen	Councillor Andrews
Councillor D'Souza	Councillor Belleli
Councillor Matson	Councillor Garcia
Councillor Nash	Councillor Moore
Councillor Shurey	Councillor Roberts
Councillor Stavrinis	Councillor Seng
	Councillor Smith
	Councillor Stevenson
Total (6)	Total (8)

AMENDMENT: (Stevenson/Nash) that development consent be granted subject to the use of the rooftop terrace being prohibited between 11pm and 7am on weekends and between 10pm and 7am on weekdays. **LOST.**

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

FOR	AGAINST
Councillor Bowen	Councillor Andrews
Councillor Garcia	Councillor Belleli
Councillor Matson	Councillor D'Souza
Councillor Nash	Councillor Moore
Councillor Stevenson	Councillor Roberts
	Councillor Seng
	Councillor Shurey
	Councillor Smith
	Councillor Stavrinou
Total (5)	Total (9)

There being no further business, His Worship the Mayor, Cr T Bowen, declared the meeting closed at 10.42pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 23 July 2013.

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CHAIRPERSON