

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

**MINUTES OF ORDINARY COUNCIL MEETING OF THE
COUNCIL OF THE CITY OF RANDWICK HELD ON
TUESDAY, 23 JULY 2013 AT 6:07PM**

Present:

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

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

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| North Ward | - Councillors K Neilson, L Shurey & K Smith |
| South Ward | - Councillors R Belleli & P Garcia |
| East Ward | - Councillors M Matson & B Roberts (arrived 7.25pm) |
| West Ward | - Councillors G Moore, S Nash & H Stavrinou |
| Central Ward | - Councillors A Andrews, T Seng & G Stevenson |

Officers Present:

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoples
Director City Planning	Ms S Truuvert
Director Governance & Financial Services	Mr G Banting
Senior Administrative Coordinator	Ms J Hartshorn
Acting Manager Development Assessment	Mr F Ko
Communications Manager	Mr J Hay
Manager Corporate & Financial Planning	Mr M Woods

Prayer & Acknowledgement of Local Indigenous People

The Council Prayer was read by Cr Seng. The Acknowledgement of Local Indigenous People was read by Cr Stevenson.

Apologies/Granting of Leave of Absences

Nil.

Confirmation of the Minutes

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY 25 JUNE 2013**

174/13

RESOLUTION: (Neilson/Andrews) that the Minutes of the Ordinary Council Meeting held on Tuesday 25 June 2013 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of

that meeting.

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

Declarations of Pecuniary and Non-Pecuniary Interests

- a) Cr Belleli declared a non significant non pecuniary interest in Item CS9/13 as he and his wife's talent school performs at other events organised by the Coogee Chamber of Commerce.
- b) Cr Andrews declared a non significant non pecuniary interest in Item CS9/13 as a number of the people involved are known to him.
- c) Cr Neilson declared a non significant non pecuniary interest in Item CS9/13 as a number of people involved are known to her.
- d) Cr Shurey declared a non significant non pecuniary interest in Item CP53/13 as the architect for the development is a neighbour of hers.
- e) The Mayor, Cr Bowen, declared a non significant non pecuniary interest in Item CS9/13 some of the people involved are known to him.
- f) The Mayor, Cr Bowen, declared a significant non pecuniary interest in Item CS10/13 one of the people involved in putting the proposed event together is well known to him. Cr Bowen indicated that he would not be taking part in the debate or voting on the matter.
- g) Cr Smith declared pecuniary interests in Items CS9/13 and GF36/13 as he is employed by a brewery. Cr Smith indicated that he would not be taking part in the debate or the voting on the matters.
- h) Cr Nash declared a non significant non pecuniary interest in Item CS9/13 as a number of the people involved are known to him.
- i) Cr Stavrinou declared a non significant non pecuniary interest in Item CS9/13 as a number of the people involved are known to him.
- j) Cr Seng declared a non significant non pecuniary interest in Item CS9/13 as a number of the people involved are known to him.
- k) Later in the meeting, Cr Belleli declared a non significant non pecuniary interest in Item MM49/13 as his daughter attends the school in question.
- l) Later in the meeting, Cr Smith declared a pecuniary interest in Item NM57/13 as he is employed by a brewery. Cr Smith indicated that he would not be taking part in the debate or the voting on the matter.

Address of Council by Members of the Public

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

CP50/13 123-123A FERGUSON STREET, MAROUBRA (DA/154/2013)

Applicant Ken Woods

CP51/13 88-90 BOTANY STREET, KINGSFORD (DA/510/2012)

Applicant Dimitar Chochorovski (representing the applicant)

Procedural Motion

RESOLVED: (Nash/Matson) that the speakers be heard on the question of deferral of Item CP53/13 prior to Council considering the question of deferral of the matter.

CP53/13 5 BELLEVUE STREET, MAROUBRA.

Objector Sam Koch

Applicant Erol Ozdirik (representing the applicant)

CS9/13 "TASTE OF COOGEE" EVENT - GOLDSTEIN RESERVE COOGEE

For Brenton McHatton (representing the Coogee Chamber of Commerce)

The Meeting was adjourned at 6.36pm and was resumed at 6.57pm.

Mayoral Minutes

MM49/13 Mayoral Minute - Maroubra Junction Public School - Centenary Cookbook sponsorship (F2004/07396)

175/13 **RESOLUTION: (Mayor, Cr Bowen) that:**

- a) Council sponsor Maroubra Junction Public School's Centenary Cookbook in the amount of \$500 (to be funded from the 2013-14 Contingency Fund);
- b) The Council logo and contact details be included in the proposed Cookbook as a 'gold star' sponsor.

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

MM50/13 Mayoral Minute - Waiving of Fees - St Nicolas' Anglican Church, Coogee - Carols by Candlelight (F2013/00096)

176/13 **RESOLUTION: (Mayor, Cr Bowen) that:**

- a) The fees for the "Carols by Candlelight" event in Grant Reserve on Saturday 14 December 2013 be waived and \$1,347.00 be allocated from the 2013-14 Contingency Fund;
- b) The organisers undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event.
- c) The Mayor or his representative is given the opportunity to address the event on behalf of Council.
- d) The event organisers provide Council with information following the event on the number of attendees.

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

MM51/13 Mayoral Minute - Passing of Martin Joseph Patrick "Paddy" Bastic OAM (F2005/00266)

177/13 **RESOLUTION: (Mayor, Cr Bowen) that** Council staff investigate an appropriate means of recognising the invaluable contribution made to our local community by Paddy Bastic.

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

MM52/13 Mayoral Minute - Hybrid Operating Suite for the Prince of Wales Hospital (F2011/00184)

178/13 **RESOLUTION: (Mayor, Cr Bowen)** that the Mayor be authorised to host a luncheon at the Prince Henry Centre in late August 2013 to assist the Prince of Wales Hospital Foundation to bring together an Advisory Group of key people to progress the proposed new Hybrid Operating Suite at the Hospital. That the cost of the luncheon (approximately \$1,800) be funded from the 2013-14 Contingency Fund.

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

MM53/13 Mayoral Minute - Sponsorship Request - NSW Police Force Brazillian Beach Soccer Event - Coogee Beach (F2010/00038)

179/13 **RESOLUTION: (Mayor, Cr Bowen)** that Council supports this event through providing \$2,500 cash and in-kind sponsorship of \$1,518.10 to be funded from the 2013-14 Contingency Fund.

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

MM54/13 Mayoral Minute - Support for the Better Block project proposed for Clovelly Road (F2010/00241)

180/13 **RESOLUTION: (Mayor, Cr Bowen)** that:

1. Council agrees to support the Clovelly Road Better Block project proposed to take place on Sunday, 27 October, 2013; and
2. That \$3,600 in financial support and \$4,100 of in-kind support be provided covering traffic and waste management, landscaping, insurance, some planning and logistical support with funds payable from the community education program of the environmental levy budget.

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

MM55/13 Mayoral Minute - Community forum and presentation with UNSW Expert Reference Group on environmental issues (F2005/00104)

181/13 **RESOLUTION: (Mayor, Cr Bowen)** that Council agrees to support the inaugural community forum and presentation with the UNSW Expert Reference Group and allocates up to \$4,500 for venue hire and catering at the Tyree Room of the University.

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

Urgent Business

UB2/13 Cr Anthony Andrews - Renaming part of Day Lane to Mary Hamer Lane (F2004/07140)

182/13 **RESOLUTION: (Andrews/Stavrinos)** that the section of Day Lane between Borrodale Road and Gardeners Road be renamed Mary Hamer Lane in honour of the founding Principal of St Spyridon College who passed away recently.

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

UB3/13 Cr Kiel Smith – Royal family congratulations (F2012/00240)

183/13 **RESOLUTION: (Smith/Roberts)** that Council sends its congratulations to the Royal family on the birth of the new Prince.

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

Director City Planning Reports**CP49/13 Director City Planning Report - 38 Cliffbrook Parade, Clovelly (DA/862/2009/A)**

184/13 **RESOLUTION: (Andrews/Stavrinos)** that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/862/2009/B for modifications to the approved development at No. 38 Cliffbrook Parade Clovelly subject to the following conditions:

Amend Condition No. 1 to read:

1. The development must be implemented substantially in accordance with the plans numbered 01 to 10, Revision d5, dated 29 July 2010 and received by Council on 29 July 2010, the application form and on any supporting information received with the application, as amended by the Section 96 'A' plans numbered 01 to 10, Revision d7, dated June 2012 and received by Council on 4 July 2012, *as further amended by the Section 96'B' plans numbered 01 to 9 Revision S2, dated April 2013, received by Council on the 29th April 2013 and plan numbered 10 Revision S3, dated 4th July and received by Council on 4th July 2013*, only in so far as they relate to the modifications highlighted in the Section 96 plans and detailed in the Section 96 applications except as may be amended by the following conditions and as may be shown in red on the attached plans:

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

CP50/13 Director City Planning Report - 123-123A Ferguson Street, Maroubra (DA/154/2013)

185/13 **RESOLUTION: (Andrews/Stavrinos) -**

- A. That Council supports the objection under Clause 4.6 of the Local Environmental Plan 2012 in relation to non-compliance with Clause 4.4 of Randwick Local Environmental Plan 2012 relating to Floor Space Ratio, on the grounds that the proposed development complies with the objectives of the above clause, and will not adversely affect the amenity of the locality, and that the Department of Planning be advised accordingly.
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 154/2013 for alterations and additions to the existing dual occupancy at No.123-123A Ferguson Street Maroubra 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

Assessment Regulation 2000 and to provide reasonable levels of environmental amenity.

Approved Plans & Supporting Documentation

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

Plan	Drawn by	Dated	Received by Council
DA-01 Issue A	NS	30/04/2013	5 th June 2013
DA-02 Issue A	NS	30/04/2013	5 th June 2013
DA-03 Issue A	NS	30/04/2013	5 th June 2013
DA-04 Issue A	NS	30/04/2013	5 th June 2013
DA-05 Issue A	NS	30/04/2013	5 th June 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

- 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

- 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.

Long Service Levy Payments

- 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.

Sydney Water

- 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 prior to issuing the construction certificate.

Design Alignment levels

6. The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the existing nature strip level.
7. The above footing 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.

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

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

Smoke Alarms

9. 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.

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

10. 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

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*, 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 Site Management Plan

12. 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

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

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

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

14. 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.

Inspections During Construction

15. 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

16. 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

17. 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

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

18. 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.

Public Safety & Site Management

19. 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.

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

20. 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.

Council's Infrastructure, Vehicular Crossings, street verge

21. 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.

22. 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.
23. 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 applicants expense.

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 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.

- 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/Stavrinou) CARRIED UNANIMOUSLY - SEE RESOLUTION.

**CP51/13 Director City Planning Report - 88-90 Botany Street, Kingsford
NSW 2032 (DA/510/2012)**

186/13

RESOLUTION: (Andrews/Seng) –

- A. That Council supports the objections under State Environmental Planning Policy No. 1 – Development Standards in respect to non-compliance with Clauses 20E(2), 20G(2) and 20G(3) of Randwick Local Environmental Plan 1998 (Consolidation), relating to minimum landscaped area, maximum building height and maximum external wall height, respectively, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning be advised accordingly.
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/510/2012 for the demolition of the existing structures and construction of a 3 storey boarding house with 30 self-contained rooms, manager's residence, communal space with basement and ground level parking for 13 vehicles and associated works at No. 88-90 Botany Street, Kingsford NSW 2032, 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:

Plan	Drawn by	Dated	Received
DA01 – Basement floor plan	DC Design and EP Architects	March 2013	23 April 2013
DA001 – Site analysis plan			
DA02 – Ground floor plan			
DA03 – First floor plan			
DA04 – Second floor plan			
DA05 – Roof plan			
DA06 – Sections 1 & 2			
DA07 – Sections 3, 4 & 5			
DA08 – Elevations east and west			
DA08A – Detailed front façade sections			
DA08P – Streetscape			
DA09 – Elevations north and south			
DA10 – Room types floor plans			
Site Landscape Design - Issue B	Benjamin Landscape Pty Ltd	20 April 2013	23 April 2013
Statement of Environmental Effects	Burrell, George & Co	9 August 2012	10 August 2012

BASIX Certificate	No.	Dated
Multi Dwelling	341196M_05	8 April 2013

2. The roof areas of the boarding house shall not be made trafficable without the prior written consent of Council.
3. The north facing windows of boarding rooms 16, 17, 26 and 27 shall be fixed to a height of 1600mm above the finished floor level (i.e. fixed to the corresponding height of the obscure glazing). Details of compliance are to be included in the Construction Certificate.

REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

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

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

Consent Requirements

4. The requirements and amendments detailed in the 'General Conditions' must be complied with and be included in the construction certificate plans and associated documentation.
5. **External Colours, Materials & Finishes:**
 - a) 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.
 - b) All materials used within the development shall be treated so as to minimise the impact of reflectivity upon neighbouring sites. This may be

achieved through powder coating or anodizing treatments.

- c) The colours, materials and surface finishes to the development must be consistent with the relevant plans, documentation and colour schedules provided with the development application (External colour schedule dated December 2010 and received by Council on 10 August 2012).

Section 94A Development Contributions

6. In accordance with Council's Section 94A Development Contributions Plan effective from 12 July 2012, based on the development cost of \$1,892,166.50, the following applicable monetary levy must be paid to Council: \$18,921.65

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

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

Long Service Levy Payments

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

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

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

Security Deposit

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

- \$4000.00 - Damage / Civil Works Security Deposit

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

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

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

Electricity Substation

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

Sydney Water

10. 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.sydneypwater.com.au for:

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

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

REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE

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

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

Compliance with the Building Code of Australia & Relevant Standards

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

BASIX Requirements

12. 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.

Access & Facilities

13. Access and facilities for people with disabilities must be provided in accordance with the relevant requirements of the Building Code of Australia, Disability (Access to Premises – Buildings) Standard 2010, relevant Australian Standards and conditions of consent, to the satisfaction of the Certifying Authority.

Traffic conditions

14. Adequate provisions are to be made to provide pedestrian visibility and safety. All new walls (and/or landscaping) adjacent to vehicular crossings should not exceed a height of 600mm above the internal driveway level for a distance of 1.5m within the site or new walls (including landscaping) should splayed 1.5 metres by 1.5 metres. Details of compliance, to the satisfaction of the certifying authority, are to be included in the construction certificate documentation.
15. The vehicular access driveways, internal circulation ramps and the carpark areas, (including, but not limited to, the ramp grades, carpark layout and height clearances) are to be in accordance with the requirements of AS2890.1:2004. The Construction Certificate plans must demonstrate compliance with these requirements.

Design Alignment levels

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

Ground Level Parking and Pedestrian Access

- **120mm above gutter levels at all points opposite**

Vehicle Access to Basement

- **In accordance with the approved driveway levels (Drawing DA01 and stamped by Council 23rd April 2013).**

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

Any enquiries regarding this matter should be directed to Council's Development Engineer on 9399 0881.

17. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$1127 calculated at \$48.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.
18. The internal access driveway must be designed and constructed in accordance with the approved basement plan (Drawing No. DA01) and stamped by Council 23rd April 2013.

Stormwater Drainage

19. Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be prepared by a suitably qualified Hydraulic Engineer and submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of

the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:

- a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
 - b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
 - c) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
 - i. Roof areas
 - ii. Paved areas
 - iii. Grassed areas
 - iv. Garden areas
 - e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
 - f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
 - g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.
20. The site stormwater drainage system is to be provided in accordance with the following requirements;
- a) The stormwater drainage system must be provided in accordance with the relevant requirements of Building Code of Australia and the conditions of this consent, to the satisfaction of the *Certifying Authority* and details are to be included in the construction certificate.
 - b) The stormwater must be discharged (by gravity) either:
 - i. Directly to the kerb and gutter or drainage system located at the front of the subject site in Botany street; or
 - c) An on-site stormwater detention system must be provided to ensure that the maximum discharge from the site does not exceed that which would occur during a **1 in 5** year storm of one hour duration for existing site conditions. All other stormwater run-off from the site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the street drainage system, to the satisfaction of the certifying authority.
- An overland escape route or overflow system (to Council's street drainage system) must be provided for storms having an average recurrence interval of 100 years (1 in 100 year storm), or, alternatively the stormwater detention system is to be provided to accommodate the 1

in 100 year storm.

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

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

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

The pump system must also be designed and installed strictly in accordance with "Section 8.4 PUMP SYSTEMS" as stipulated in Randwick City Council's Private Stormwater Code.

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

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

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

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

- h) The floor level of all habitable, retail, commercial and storage areas

located adjacent to any detention and/or infiltration systems with above ground storage must be a minimum of 300mm above the maximum water level for the design storm or alternately a permanent 300mm high water proof barrier is to be provided.

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

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

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

- j) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
- k) A 'V' drain (or equally effective provisions) are to be provided to the perimeter of the property, where necessary, to direct all stormwater to the detention/infiltration area.
- l) Mulch or bark is not to be used in on-site detention areas.
- m) Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line.

Site seepage

21. 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 seepage water to drain around the basement carpark (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.

Waste Management

Demolition & Construction Waste

- 22. 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.

- 23. Operational Waste Management provisions must be implemented in accordance with the Waste Management Plan submitted with the development application stamped by Council 23rd April 2013 and approved by Council's Coordinator of Waste.
- 24. The basement waste storage area is to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.

Tree Protection Measures

- 25. In order to ensure retention of the row of three *Lophostemon confertus* (Brush Box) on Council's Botany Street verge, comprising one in line with the northern site boundary of no.88, then one just to its south, centrally across the width of no.88, then another one in front of the northern half of no.90 in good health, the following measures are to be undertaken:
 - a. All documentation submitted for the Construction Certificate application must show the retention of these three trees, with the position and diameter of their trunks and extent of their crowns/canopies in relation to the proposed works 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 along this frontage must be installed either in line with the southern site boundary, or, an

- equal distance between each of their trunks so as to minimise the potential for root damage.
- c. Where roots are encountered during re-construction of the Botany Street footpath or during any re-turfing or re-grading works on the verge, they must not be damaged or disturbed, with Council's Landscape Development Officer to be contacted on 9399-0613 (giving at least 2 weekdays notice) to perform an inspection of the size, location and quantity of roots.
 - d. Where Council grants permission for root pruning in order to accommodate the approved works, they must be cut cleanly by hand (using only hand-held tools), with the affected area to be backfilled with clean site soil as soon as practically possible so that roots are not left exposed to the atmosphere.
 - e. Where major roots are encountered which need to be pruned, Council may require that the applicant cover the cost for Council's own contractor to perform the root pruning so as to ensure adherence to best practice.
 - f. Each of these three street trees must be physically protected by installing evenly spaced star pickets at a setback of **2 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 east, and against the footpath to their west, to which safety tape/para-webbing/shade cloth or similar shall be permanently attached so as to completely enclose each tree for the duration of works.
 - g. 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".
 - h. The applicant is not authorised to perform any other works to these trees, and shall contact Council's Landscape Development Officer on 9399-0613 should pruning or any similar such work appear necessary, with the applicant required to cover all associated costs with such work, to Council's satisfaction, prior to the issue of a Final Occupation Certificate.
 - i. 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.
 - j. A refundable deposit in the form of cash, credit card or cheque for an amount of **\$5,000.00** must 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 trees.

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

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

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

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

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

Certification and Building Inspection Requirements

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

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

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

- b) a *Principal Certifying Authority* (PCA) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and
- c) the *principal contractor* must be advised of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*; and
- d) at least two days notice must be given to the Council, in writing, prior to commencing any works; and
- e) the relevant requirements of the *Home Building Act 1989* (as applicable) must be complied with and details provided to the Principal Certifying Authority and Council.

Dilapidation Reports

27. 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 buildings, additions to existing buildings which are proposed to be located within the *zone of influence* of the footings of a building located upon an adjoining premises,
- buildings sited up to shared boundaries (e.g. terraced or attached buildings),
- excavations for new buildings, additions to existing buildings which are within rock and may result in vibration and or potential damage to any building 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 the relevant building/s 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 Site Management Plan

28. A *Construction Site Management Plan* must be developed and implemented throughout the site works, to Council's satisfaction. The construction site management plan must include the following measures, (as applicable):

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

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.

Construction Noise & Vibration Management Plan

29. A *Construction Noise & Vibration Management Plan*, prepared in accordance with the Environment Protection Authority (EPA) Guidelines for Construction Noise and Assessing Vibration, by a suitably qualified person, is to be developed and implemented prior to commencing site work and throughout the course of construction.

- a) 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.

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.

- b) The *Construction Noise & Vibration Management Plan* must include details of measurements, analysis and relevant criteria and demonstrate that the noise and vibration emissions from the work satisfy the relevant provisions of the *Protection of the Environment Operations Act 1997*, current EPA Guidelines for Construction Noise and Assessing Vibration and Councils conditions of consent.

- c) Any recommendations and requirements contained in the *Construction Noise & Vibration Management Plan* and associated reports are to be implemented accordingly and should noise and vibration emissions not comply with the terms and conditions of consent, work must cease

forthwith and is not to recommence until details of compliance are submitted to Council and the PCA.

A copy of the *Construction Noise & Vibration Management Plan* and associated acoustic/vibration report/s must be maintained on-site and a copy must be provided to Council and the Principal Certifying Authority accordingly.

Public Liability

30. The owner/builders is required to hold Public Liability Insurance, with a minimum liability of \$10 million and a copy of the Insurance cover is to be provided to the Principal Certifying Authority and Council.

Construction Traffic Management

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

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

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

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

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

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

- footways or any public place
- Measures to maintain public safety and convenience

Public Utilities

33. A public utility impact assessment must be carried out on all public utility services located on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the building works. The assessment should include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of services.
34. Documentary evidence from the relevant public utility authorities confirming they have agreed to the proposed works and that their requirements have been or are able to be satisfied, must be submitted to the Principal Certifying Authority prior to the commencement of any demolition, excavation or building works.

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

REQUIREMENTS DURING CONSTRUCTION & SITE WORK

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

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

Inspections during Construction

35. 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.

Building & Demolition Work Requirements

36. All demolition and building work and associated activities must be carried out in accordance with the following requirements:

- Work Health & Safety Act 2011 & Regulations
- WorkCover NSW Code of Practice for the Safe Removal of Asbestos
- WorkCover NSW Requirements, Guidelines and Codes of Practice
- Australian Standard 2601 (2001) – Demolition of Structures
- The Protection of the Environment Operations Act 1997
- The Protection of the Environment Operations (Waste) Regulation 2005
- EPA Waste Classification Guidelines
- Randwick City Council's 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.

It is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.

37. 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 be submitted to the Principal Certifying Authority (PCA) and Council, 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.

Removal of Asbestos Materials

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

- The requirements of WorkCover NSW and 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 and Council.
- 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.

Excavations, Back-filling & Retaining Walls

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

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

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

Support of Adjoining Land

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

Sediment & Erosion Control

41. 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 Council. A copy must also be maintained on site and be made available to Council officers upon request.

Dust Control

42. During demolition excavation and construction works, dust emissions must be minimised, so as not to result in a nuisance to nearby residents or result in a potential pollution incident.

Adequate dust control measures must be provided to the site prior to the works commencing and the measures and practices must be maintained throughout the demolition, excavation and construction process, to the satisfaction of Council.

Dust control measures and practices may include:

- *Provision of geotextile fabric to all perimeter site fencing (attached on the prevailing wind side of the site fencing).*
- *Covering of stockpiles of sand, soil and excavated material with adequately secured tarpaulins or plastic sheeting.*
- *Installation of a water sprinkling system or provision hoses or the like.*
- *Regular watering-down of all loose materials and stockpiles of sand, soil and excavated material.*
- *Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds.*
- *Landscaping and revegetation of disturbed areas.*

Temporary Site Fencing

43. Temporary site safety fencing or site hoarding must be provided to the perimeter of the site throughout demolition, excavation and construction works, to the satisfaction of Council, in accordance with the following requirements:

- a) Temporary site fences or hoardings must have a height of 1.8 metres and be a cyclone wire fence (with geotextile fabric attached to the inside of the fence to provide dust control), or heavy-duty plywood sheeting (painted white), or other material approved by Council.
- b) Hoardings and site fencing must be designed to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises and if necessary, be provided with artificial lighting.

- c) All site fencing and hoardings must be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.
- d) An overhead ('B' Class) type hoarding is required is be provided to protect the public (unless otherwise approved by Council) if:
 - materials are to be hoisted (i.e. via a crane or hoist) over a public footway;
 - building or demolition works are to be carried out on buildings which are over 7.5m in height and located within 3.6m of the street alignment;
 - it is necessary to prevent articles or materials from falling and causing a potential danger or hazard to the public or occupants upon adjoining land;
 - as may otherwise be required by WorkCover, Council or the PCA.

Notes:

- *Temporary site fencing may not be necessary if there is an existing adequate fence in place having a minimum height of 1.5m.*
- *If it is proposed to locate any site fencing, hoardings, amenities or articles upon any part of the footpath, nature strip or public place at any time, a separate Local Approval application must be submitted to and approved by Council's Health, Building & Regulatory Services before placing any fencing, hoarding or other article on the road, footpath or nature strip.*

Public Safety & Site Management

44. 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) 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.
 - b) 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.
 - c) 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.
 - d) Access gates and doorways within site fencing, hoardings and temporary site buildings or amenities must not open outwards into the road or footway.
 - e) Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health, Building and Regulatory Services department.

- f) 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.

Site Signage

45. 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

46. 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 1.00pm only • Saturday - No work permitted • Sunday & public holidays - No work permitted
Additional requirements for all development	<ul style="list-style-type: none"> • Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - No work permitted

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

Survey Requirements

47. 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 footings and boundary retaining structures,
 - prior to construction (pouring of concrete) of each floor slab,
 - upon completion of the building, prior to issuing an *Occupation Certificate*,

- as otherwise may be required by the *Principal Certifying Authority*.

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

48. 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

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

- a) A *Road / Asset Opening Permit* must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the *Road / Asset Opening Permit* must be complied with.
- b) Council's Road / Asset Opening Officer must be notified at least 48 hours in advance of commencing any excavation works and also immediately upon completing the works (on 9399 0691 or 0409 033 921 during business hours), to enable any necessary inspections or works to be carried out.
- c) Relevant *Road / Asset Opening Permit* fees, construction fees, inspection fees and security deposits, must be paid to Council prior to commencing any works within or upon the road, footpath, nature strip or other public place,
- d) The owner/developer must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a *final occupation certificate* or occupation of the development (whichever is sooner).
- e) Excavations and trenches must be back-filled and compacted in accordance with AUSPEC standards 306U.
- f) Excavations or trenches located upon a road or footpath are required to be provided with 50mm depth of cold-mix bitumen finish, level with the existing road/ground surface, to enable Council to readily complete the finishing works at a future date.
- g) Excavations or trenches located upon turfed areas are required to be back-filled, compacted, top-soiled and re-turfed with Kikuyu turf.
- h) The work and area must be maintained in a clean, safe and tidy condition at all times and the area must be thoroughly cleaned at the end of each days activities and upon completion.
- i) The work can only be carried out in accordance with approved hours of building work as specified in the development consent, unless the express written approval of Council has been obtained beforehand.
- j) Sediment control measures must be implemented in accordance with the conditions of development consent and soil, sand or any other material must not be allowed to enter the stormwater drainage system or cause a

pollution incident.

- k) The owner/developer must have a Public Liability Insurance Policy in force, with a minimum cover of \$10 million and a copy of the insurance policy must be provided to Council prior to carrying out any works within or upon the road, footpath, nature strip or in any public place.

Traffic Management

50. 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.

Stormwater Drainage

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

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

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

Tree Removal

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

Landscape Plan

54. The Amended Landscape Plan by Benjamin Landscape Pty Ltd, dwg no 12.30.1, issue B, dated 20.4.13 must be revised to comply with the following items:
- a) So as to avoid poor performance as well as future concerns over maintenance and upkeep, the turf shown for the internal courtyards and drying courts shall be deleted and replaced with either low maintenance ground covers and plants; or; decorative pebbles/gravel; or; a combination of both;
- b) The *Syncarpia glomulifera* (Turperntines) shall be deleted from the narrow garden bed along the northern boundary as their large size at maturity (20m x 10m) rather than the 6m x 4m dimensions as shown, will result in future structural damage and a reduction of solar access, with more appropriate screening species to be selected here.

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 &*

reasonable levels of public health, safety and amenity.

Occupation Certificate Requirements

55. 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

56. 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.

57. An amended Operation Plan of Management shall be submitted to the satisfaction of Council prior to the issuing of an occupation certificate. The revised Plan of Management must address in detail practices and procedures for the following: -

- Management;
- Community relations;
- Retail terms;
- Safety and security, including fire safety;
- House rules for the amenity of the neighbourhood and control of noise;
- Complaint management;
- Cleaning, waste management and maintenance;
- Smoking and alcohol.

NB. Refer to the general requirements and format outlined in the Management Plan section in **Part B9 – Management Plan & Part C4 – Boarding Houses (Clause 3 – Management Plan)** of the Randwick Comprehensive Development Control Plan 2013 in the preparation of your revised Plan of Management.

58. Places of Shared Accommodation must comply with the Local Government (General) Regulation 2005 and the premises must be registered with the Council, and the approved registration/inspection fee is to be forwarded to Council **prior to issuing an occupation certificate**.

Fire Safety Certificates

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

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

Rescue NSW.

Structural Certification

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

Noise Control Requirements & Certification

61. A report or correspondence must be obtained from a qualified Acoustic Consultant if new plant and equipment is installed to the building which is located within 20m of a dwelling.

The report/correspondence is required to demonstrate that noise emissions satisfy the relevant noise criteria specified in Council's conditions of consent and the NSW Office of Environment and Heritage (EPA) Industrial Noise Policy.

Council's Infrastructure, Vehicular Crossings & Road Openings

62. The owner/developer must meet the full cost for Council or a Council approved contractor to:
- a) Construct a full width concrete vehicular crossing and layback at kerb opposite the vehicular entrances to the site in Botany Lane.
 - b) Construct kerb and gutter for the full site frontage except opposite the vehicular entrance and exit points in Botany Lane.
 - c) Carry out a full depth, 1 metre wide, road construction in front of the kerb and gutter along the full site frontage in Botany Lane.
 - d) Re/construct a 1.3m wide concrete footpath along the full site frontage in Botany Street. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.
63. Prior to issuing a final occupation certificate or occupation of the development (whichever is sooner), the owner/developer must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
64. 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.

Service Authorities

Sydney Water Requirements

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

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

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

Stormwater Drainage

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

Notes:

- a. The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
 - b. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.
67. A works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced hydraulic consultant/engineer must be forwarded to the Principal Certifying Authority and the Council. The works-as-executed plan must include the following details (as applicable):
- The location of any detention basin/s with finished surface levels;
 - Finished site contours at 0.2 metre intervals;
 - Volume of storage available in any detention areas;
 - The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
 - The orifice size/s (if applicable);
 - Details of any infiltration/absorption systems; and
 - Details of any pumping systems installed (including wet well volumes).
68. The applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer, which confirms that the design and construction of the stormwater drainage system complies with the Building Code of Australia, Australian Standard AS3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and conditions of this development consent.

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

69. The applicant shall submit to the Principal Certifying Authority (PCA) and Council certification from a suitably qualified and experienced professional engineer, confirming that the walls of the basement have been fully tanked and waterproofed to prevent the entry of all groundwater in the basement level/s and that any required sub-soil drainage systems have been provided in accordance with the conditions of this consent.

Landscaping

70. The nature-strip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.
71. Prior to issuing a Final (or any type of interim) Occupation Certificate, certification from a qualified professional in the landscape/horticultural industry must be submitted to the PCA, confirming that landscaping at this site has been installed substantially in accordance with the Amended Landscape Plan by Benjamin Landscape Pty Ltd, dwg no 12.30.1, issue B, dated 20.4.13, and relevant conditions of consent, with the owner/s to implement strategies to ensure that it is maintained in a healthy and vigorous state until maturity.

Waste Management

72. Prior to the occupation of the development, the owner or applicant is required to contact Council's City Services department, to make the necessary arrangements for the provision of waste services for the premises.
73. The waste storage areas shall be clearly signposted.

OPERATIONAL CONDITIONS

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

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

Fire Safety Statements

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

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

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

A copy of the *Fire Safety Statement* must be displayed in the building

entrance/foyer at all times and a copy must also be forwarded to Fire & Rescue NSW.

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

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

76. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises.
77. The operation of plant and equipment associated with the rainwater is 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.

Operation of the premises

78. The boarding house premises shall be operated in accordance with the definition of "boarding house" as stipulated in Randwick Local Environmental Plan 1998. Accommodation is not to be provided on a temporary basis to persons whose principal place of residence is elsewhere and/or for tourism purposes.
79. The use of the premises is to comply with the requirements of the Boarding House Act 2012 at all times.
80. The use of the premises is to comply with the Operational Plan of Management for the subject premises at all times.
81. The following occupancy rates shall apply to the ongoing use of the premises:

Room Number	Maximum occupancy (One (1) Occupant)	Room Number	Maximum occupancy (Two (2) occupants)
01	Accessible - One (1) occupant	02	Two (2) occupants
03	Two (2) occupants	04	Two (2) occupants
05	Two (2) occupants	06	Two (2) occupants
07	Two (2) occupants	08	Two (2) occupants
09	Accessible - One (1) occupant	10	Managers room - One (1) occupant
11	One (1) occupant	12	Two (2) occupants
13	Two (2) occupants	14	Two (2) occupants
15	One (1) occupant	16	Two (2) occupants
17	Two (2) occupants	18	Two (2) occupants
19	Two (2) occupants	20	Two (2) occupants
21	Two (2) occupants	22	One (1) occupant
23	One (1) occupant	24	Two (2) occupants
25	Two (2) occupants	26	Two (2) occupants
27	Two (2) occupants	28	Two (2) occupants
29	Two (2) occupants	30	Two (2) occupants
31	Two (2) occupants		
Total	Maximum 54 boarders and 1 on site manager = 55 occupants		

The above occupancy rates and adopted final Plan of Management shall be enforced by the appointed Manager at all times.

Any variation of the above occupancy rates or provisions detailed within the adopted Plan of Management shall be subject to Council approval.

The manager / caretaker shall be responsible for ensuring that this requirement is adhered to by validating relevant personal details before admission. This condition is to ensure that strangers are not sharing the units and potentially altering the approved use of the premises.

82. The on-site manager for the boarding house must be available at all times (i.e. 24 hours; seven days per week) and must be a responsible person over the age of 18 years.
83. The manager shall ensure that a notice is placed near the entrance to the property in a visible position to the public advising of the manager's name and after hours contact number.
84. Each occupant shall be furnished with a set of house rules (i.e. the Plan of Management) and that no variation shall be permitted without the further approval of Council.
85. The manager shall maintain a record of all residents with details of their names, length of stay & number of persons in each room. This information shall be stored for a minimum of 12 months on site and made available to Council Officers upon request.
86. All residents in the boarding house accommodation are to sign a lease or licence agreeing to comply with the adopted Plan of Management (PoM) for the boarding house, with the length of the lease to be determined by the management.
87. The use and operation of the premises shall not give rise to an environmental health or public nuisance.
88. There are to be no emissions or discharges from the premises which give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.
89. The individual rooms, common areas, shared facilities and yard are to be maintained in a clean and tidy state and individual's rubbish is to be placed in the appropriate receptacles.
90. Adequate provisions are to be made within the premises for the storage and removal of waste and recyclable materials, to the satisfaction of Council and the location, collection, storage and removal of wastes generated within the premises must not result in a public health nuisance or cause pollution.

Stormwater Detention/Infiltration System

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

Environmental Amenity

92. External lighting to the premises must be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.
93. Street numbering must be provided to the front of the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council.

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

GENERAL ADVISORY NOTES

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

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

Failure to comply with these requirements is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million. Alternatively, Council may issue a penalty infringement notice (for up to \$3,000) 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 Building or excavation work must not be commenced until;

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

Council's Building Approvals & Certification team can issue your *Construction Certificate* 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 on 9399 0944.

- A3 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA), Disability (Access to Premises – Buildings) Standards 2010 and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards. You are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.
- A4 Any proposed amendments to the design and construction of the building may require a new development application or a section 96 amendment to the existing consent to be obtained from Council, before carrying out such works
- A5 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).
- 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 Finished ground levels external to the building are to be consistent with the development consent and are not to be raised, other than for the provision of approved paving or the like on the ground.

External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the building, or cause a nuisance or damage to any adjoining land.

- A9 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 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 in a public place.

For further information please contact Council team on 9399 0944.

- A11 There are to be no emissions or discharges from the premises, which will give rise to an environmental or public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.

- A12 A separate development application and construction certificate or a complying development certificate (as applicable) must be obtained if the premises is to be used for any of the purposes detailed below:

- All food businesses (including premises used for the sale, storage, preparation and distribution of food and drinks)
- Hairdressing salons, Beauty salons, Businesses involving Skin Penetration & Piercing, Massage businesses
- Licensed premises, places of public entertainment and hotels
- Places of Shared Accommodation (including Boarding / Lodging Houses,

- Bed & Breakfast businesses, Backpackers, Residential Hotels or the like
- Cooling Towers or Warm Water Systems
- External plant and equipment not encompassed in the consent
- Business providing any form of sexual service (i.e. brothel or the like).

Business premises which are used for any of these purposes must comply with relevant public health and safety legislation and requirements and they must be registered with Council prior to an Occupation Certificate being issued for the development. The relevant registration and inspection fee is also required to be paid to Council in accordance with Council's adopted Pricing Policy.

- A13 The applicant/owner is advised to engage the services of a suitably qualified and experienced Acoustic consultant, prior to finalising the design and construction of the development, to ensure that the relevant noise criteria and conditions of consent can be fully satisfied.
- A14 Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au 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.
- A15 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.
- A16 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/Seng) CARRIED – SEE RESOLUTION.

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

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

Councillor Stevenson

Total (13)**Total (1)**

**CP52/13 Director City Planning Report - 1 Moira Crescent, Coogee
(DA/664/2011/A)**

187/13

RESOLUTION: (Andrews/Stavrinos) 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/664/2011 by altering the internal layout of the dwelling at lower ground floor level including new window openings on elevations and new entry stairs, deletion of car stacker in garage and provisions of bicycle and motorcycle spaces and deletion of relevant conditions of consent at 1 Moira Crescent, Coogee, in the following manner:

A Amend Condition No. 1 to read:

1. The development must be implemented substantially in accordance with the plans numbered 046/11, Sheets 1,2,3,4,5,6,7 and 7A, all Issue C, and 14 February 2012 and stamped received by Council on 21 March 2012, the application form, and on any supporting information including BASIX Certificate No. A121525, dated 29 August 2011, received with the application, except as may be amended by the ***Section 96 "A" plans numbered 046/11, Sheets 1,2,4,5 and 6, all Issue A, all dated 27 February 2013 and all received by Council on 20 March 2013; and Sheet 3, Issue A, dated 27 February 2013 and received by Council on 21 May 2013, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application including BASIX Certificate No. A158927, dated 21 March 2013*** and except as may be amended by the following conditions and as may be shown in red on the attached plans:

B Delete Conditions Nos. 4, 10, 11, 58 and 59**C Add new Conditions as follows:**

66. Any bicycle rack or security fixture which is to be installed (so that the bike can be chained up), is to be carefully attached to avoid damage to original building surfaces including floor tiles and brickwork.
67. The motorbike and bicycle spaces shall be fully installed prior to the issuing of an occupation certificate in accordance with the relevant Australian Standards and approved plans.

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

**CP53/13 Director City Planning Report - 5 Bellevue Street, Maroubra
(DA/621/2012)**

188/13

RESOLUTION: (Andrews/Matson) that the application be deferred for mediation.**MOTION: (Andrews/Matson) CARRIED UNANIMOUSLY - SEE RESOLUTION.**

**CP54/13 Director City Planning Report - 9-15 Ascot Street, Kensington
(DA/736/2008/D)**

189/13

RESOLUTION: (Andrews/Stavrinos) 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. 736/2008 to modify the existing development consent at 9-15 Ascot Street and 118-124 Anzac Parade Kensington as follows:

Amend Condition No. 38 to read as follows;

38. Prior to the issuing of a final occupation certificate the applicant shall meet all costs associated with replacing overhead wires with aerial bundled cables along the Anzac Parade and Ascot Street site frontages.

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

CP55/13 Director City Planning Report - Reporting variation to Development Standard under State Environment Planning Policy No. 1 (SEPP 1) between 1 to 30 June, 2013 (F2008/00122)

190/13 **RESOLUTION: (Andrews/Stavrinos)** that the report be received and noted.

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

CP56/13 Director City Planning Report - 2013-14 Community Partnerships Grants Program - Recommended Allocations (F2008/00139)

191/13 **RESOLUTION: (Andrews/D'Souza)** that Council approve funds totalling \$33,990.00 to be allocated to the organisations listed in the table attached to the report in Attachment one.

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

CP57/13 Director City Planning Report - Electronic Housing Code (EHC) for Randwick (F2011/00431)

192/13 **RESOLUTION: (Andrews/Matson)** that the Council note the commencement of the EHC online system for Randwick LGA.

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

General Manager's Reports**GM14/13 General Manager's Report - Adjustment to precinct boundary (F2005/00487)**

193/13 **RESOLUTION: (Matson/Neilson)** that Council endorses the Maroubra Beach and Malabar Precinct's request to adjust the boundary between the two precincts.

MOTION: (Stevenson/Andrews) that Council notes the Maroubra Beach and Malabar Precinct's request to adjust the boundary between the two precincts and defers a decision on the matter until after the next Councillors' Workshop to allow Councillors to consider precinct boundaries generally. **LOST ON THE CASTING VOTE OF THE MAYOR.**

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

Director City Services Reports**CS8/13 Director City Services Report - NSW Local Government Infrastructure Audit Report (F2013/00230)**

194/13 **RESOLUTION: (Andrews/Nash)** that Council's Technical Services staff be congratulated on the Very Strong rating result for infrastructure management assessment as part of the NSW Local Government Infrastructure Audit.

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

Cr Roberts arrived at the meeting at this point (7.25pm).

CS9/13 Director City Services Report - "Taste of Coogee" Event - Goldstein Reserve Coogee (F2013/00096)

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

195/13

RESOLUTION: (Nash/Stavrinos) that:

- a) Council seek the advice of the Eastern Beaches Local Area Command prior to making a decision in relation to this event;
- b) A decision on this matter be deferred to the next Council Meeting and a report be brought back to Council after the advice from the Eastern Beaches Local Area Command is received.
- c) Council's notes the application to waive the fees for the use of Goldstein Reserve and does not agree to waive the fees;

AMENDMENT: (Matson/Shurey) that Council does not support the proposed 'Taste of Coogee' event because of the dependence of the event on the provision of alcohol. LOST.

Councillors Matson and Shurey called for a **DIVISION**.

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

FOR	AGAINST
Councillor Andrews	Councillor Matson
Councillor Belleli	Councillor Neilson
Councillor Bowen	Councillor Shurey
Councillor D'Souza	
Councillor Garcia	
Councillor Moore	
Councillor Nash	
Councillor Roberts	
Councillor Seng	
Councillor Stavrinos	
Councillor Stevenson	
Total (11)	Total (3)

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

Cr Smith returned to the meeting at this point (7.49pm).

CS10/13 Director City Services Report - Outdoor screen event - Clovelly Beach (F2013/00096)

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.

196/13

RESOLUTION: (Andrews/Smith) that:

1. "in principle" approval is given to the screening of the film "I Love This Place" on a Saturday night in October 2013 to coincide with Sculpture by the Sea subject

to the applicant complying with any conditions of approval imposed once the event is processed.

2. No alcohol is to be allowed at this event.
3. The applicant be advised that they may submit an application for funding under our Cultural Grants program to offset the fees and charges associated with the event.

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

The Mayor, Cr Bowen, returned to the meeting at this point (7.50pm) and resumed the Chair.

Director Governance & Financial Services Reports

GF36/13 Director Governance & Financial Services Report - Affixing of the Council Seal - Coogee Bowling Club (F2011/07367)

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

- 197/13 **RESOLUTION: (Moore/Nash)** that Council grants consent to entering into a licence agreement with the Coogee Bowling Club for a period of five (5) years for the property at JV Dick Reserve, 51-61 Dolphin Street, Coogee and Council's Common Seal to be affixed to the agreements.

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

GF37/13 Director Governance & Financial Services Report - Investment Report - June 2013 (F2004/06527)

- 198/13 **RESOLUTION: (Nash/Neilson)** that the investment report for June 2013 be received and noted.

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

Cr Smith returned to the meeting at this point (8.50pm).

GF38/13 Director Governance & Financial Services Report - 2012-13 Draft Financial Statements (F2012/00513)

- 199/13 **RESOLUTION: (Nash/Stavrinou)** that:
- a) the Schedule of 2012-13 funds to be carried forward into 2013-14 be adopted as per Attachment 1.
 - b) in relation to the financial statements required in accordance with Section 413(2)(c) of the Local Government Act 1993:
 - i) Council resolve that in its opinion the General Purpose Financial Statements, Special Purpose Financial Statements and Special Schedules for the year ended 30 June 2013:
 - a. have been properly drawn up in accordance with the provisions of the Local Government Act 1993 and the Regulations there under, the Australian Accounting Standards and professional pronouncements, and the Local Government Code of Accounting Practice and Financial Reporting;
 - b. to the best of the Council's knowledge and belief the statements

- present fairly the Council's operating result and financial position for the year and accords with the Council's accounting and other records; and
- c. the Council is unaware of any matter that would render the financial statements false or misleading in anyway.
 - ii) The Statement by Councillors and Management for both the General Purpose Financial Statements and Special Purpose Financial Statements be signed by the Mayor, another Councillor, the General Manager and the Responsible Accounting Officer.
 - c) the financial statements be referred to the Council's Auditors for audit.
 - d) arrangements be made to place copies of the audited financial statements on public exhibition and the necessary advertisements be published.
 - e) a copy of the audited financial statements be forwarded to the Division of Local Government.
 - f) the audited financial statements be presented at a meeting of Council to be held in accordance with Section 418 of the Local Government Act, 1993.

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

Petitions

Nil.

Motions Pursuant to Notice

NM57/13 Notice of Motion from Cr Matson - Pending final economic analysis on a national container deposit container system (CDS) (F2010/00330)

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

200/13 **RESOLUTION: (Matson/Neilson)** that Council:

- 1) Notes the Victorian Premier's recently stated support for CDL and the anticipation by CDL lobbyists that environment Ministers will soon receive the final economic analysis on a national container deposit system (CDS);
- 2) Notes that's that a national CDS scheme would assist Council in meeting the state government's target of a 66% diversion rate of the waste stream going into Sydney's dwindling land fill sites; and
- 3) Will use its website with twitter and facebook buttons to actively lobby the NSW State and Federal Governments to support the Boomerang Alliance's campaign to bring in a national Container Deposit Scheme.

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

NM58/13 Notice of Motion from Cr Matson - Extension of Wooden Walkway in Fred Hollows Gully (F2004/07551)

201/13 **RESOLUTION: (Matson/Nash)** that Council:

- 1) bring back a report that will consider an extension of the wooden walkway in Fred Hollows Gully funded either from:

- a) an allocation for consideration in the next draft budget; or
 - b) savings in this year's budget should they eventuate; and
- 2) in the interim seek grant funding for the same purpose.

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

Cr Smith returned to the meeting at this point (9.08pm).

**NM59/13 Notice of Motion from Cr Stavrinis - West Ward Parking
(F2004/07237)**

202/13

RESOLUTION: (Stavrinis/Nash) that Council conduct an audit of all roads in city to determine which of these roads could have angled (perpendicular) parking and refer the audit to the Parking Taskforce.

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

NM60/13 Notice of Motion from Cr Seng - Shark Patrols (F2008/00609)

203/13

RESOLUTION: (Seng/Matson) that Council:

- a) investigate the feasibility of utilising unmanned drones to carry out shark patrols on the beaches;
- b) invite neighbouring coastal Councils to participate in the above shark patrol services with a view to sharing operating costs, and
- c) identify other possible uses of unmanned drones such as in natural disaster situations, search and rescue operations, building fires, etc.

AMENDMENT: (Stevenson/Garcia) investigate the feasibility of utilising unmanned drones in emergency situations. **WITHDRAWN.**

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

Councillors Matson and Seng called for a **DIVISION.**

Councillor Stevenson left the meeting at this point (9.30pm).

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

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

Cr Stevenson returned to the meeting at this point (9.32pm).

NM61/13 Notice of Motion from Cr Seng - Shortage of Parking in Clovelly, Coogee & Kingsford (F2004/06137)

204/13 **RESOLUTION: (Seng/Andrews)** that Council refers the following to the Parking Taskforce:

- a) the serious shortage of car parking facilities in commercial and residential areas, in particular in Clovelly, Coogee and Kingsford,
- b) identification of the utility of underground parking stations and suitable sites for the construction of underground parking stations, and
- c) development of a long-term budget for the future construction of these parking stations and taking into account Council's policy of no parking meters.
- d) investigation of the particular issue of underground parking at the light rail terminal to be built at Anzac Parade, Kingsford.

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

Cr Matson requested that his name be recorded as voting against the above motion.

NM66/13 Notice of Motion from Cr Andrews – Proposed boat and trailer holding yard (F2004/06847)

205/13 **RESOLUTION: (Andrews/Stavrinos)** that Council refer to the Parking Taskforce and investigate and report back as to the feasibility of having a boat and trailer holding yard for its residents within the City of Randwick.

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

NM67/13 Notice of Motion from Cr Matson - Response to new Sydney Airport Masterplan 2033 (F2004/07972)

206/13 **RESOLUTION: (Matson/Seng)** that Council notes that the Preliminary Draft Master Plan 2033 for Sydney Airport is available and delegates the General Manager to report back to Councillors on the ramifications to Randwick City Council residents resulting from any changes to the ANEF (noise) contour map proposed under the draft master plan.

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

NM68/13 Notice of Motion from Cr Roberts – Partnership with UNSW (F2004/07710)

207/13 **RESOLUTION: (Roberts/Seng)** that Council bring back a report on the feasibility of promoting or establishing a business incubator in partnership with the UNSW.

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

NM69/13 Notice of Motion from Cr Roberts - Child Welfare Programs (F2012/00534)

208/13 **RESOLUTION: (Garcia/Moore)** that Council:

- a) bring back a report detailing options that could promote child welfare outcomes within Randwick, including options such as community education drives and awareness programs.
- b) write to the Minister for Family and Community Services;
 - i) noting with concern the percentage of vulnerable children not being checked by case workers;
 - ii) noting the call for an increase of \$20 million for the early intervention program; and
 - iii) calling for an increase in funding for additional case workers.

MOTION: (Roberts/Seng) that Council bring back a report detailing options that could promote child welfare outcomes within Randwick, including options such as community education drives and awareness programs.

AMENDMENT: (Garcia/Moore) CARRIED AND BECAME THE MOTION.

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

Confidential reports (closed session)

That the meeting move into closed session in order to consider confidential items.

Closed Session

Prior to consideration of the closed session reports by the Council, a deputation was received in respect of the following matter:

GM15/13 CLOSURE OF RUNIC LANE, MAROUBRA - FROM HANNAN LANE TO ANZAC PARADE

For David Rothman - Maroubra Synagogue

GF39/13 Confidential - 23-27 Adina Avenue, Phillip Bay - Eric Callaway House - Aged Care Facility (F2011/07367)

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.

209/13 **RESOLUTION: (Andrews/Garcia)** that:

- a) the General Manager be given delegated authority to remarket and negotiate a lease or sale for the property, and
- b) the outcome of the negotiations and proposed sale or lease be reported back to Council at the earliest opportunity.

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

GF40/13 Confidential - 2 Coast Hospital Road, Little Bay - Lease of Kiosk/Cafe (F2011/07367)

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.

210/13 **RESOLUTION: (Andrews/Garcia)** that:

- a) Council notes that continuation of the lease agreement with Michael Reid appears to be unviable unless he is able to secure additional funds.
- b) Council applies the 3 month rental bond to the rent to 15 September 2013.
- c) Council terminates the lease with Michael Reid as at 15 September 2013 if additional funding is not secured by the tenant.
- d) Council re-markets the lease for the operation and fit out of the café kiosk.
- e) The General Manager is given authority to negotiate a 5 + 5 year lease agreement with a new retail tenant.
- f) Council's Common Seal to be affixed to the agreements.

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

GM15/13 Confidential - Closure of Runic Lane, Maroubra - from Hannan Lane to Anzac Parade (F2004/07159)

This matter is considered to be confidential under Section 10A(2)(f) of the Local Government Act, as it deals with matters affecting the security of the Council, Councillors, Council staff or Council property. (Security matters as advised by the NSW Police)

211/13

RESOLUTION: (Smith/Garcia) that:

- a) Council approve the closure of Runic Lane between Hannan Lane and Anzac Parade to general traffic.
- b) The Maroubra Synagogue prepare a formal Traffic Management Plan outlining the above changes and submit to RMS for approval

AMENDMENT: (Stevenson/x) the traffic flow in Runic Lane be reversed and the traffic flow in Hannan Lane remain as is. **LAPSED FOR THE WANT OF A SECONDER.**

AMENDMENT: (Stevenson/x) that the affected residents in Hannan and Runic Lanes be consulted prior to the Traffic Management Plan being forwarded to the RMS for approval. **LAPSED FOR THE WANT OF A SECONDER.**

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

MM56/13 Confidential - Performance review of General Manager and renewal of contract (EMPO2901)

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

212/13

RESOLUTION: (Mayor, Cr Bowen) that:

1. Council receive and note the General Managers performance review and rating as Better than Satisfactory.
2. Council increase the total remuneration package of the General Manger to \$388,000 per annum based on the performance review, achievements of the General Manager and market testing in accordance with the standard contract of employment.

3. Council Officer to renew the General Managers contract of employment for a period of 5 years under the Division of Local Government Standard Contract for General Managers performance based contract with the same terms and conditions that currently exist and a total remuneration package of \$388,000.

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

Open Session

That the meeting move back into open session.

Notice of Rescission Motions

Nil.

There being no further business, His Worship the Mayor, Cr T Bowen, declared the meeting closed at 10.20pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 27 August 2013.

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CHAIRPERSON