

**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, 27 AUGUST 2013 AT 6:06PM**

**Present:**

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

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

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

**Officers Present:**

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoplos
Director City Planning	Ms S Truuvert
Director Governance & Financial Services	Mr G Banting
Manager Administrative Services	Mr D Kelly
Manager Development Assessment	Mr K Kyriacou
Communications Manager	Mr J Hay
Manager Corporate Improvement	Ms A Warner

**Prayer & Acknowledgement of Local Indigenous People**

The Council Prayer was read by Cr Nash. The Acknowledgement of Local Indigenous People was read by Cr Moore.

**Apologies/Granting of Leave of Absences**

An apology was received from Cr Shurey.

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

## Confirmation of the Minutes

### **CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY 23 JULY 2013 & THE EXTRAORDINARY COUNCIL MEETING HELD ON TUESDAY 20 AUGUST 2013**

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214/13

**RESOLUTION: (Belleli/D'Souza)** that the Minutes of the Ordinary Council Meeting held on Tuesday 23 July 2013 and the Minutes of the Extraordinary Council Meeting held on Tuesday 20 August 2013 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of those meetings.

## Declarations of Pecuniary and Non-Pecuniary Interests

- (a) Cr Neilson declared a non-significant non pecuniary interest in Item CP60/13 as she knows one of the objectors.
- (b) Cr Neilson declared a non-significant non pecuniary interest in Item CP62/13 as she lives in an adjacent heritage character area and knows one of the objectors.
- (c) All Councillors declared a non-significant non pecuniary interest in Item GM16/13 as they know one of the applicants.
- (d) Cr Neilson declared a non-significant non pecuniary interest in Item GM18/13 as one of the applicants for the position is known to her.
- (e) All Councillors declared a non-significant non pecuniary interest in Item CP60/13 as one of the submissions is from a Council officer.
- (f) Cr Matson declared a non-significant non pecuniary interest in Item MM67/13 as he knows the speaker on the matter through the Precinct Committee.
- (g) Cr Bowen declared a non-significant non pecuniary interest in Item MM67/13 as he knows the speaker on the matter through the Precinct Committee.
- (h) Cr Garcia declared a non-significant non pecuniary interest in Item GM16/13 as he knows a member of the Coogee Surf Life Saving Club.
- (i) Cr Garcia declared a non-significant non pecuniary interest in Item NM74/13 as his daughter attends the school and his wife is on the P&F Committee.
- (j) Cr Nash declared a non-significant non pecuniary interest in Item CP60/13 as he knows the speaker on a professional basis.
- (k) All Liberal Councillors declared a non-significant non pecuniary interest in Item GM18/13 as a member of the committee is also a member of the Liberal Party.
- (l) Cr Smith declared a pecuniary interest in Item NM73/13 as his employer is directly involved in this issue. Cr Smith will not be taking part in the debate or voting on this matter
- (m) Cr Moore declared a non-significant non pecuniary interest in Items MM67/13, GM16/13, GM18/13, CP60/13 and CP62/13 as he knows objectors on each of these matters.
- (n) Cr Bowen declared a significant non pecuniary interest in Item CP62/13 as he knows the speaker for the applicant professionally. Cr Bowen will not be taking part in the debate or voting on this matter.
- (o) Cr Bowen declared a non-significant non pecuniary interest in Item GM16/13 as he is a Director of the Randwick Labor Club along with one of the applicants.
- (p) Cr Bowen declared a significant non pecuniary interest in Item MM63/13 as he is a Director of the Randwick Labor Club along with the son of Paddy Bastic. Cr Bowen will not be taking part in the debate or voting on this matter.
- (q) All Labor Councillors declared a non significant non pecuniary interest in Item MM63/13 as they all know a former Labor Councillor who is also the son of

Paddy Bastic.

- (r) Cr Matson declared a non-significant non pecuniary interest in Item CP60/13 as he knows the parents of the applicant.

### **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:

MM67/13 URBAN ACTIVATION PRECINCTS - COUNCIL AND COMMUNITY INVOLVEMENT

**For** Rosemary Mackenzie

CP60/13 385 MAROUBRA ROAD, MAROUBRA (DA/243/2013)

(Note: Council's Director City Planning left the chamber during the address from the speaker on this item.)

**Applicant** Antony Rowan on behalf of the Applicant

CP61/13 47 BOND STREET, MAROUBRA (DA/504/2012)

**Objector** Gerald Barahona - Objector

**Applicant** Genevieve Slattery - representing the applicant

CP62/13 18 FRENCHMANS ROAD, RANDWICK (DA/178/2013)

(Note: The Mayor left the chamber during the addresses from the speakers on this item)

**Objector** Colin Small

**Applicant** Peter Banfield - representing the applicant

NM70/13 NOTICE OF MOTION FROM CR STAVRINOS - REQUEST FOR STATE GOVERNMENT ADVICE REGARDING HOARDING ISSUES

**For** Professor John Snowdon

NM71/13 NOTICE OF MOTION FROM CR D'SOUZA – PORT BOTANY PETROL SPILL

**For** Colin Gayle

NM74/13 NOTICE OF MOTION FROM CR MATSON - RESPONSE TO PEDESTRIAN AND CAR MOVEMENT ISSUES RAISED BY OUR LADY OF THE SACRED HEART PRIMARY SCHOOL PARENTS AND FRIENDS COMMITTEE

**For** Maria Moran

GM18/13 DUE DILIGENCE REPORT, THE PROPOSED HANDOVER OF LA PEROUSE MUSEUM AND SURROUNDS

**For** Charles Abela

The Meeting was adjourned at 7.16p.m. and was resumed at 7.25p.m.

**Mayoral Minutes****MM57/13 Mayoral Minute - 2013 National Awards for Local Government - Buildings for our Community Commended (F2010/00044)**

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215/13 **RESOLUTION: (Mayor, Cr T Bowen)** that Council:

- (a) congratulates its staff on being highly commended for *Buildings for our Community* as recognised by the 2013 National Awards for Local Government; and
- (b) write a letter of thanks to former Mayor, John Procopiadis congratulating him on his efforts in establishing the Buildings for our Community Program.

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

**MM58/13 Mayoral Minute - 2013 RH Dougherty Awards for Excellence in Communication (F2013/00334)**

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216/13 **RESOLUTION: (Mayor, Cr T Bowen)** that Council note the receipt of two awards (Winner – Light Rail to Randwick, and Highly Commended – Earth Hour Dine by Candlelight) in the prestigious 2013 RH Dougherty Awards for Excellence in Communication and that Council congratulate the staff involved.

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

**MM59/13 Mayoral Minute - 2013 Sustainable Cities Runner up for Overall Sustainable Council Award (F2010/00241)**

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217/13 **RESOLUTION: (Mayor, Cr T Bowen)** that Council notes this significant recognition of the range of programs provided by Council in the 2013 KABNSW Sustainable Cities Awards.

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

**MM60/13 Mayoral Minute - Post Graduate Student Research Partnership Between Council and University of New South Wales (F2010/00241)**

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218/13 **RESOLUTION: (Mayor, Cr T Bowen)** that:

- a) Council approve an amount up to \$12,000.00 to the UNSW Institute of Environmental Studies for up to 4 supervised practical research study areas for post graduate students for completion by June 2014;
- b) projects identified for consideration as student projects be reported prior to the end of 2013 to Environment Committee for information; and
- c) a continuation of this funding allocation and partnership be included in a future environmental levy program if approved subject to a final report on its results to Council.

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

**MM61/13 Mayoral Minute - Waiver of Fees for Maroubra Diggers Junior Swimming Club for Two Swimming Carnivals at Des Renford Leisure Centre (F2010/00214)**

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219/13 **RESOLUTION: (Mayor, Cr T Bowen) that:**

- a) Council vote \$1,020.00 from the 2013-14 Contingency Fund to cover the hire fees into the Des Renford Leisure Centre;
- b) the organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and
- c) normal facility spectator fees apply for all non competitors.

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

**MM62/13 Mayoral Minute - Waiver of Fees for Maroubra Swim Clubs Annual Development Carnival held on the 20 July 2013 at Des Renford Leisure Centre (F2010/00214)**

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220/13 **RESOLUTION: (Mayor, Cr T Bowen) that:**

- a) Council vote \$780.00 from the 2013-14 Contingency Fund to cover the hire fees for the Des Renford Leisure Centre to assist in raising funds for the Maroubra Swim Club; and
- b) the organiser undertake to appropriately and prominently acknowledge and promote Council's contribution to Club members.

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

**MM63/13 Mayoral Minute - Recognition of Martin Joseph "Paddy" Bastic OAM (F2005/00266)**

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Note: Having previously declared an interest, the Mayor left the Chamber and took no part in the debate or voting on this matter. The Deputy Mayor assumed the Chair.

221/13 **RESOLUTION: (D'Souza/Stevenson) that the park adjacent to the Maroubra Beach carpark and bounded by Marine Parade, Mons Avenue and Fitzgerald Avenue be named "Paddy Bastic OAM Park" with a naming ceremony to be organised with Paddy's family once formal approval is complete.**

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

**MM64/13 Mayoral Minute - Support for National Anti-Racism Campaign (F2011/00451)**

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222/13 **RESOLUTION: (Mayor, Cr T Bowen) that Randwick City Council becomes a formal supporter of the Australian Human Rights Commission's national anti-racism campaign, *Racism It Stops with Me*, by signing the supporter agreement.**

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

**MM65/13 Mayoral Minute - Support for 2013 National Indigenous Tertiary Education Student Games - UNSW team (F2008/00597)**

223/13 **RESOLUTION: (Mayor, Cr T Bowen)** that Council supports the participation of UNSW Aboriginal and Torres Strait Islander students in the 2013 National Indigenous Tertiary Education Student Games by donating \$500.00 to assist with accommodation, uniforms, registration fees etc (to be funded from the 2013-14 Contingency Fund).

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

**MM66/13 Mayoral Minute - Sponsorship - La Perouse Netball Team (F2004/07396)**

224/13 **RESOLUTION: (Mayor, Cr T Bowen)** that Council sponsor the La Perouse Netball Club in the amount of \$500.00 to assist the Club's participation in the first Sydney Aboriginal Netball Carnival. This contribution to be funded from the 2013-14 Contingency Fund.

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

**MM67/13 Mayoral Minute - Urban Activation Precincts - Council and Community Involvement (F2013/00012)**

225/13 **RESOLUTION: (Mayor, Cr T Bowen)** that Council make representations to the Minister for Planning to:

- a) cease any further work involving the two Urban Activation Precincts affecting Randwick City until the State Government commits to a full and open consultation process of no less than 12 months for any rezoning proposals in the UAP areas;
- b) make Randwick City Council the determining authority for any future rezoning proposals; and
- c) send a copy of Council's report dated 22 May 2012 on our Comprehensive LEP and request confirmation from the State Government that they will undertake a community consultation process that is no less extensive than the consultation process Council undertook for its LEP.

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

**Urgent Business**

Nil.

**Director City Planning Reports****CP60/13 Director City Planning Report - 385 Maroubra Road, Maroubra (DA/243/2013) - DEFERRED**

226/13 **RESOLUTION: (Andrews/Roberts)** that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 243/2013 for Alterations and additions to existing dwelling including new first floor at No. 385 Maroubra Road, 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 *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of environmental amenity.

### Approved Plans & Supporting Documentation

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

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
Sheet 1 of 8 Issue F	Cape Cod	18.06.13	18.06.13
Sheet 1 of 8 Issue F	Cape Cod	18.06.13	18.06.13
Sheet 1 of 8 Issue F	Cape Cod	18.06.13	18.06.13
Sheet 1 of 8 Issue F	Cape Cod	18.06.13	18.06.13
Sheet 1 of 8 Issue F	Cape Cod	18.06.13	18.06.13
Sheet 1 of 8 Issue F	Cape Cod	18.06.13	18.06.13
Sheet 1 of 8 Issue F	Cape Cod	18.06.13	18.06.13
Sheet 1 of 8 Issue F	Cape Cod	18.06.13	18.06.13
Sheet 1 of 8 Issue F	Cape Cod	18.06.13	18.06.13
Sheet 1 of 3	Cape Cod	No date	18.06.13
Sheet 1 of 3	Cape Cod	No date	18.06.13
Sheet 1 of 3	Cape Cod	No date	18.06.13

<i>BASIX Certificate No.</i>	<i>Dated</i>	<i>Received by Council</i>
A160028	19/4/13	23/4/13

### Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
  - a. A privacy screen having a height of 1.8m above floor level must be provided to the windows to bedrooms 2 and 3 along the northwestern elevation. The privacy screens must be constructed of metal or timber and the total area of any openings within the privacy screen must not exceed 25% of the area of the screen. Alternatively, the privacy screen may be constructed with translucent, obscured, frosted or sandblasted glazing in a suitable frame.

### REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

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

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

#### **Consent Requirements**

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

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

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

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

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

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

5. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, based on the development cost of \$229,514,00 the following applicable monetary levy must be paid to Council: \$2,295.14

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

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

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

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

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

#### **Security Deposits**

7. The following security deposits requirement must be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused to Council's assets and infrastructure; and as security for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the *Environmental Planning and Assessment Act 1979*:



- \$600.00 - Damage / Civil Works Security Deposit

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

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

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

### **Sydney Water**

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

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

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

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

The Principal Certifying Authority must ensure that a Sydney Water Quick Check Agent has appropriately stamped the plans prior to issuing the construction certificate.

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

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

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

9. 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.

#### **Structural Adequacy**

10. Certificate of Adequacy supplied by a *professional engineer* shall be submitted to the certifying authority (*and the Council, if the Council is not the certifying*

*authority*), certifying the structural adequacy of the existing structure to support the additional storey/upper floor addition.

#### **Smoke Alarms**

11. 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.

#### **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.

#### **Stormwater Drainage**

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

#### **Building & Design**

14. The north western external walls of the dwelling must be located not less than 1200mm from the site boundary.
15. Eaves, gutters, hoods and similar structures or attachments are required to be setback from the side boundaries of the allotment a minimum distance of 450mm.

**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**

16. 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**

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

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

**Dilapidation Reports**

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

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

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

#### **Construction Noise & Vibration Management Plan**

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

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

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

#### **Construction Site Management Plan**

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

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

The site management measures must be implemented prior to the

commencement of any site works and be maintained throughout the works, to the satisfaction of Council.

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

#### **Demolition Work Plan**

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

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

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

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

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

#### **Notes**

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

#### **Public Utilities**

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

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

The owner/builder must make the necessary arrangements and meet the full

cost for telecommunication companies, gas providers, Energy Australia, Sydney Water and other authorities to adjust, repair or relocate their services as required.

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

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

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

#### **Inspections During Construction**

23. 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**

24. 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**

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

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

*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**

26. 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](http://www.randwick.nsw.gov.au) in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.*

#### **Removal of Asbestos Materials**

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

- Relevant Occupational Health & Safety legislation and WorkCover NSW requirements
- Randwick City Council's Asbestos Policy
- A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence. A copy of the relevant licence must be provided to the Principal Certifying Authority.
- On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.
- Asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2005*. Details of the landfill site (which must be lawfully able to receive asbestos materials) must be provided to the Principal Certifying Authority.
- A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the Principal certifying authority upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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

#### **Sediment & Erosion Control**

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

#### **Public Safety & Site Management**

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

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

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

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

#### **Support of Adjoining Land, Excavations & Retaining Walls**

30. 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.

31. 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.

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

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

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

#### **Building Encroachments**

33. 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**

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

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

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

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

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

*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**

35. 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**

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

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

#### **Occupant Safety**

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

Options may include one or more of the following measures:

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

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

#### **Council's Infrastructure & Vehicular Crossings**

38. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:

- a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council

contractors.

- b) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a *Pre-paid Works Application Form*, prior to issuing an occupation certificate, together with payment of the relevant fees.
- c) If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.
- d) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.

#### **OPERATIONAL CONDITIONS**

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

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

#### **Use of premises**

- 39. The premises must only be used as a single residential dwelling and must not be used for dual or multi-occupancy purposes.

#### **External Lighting**

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

#### **Plant & Equipment**

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

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

#### **Air Conditioners**

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

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

#### **Rainwater Tanks**

- 43. The operation of plant and equipment associated with rainwater tanks are to be restricted to the following hours if the noise emitted can be heard within a

habitable room in any other residential premises:

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

#### **ADVISORY NOTES**

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

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

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

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

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

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

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

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

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

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

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

public place, to the satisfaction of the Certifying Authority.

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

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

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

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

A9 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](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

**MOTION: (Neilson/Nil)** that the application be refused as it results in view loss of the neighbours, it does not make a positive contribution to the streetscape or add to the amenity of the area. **LAPSED FOR WANT OF A SECONDER.**

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

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

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

Councillor Smith  
Councillor Stavrinou  
Councillor Stevenson

**Total (13)**

**Total (1)**

**AMENDMENT: (Neilson/Matson)** that the application be deferred for the submission of amended plans to reduce the pitch of the roof. **LOST.**

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

**FOR**

Councillor D'Souza  
Councillor Moore  
Councillor Neilson

**Total (3)**

**AGAINST**

Councillor Andrews  
Councillor Belleli  
Councillor Bowen  
Councillor Garcia  
Councillor Matson  
Councillor Nash  
Councillor Roberts  
Councillor Seng  
Councillor Stavrinou  
Councillor Smith  
Councillor Stevenson

**Total (11)**

**CP61/13 Director City Planning Report - 47 Bond Street, Maroubra  
(DA/504/2012)**

227/13

**RESOLUTION: (Moore/Nash)**

- A. That Council support the objections under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with Clause 20E, 20F and Clause 20G of the Randwick Local Environmental Plan 1998 (Consolidation), relating to minimum landscape area, maximum floor space ratio and maximum external wall height, on the grounds that the proposed development is consistent with the relevant objectives of the clauses and will not adversely affect the amenity of the surrounding 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. 504/2012 for alterations to the existing multi-unit residential building including additional floor resulting in 6 units over 3 levels with semi-basement and ground level carparking for 6 vehicles at No. 47 Bond Street, Maroubra, subject to the following conditions:

**DEVELOPMENT CONSENT CONDITIONS**

**GENERAL CONDITIONS**

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

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

**Approved Plans & Supporting Documentation**

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

Plan Number / Title	Dated	Received	Prepared By
01A (Rev B)	19-03-13	19-03-2013	Arkivis
03A (Rev B)	19-03-13	19-03-2013	
05A (Rev B)	19-03-13	19-03-2013	
06A (Rev B)	19-03-13	19-03-2013	
07A (Rev B)	19-03-13	19-03-2013	
08A (Rev B)	19-03-13	19-03-2013	
09A (Rev B)	19-03-13	19-03-2013	
011A (Rev B)	19-03-13	19-03-2013	
012A (Rev B)	19-03-13	19-03-2013	
013A (Rev B)	19-03-13	19-03-2013	

BASIX Certificate No.	Dated	Received
384782M	4 July 2011	7 August 2012

**Amendment of Plans & Documentation**

2. The approved plans and documents must be amended in accordance with the following requirements and details which are to be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the *Environmental Planning and Assessment Act 1979* prior to a construction certificate being issued for the relevant building works:

- (a) The sill height of the east and west facing windows directly adjacent to the living rooms of the respective dwelling units in the new upper floor addition shall be increased to be a minimum height of 1.5m above floor level, or alternatively, the window/s are to be fixed and provided with translucent, obscured, frosted or sandblasted glazing below 1.5m above floor level.
- (b) Alternative screening measures and design for the proposed external blinds shall be provided to improve the aesthetics, and allow for additional articulation and modulation in the external front façade of the building.

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

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

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

**Consent Requirements**

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

**External Colours, Materials & Finishes**

4. The colours, materials and finishes of the external surfaces to the proposed development are to be compatible with adjacent developments to maintain the

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

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

#### **Design Verification**

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

#### **Section 94A Contribution**

7. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, based on the development cost of \$1,027,650 the following applicable monetary levy must be paid to Council: \$10,276.50.

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

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

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

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

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

#### **Compliance with the Building Code of Australia**

9. 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**

10. Smoke alarms are required to be installed in each Class 1 building or dwelling in accordance with the relevant provisions of Part 3.7.2 of the B.C.A. – Housing Provisions. Smoke alarms must comply with AS3786 – Smoke alarms and be connected to the consumer mains electric power supply and provided with a battery back-up. Details of compliance are to be included in the construction certificate.



**Security Deposit**

11. 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:

- \$5000.00 - Damage / Civil Works Security Deposit

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

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

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

**Design Alignment levels**

12. 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:

- Driveway Entrance – RL 16.22
- Pedestrian Entrance – RL 16.45

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 0923.

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

**Driveway Design**

14. Plans submitted for the Construction certificate shall show the reconstruction of the existing internal side driveway
15. The gradient of the reconstructed internal access driveway must be designed and constructed in accordance with AS 2890.1 (2004) – Off Street Car Parking and the levels of the driveway must match the alignment levels at the property boundary (as specified by Council). Details of compliance are to be included in the construction certificate documentation.

**Car Spaces**

16. Car space No 2 is to be deleted from the submitted plans as it blocks pedestrian access to the new walkway.
17. Each unit is to be allocated at least 1 car space each.

**Stormwater Drainage**

18. Detailed drainage plans with levels reduced to Australian Height Datum (AHD), shall be prepared by a suitably qualified Hydraulic Engineer and be submitted

to and approved by the certifying authority. A copy of the plans shall be forwarded to Council, if Council is not the certifying authority.

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

19. Only stormwater runoff from the site (no seepage water) shall be discharged either:

- a) Through a private drainage easement(s) to Council's kerb and gutter (or underground drainage system); OR
- b) To a suitably sized pump out system.

20. 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 required 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 Randwick City Council's Stormwater Code.

21. All pump out water must pass through a stilling pit, located adjacent/near Council's kerb prior to being discharged to the kerb and gutter.

#### **Sydney Water**

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

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

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

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

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

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

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

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

23. 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) Standards 2010, relevant Australian Standards and conditions of consent, to the satisfaction of the Certifying Authority.

#### **BASIX Requirements**

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

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

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

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

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

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

Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of 'on-the-spot' penalty infringements or service of a notice and order by Council.

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

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

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

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

- i) appoint a *Principal Certifying Authority* for the building work, and

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

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

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

The *Principal Certifying Authority* must specify the relevant stages of construction to be inspected in accordance with section 81A (2) (b1) (ii) of the Environmental Planning & Assessment Regulation 2000 and a satisfactory inspection must be carried out, to the satisfaction of the *Principal Certifying Authority*, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

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

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

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

*At the time of this development consent, Long Service Levy payment is*

*applicable on building work having a value of \$25,000 or more, at the rate of 0.35% of the cost of the works.*

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

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

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

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

#### **Public Utilities**

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. 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.

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

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

be satisfied if any materials containing asbestos are present in the building:

- a) Compliance with Randwick City Council's Asbestos Policy (adopted 13 September 2005).

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

- b) A Demolition Work Plan must be developed and implemented in accordance with Australian Standard AS2601-2001, Demolition of Structures.
- c) A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
- d) Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996.
- e) Asbestos waste must be disposed of at an approved waste disposal depot (refer to the DEC or Waste Service NSW for details of sites). Copies of all receipts detailing method and location of disposal must be maintained on site and be provided to Council officers upon request, as evidence of correct disposal.
- f) On demolition sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.
- g) A certificate or Statement, prepared by a suitably qualified person (ie an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council upon completion of the works (prior to an Occupation Certificate being issued), which confirms that the relevant requirements contained in the Asbestos Survey and conditions of consent, in relation to the safe removal and disposal of asbestos, have been satisfied.

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

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

Retaining walls, shoring, or piling must be designed and installed in accordance

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

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

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

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

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

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

40. Public safety and convenience must be maintained at all times during demolition, excavation and construction works.
- a) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.
  - b) A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or footway for services or the like.
  - c) Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a

clean condition and free from any obstructions, soil and debris at all times.

- d) Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health, Building & Regulatory Services department.
- e) During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing. Sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction.
- f) Public access to demolition/building works, materials and equipment on the site is to be restricted and a temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.
- g) Temporary fences or hoardings or the like are to be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.
- h) The public safety provisions and temporary fences or hoardings must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.
- i) If it is proposed to locate any hoardings, site fencing or amenities upon any part of the footpath, nature strip or any public place, the written consent from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.
- j) Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line or any public place and the stockpiles must be protected with adequate sediment control measures.
- k) Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.
- l) A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities upon any part of the footpath, road, nature strip or in any public place:
  - Install or erect any site fencing, hoardings or site structures
  - Operate a crane or hoist goods or materials over a footpath or road
  - Placement of a waste skip or any other container or article.



41. Demolition work and the removal, storage, handling and disposal of building materials must be carried out in accordance with the following requirements (as applicable):
- Australian Standard 2601 (2001) – Demolition of Structures
  - Occupational Health and Safety Act 2000
  - Occupational Health and Safety (Hazardous Substances) Regulation 2001
  - Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
  - Randwick City Council Asbestos Policy (adopted 13 September 2005)
  - WorkCover NSW Codes of Practice and Guidelines
  - The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.
42. Public safety and convenience must be maintained at all times during demolition, excavation and construction works.
- a) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.
  - b) A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or footway for services or the like.
  - c) Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
  - d) Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health, Building & Regulatory Services department.
  - e) During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing. Sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction.
  - f) Public access to demolition/building works, materials and equipment on the site is to be restricted and a temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.
  - g) Temporary fences or hoardings or the like are to be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.
  - h) The public safety provisions and temporary fences or hoardings must be

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

- i) If it is proposed to locate any hoardings, site fencing or amenities upon any part of the footpath, nature strip or any public place, the written consent from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.
- j) Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line or any public place and the stockpiles must be protected with adequate sediment control measures.
- k) Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.
- l) A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities upon any part of the footpath, road, nature strip or in any public place:
  - Install or erect any site fencing, hoardings or site structures
  - Operate a crane or hoist goods or materials over a footpath or road
  - Placement of a waste skip or any other container or article.

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

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

- A *Road / Asset Opening Permit* must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the *Road / Asset Opening Permit* must be complied with.
- The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a *final occupation certificate* for the development.
- Relevant *Road / Asset Opening Permit* fees, repair fees, inspection fees and security deposits, must be paid to Council prior to commencing any works within or upon the road, footpath, nature strip or other public place.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **BASIX Requirements**

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

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

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

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

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

#### **Occupant Safety**

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

Options may include one or more of the following measures:

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

#### **Street Numbering**

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

#### **Fire safety**

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

- a) The following works are to be undertaken in accordance with the specified provisions of the Building Code of Australia (BCA), as applicable:
- 1) Provide a -/60/30 fire door set, with a self-closing device, to the front entry of each sole-occupancy unit in accordance with clause C3.11 of the Building Code of Australia (BCA).
  - 2) Install a smoke detection and alarm system throughout the building in accordance with specification E2.2a of the BCA,
  - 3) Provide emergency lighting system to the common stairway and corridor/s, in accordance with clause E4.2 & E4.4 of the BCA,
  - 4) Provide portable fire extinguisher within the building adjacent to the electrical switchboard, in accordance with clause E1.6 of the BCA,
  - 5) Provide a non-combustible enclosure (ie a metal cabinet) with seals to prevent the passage of smoke to electricity meters and

- switchboard located in corridors, exits and within stairways etc,
- 6) Balustrades and handrails to stairway/s, balconies, decks or the like are to be designed and constructed to satisfy clause D2.16 & D2.17 of the BCA,
  - 7) The main entry/exit door is to be provided with a 'hold-open' device, or swing in the direction of egress, to facilitate people seeking egress from the building in the event of an emergency,
  - 8) Prior to commencing the abovementioned works, a Construction Certificate must be obtained from Council's Building Certification Services or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and *Environmental Planning & Assessment Regulation 2000*.
- b) All new building works (including the proposed alterations/additions) must satisfy the relevant performance or deemed-to-satisfy provisions of the Building Code of Australia.
  - c) All of the fire safety upgrading works and new building work must be detailed in the Construction Certificate for the development.
54. The fire safety upgrading works must be carried out **prior to issuing of an Occupation Certificate** for the development and written confirmation must be provided to Council which confirms that all of the upgrading works have been carried out in accordance with the conditions of consent.

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

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

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

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

55. The applicant must meet the full cost for Council or a Council approved contractor to:
- a. Construct a concrete vehicular crossing opposite the vehicular entrance to the site.
  - b. Construct a concrete footpath, adjacent to Council's kerb, along the full site frontage.
56. 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.
57. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the

following requirements:

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

#### **Stormwater Drainage**

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

#### **Waste Management**

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

#### **Car Spaces**

61. Prior to the issuing of an occupation certificate the applicant is to have the driveway entrance signposted with "**Driveway Access for Small Cars Only**". The sign is to be maintained at all times.
62. Prior to the issuing of an occupation certificate the car spaces, motorcycle and bike parking areas are to be suitably linemarked, numbered and 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.

**External Lighting**

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

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

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

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

**Air Conditioning & Equipment**

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

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

**Rainwater Tank Requirements**

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

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

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

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

**Waste Management**

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

**ADVISORY NOTES**

The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979, Environmental Planning &*

information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

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

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

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

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

- This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA) and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards and you are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.
- A Local Approval application must be submitted to and be approved by Council's Building Approvals & Certification team prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:-
  - Install or erect any site fencing, hoardings or site structures
  - Operate a crane or hoist goods or materials over a footpath or road
  - Placement of a waste skip or any other container or article.

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

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



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

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

**CP62/13 Director City Planning Report - 18 Frenchmans Road, Randwick  
(DA/178/2013)**

Note; Having previously declared an interest, the Mayor left the chamber and took no part in the debate or voting on this matter. The Deputy Mayor assumed the chair.

Note: A rescission motion on this matter was submitted in accordance with Council's Code of Meeting Practice and will be tabled at the next available meeting.

228/13

**RESOLUTION: (Andrews/Roberts)** that Council, as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/178/2013 for ground floor alterations and additions to the existing dwelling including a deck at the rear, the construction of a first floor secondary dwelling above the existing garage and alterations to the existing front fence at 18 Frenchmans Road, Randwick, subject to the schedule of conditions outlined in this report:

**GENERAL CONDITIONS**

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

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

**Approved Plans & Supporting Documentation**

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

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
12/13A	Peter Banfield	30 May 2013	31 May 2013

<i>BASIX Certificate No.</i>	<i>Dated</i>	<i>Received by Council</i>
473813S	20 March 2013	28 March 2013
A159042	22 March 2013	28 March 2013

**Amendment of Plans & Documentation**

2. The approved plans and documents must be amended in accordance with the following requirements:
  - a) To ensure that the proposed works comply with the submitted BASIX Certificate, the water tank shall be increased in volume to 3,000L;

- b) All privacy screens must be constructed of metal or timber and the total area of any openings within the privacy screen must not exceed 25% of the area of the screen. Alternatively, the privacy screens may be constructed with translucent, obscured, frosted or sandblasted glazing in a suitable frame.

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

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

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

#### **Consent Requirements**

3. The requirements and amendments detailed in the 'General Conditions' must be complied with and be included in the construction certificate plans and associated documentation.
4. The colours, materials and finishes of the external surfaces to the buildings are to be compatible with the existing building and surrounding buildings in the heritage conservation area. Details of the proposed colours, materials and textures (ie- a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.

The masonry components of the existing garages must be cement rendered and painted on the south-western and south-eastern elevations, to present a consistent façade to neighbouring dwellings and to the streetscape. Details of the proposed colours, materials and textures are to be included. This condition is included to ensure that the proposed development will not impose any significant impacts on the Heritage Conservation Area which adjoins the site.

#### **Security Deposit**

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

- \$600.00 - Damage / Civil Works Security Deposit

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

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

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

**Design Alignment levels**

6. The design alignment level (the finished level of concrete, paving or the like) at the property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage.
7. The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$135.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.

**Section 94A Development Contributions**

8. In accordance with Council's Section 94A Development Contributions Plan effective from 12 July 2012, based on the development cost of \$110,000, the following applicable monetary levy must be paid to Council: \$550.00.

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

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

**Long Service Levy Payments**

9. 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**

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.sydneywater.com.au](http://www.sydneywater.com.au) for:

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

The Principal Certifying Authority must ensure that a Sydney Water Quick Check Agent has appropriately stamped the plans prior to issuing the construction certificate.

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

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

development.

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

#### **Compliance with the Building Code of Australia**

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

#### **Structural Adequacy**

12. A Certificate of Adequacy must be supplied by a professional engineer, to the certifying authority (and the Council, if the Council is not the certifying authority) prior to a construction certificate being issued for the development. The Certificate of Adequacy shall address the structural adequacy of the existing garages to support the upper floor addition.

#### **BASIX Requirements**

13. 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 Certificates must be complied with.

The required commitments listed and identified in the BASIX Certificates 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.

#### **Stormwater Drainage**

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

- e) Details of any proposed drainage systems or works to be carried out in the road, footpath or nature strip must be submitted to and approved by Council before commencing these works.

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

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

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

#### **Certification, PCA & other Requirements**

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

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

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

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

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

#### **Public Utilities**

16. A Public Utility Impact Assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.
17. 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.

**Home Building Act 1989**

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

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

**Dilapidation Reports**

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

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

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

**Construction Noise & Vibration Management Plan**

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

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

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

**Construction Site Management Plan**

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

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

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

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

#### **Demolition Work Plan**

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

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

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

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

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

#### **Notes**

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

- Refer to the conditions within the "Requirements During Construction & Site Work", for further details and requirements relating to demolition work, removal of any asbestos and public safety.

#### **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**

23. 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**

24. 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**

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

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

*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**

26. 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 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](http://www.randwick.nsw.gov.au) in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.*

#### **Removal of Asbestos Materials**

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

- Relevant Occupational Health & Safety legislation and WorkCover NSW requirements
- Randwick City Council's Asbestos Policy
- A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence. A copy of the relevant licence must be provided to the Principal Certifying Authority.
- On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.
- Asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2005*. Details of the landfill site (which must be lawfully able to receive asbestos materials) must be provided to the Principal Certifying Authority.
- A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the Principal certifying authority upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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

**Sediment & Erosion Control**

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

**Public Safety & Site Management**

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

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

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

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

**Support of Adjoining Land, Excavations & Retaining Walls**

30. 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.

31. 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.

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

- when undertaking excavation or building work within the zone of influence of the footings of a dwelling or associated structure that is located on the adjoining land;
- when undertaking demolition work to a wall of a dwelling that is built to a common or shared boundary (e.g. semi-detached or terrace dwelling);
- when constructing a wall to a dwelling or associated structure that is located within 900mm of a dwelling located on the adjoining land;
- as may be required by the *Principal Certifying Authority*.

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

#### **Building Encroachments**

33. 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**

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

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

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

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

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

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

*Assessment Regulation 2000*, Council's development consent and to maintain reasonable levels of public health, safety and amenity.

#### **Occupation Certificate Requirements**

35. 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**

36. The applicant must meet the full cost for Council or a Council approved contractor to:
- a. Construct a concrete vehicular crossing, if required, opposite the vehicular entrances to the site in Chapel Street.
  - b. Remove any redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.
37. 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.
38. 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.

39. That part of the naturestrip upon Council's footway which is damaged during

the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant's expense.

#### **BASIX Requirements**

40. 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

#### **Council's Infrastructure & Vehicular Crossings**

41. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:

- a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
- b) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a *Pre-paid Works Application Form*, prior to issuing an occupation certificate, together with payment of the relevant fees.
- c) If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.
- d) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.

#### **OPERATIONAL CONDITIONS**

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

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

#### **Use of premises**

42. The secondary dwelling must only be used for the purposes specified in the development consent. The secondary dwelling must not be used as a separate business premises at any time.

#### **External Lighting**

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

**Plant & Equipment**

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

In this regard, the operation of the plant and equipment shall not give rise to an LAeq, 15 min sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Office of Environment & Heritage (EPA) Noise Control Guidelines.

**Rainwater Tanks**

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

**ADVISORY NOTES**

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

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

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

- A2 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA) and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards and you are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.

- A3 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.

- A4 Council's Building Certification & Fire Safety 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.

- A5 A Local Approval application must be submitted to and be approved by Council

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 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.

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 Smoke alarms are required to be installed in all residential dwellings, in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979* and the Building Code of Australia. Details should be included in the construction certificate application.

A9 Demolition work and removal of asbestos materials:

- *A copy of Council's Asbestos Policy is available on Council's web site at [www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au) in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.*
- *It is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.*

A10 Any external lighting to the premises should be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.

A11 Building owners and occupiers should consider implementing appropriate measures to prevent children from falling from high-level window openings and balconies (e.g. by installing window locking devices; installing heavy-duty screens to window openings; limiting the dimensions of any openings to 125mm; ensuring balustrades to balconies are at least 1m high and; locating fixtures, fittings and furniture away from high-level windows and balconies).

For further information about preventing falls from windows and balconies refer to [www.health.nsw.gov.au/childsafety](http://www.health.nsw.gov.au/childsafety) or pick-up a brochure from

## Council's Customer Service Centre

- A12 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](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
- A13 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.
- A14 Further information and details on Council's requirements for trees on development sites can be obtained from the recently adopted Tree Technical Manual, which can be downloaded from Council's website at the following link, <http://www.randwick.nsw.gov.au> - Looking after our environment – Trees – Tree Management Technical Manual; which aims to achieve consistency of approach and compliance with appropriate standards and best practice guidelines

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

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

FOR	AGAINST
Councillor Andrews	Councillor D'Souza
Councillor Belleli	Councillor Matson
Councillor Garcia	Councillor Neilson
Councillor Moore	Councillor Seng
Councillor Nash	Councillor Stevenson
Councillor Roberts	
Councillor Smith	
Councillor Stavrinou	
<b>Total (8)</b>	<b>Total (5)</b>

**CP63/13 Director City Planning Report - Reporting Variation to Development Standard under State Environment Planning Policy No. 1 (SEPP1) July, 2013 (F2008/00122)**

229/13 **RESOLUTION: (Andrews/D'Souza)** that the report be received and noted.

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

**CP64/13 Director City Planning Report - Notice of Motion from Cr Smith - Structure of City Planning Reports (NM51/13) (F2012/00565)**

230/13 **RESOLUTION: (Andrews/D'Souza)** that the DA report adopt a new format and structure with the primary report being an "**Executive Summary**" and an appended "**Compliance report**" that would provide all the subsidiary information and analysis



that is contained in the current DA report.

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

**CP65/13 Director City Planning Report - Mandatory Swimming Pool Inspection Program (F2004/06353)**

231/13 **RESOLUTION: (Andrews/D'Souza) that:**

- a) Council approves the Draft Swimming Pools Inspection Program, for public exhibition, and
- b) The Draft Swimming Pools Inspection Program is to be placed on public exhibition for a period of twenty eight (28) days.

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

**CP66/13 Director City Planning Report - Sydney Airport Draft Preliminary Master Plan 2033- Submission to Sydney Airport (F2004/07972)**

232/13 **RESOLUTION: (Andrews/D'Souza) that Council endorse the attached submission on the Sydney Airport Preliminary Draft Master Plan 2033 for referral to Sydney Airport.**

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

**CP67/13 Director City Planning Report - Proposal and Process for Continuing Council's Environmental Levy Program on a Permanent Basis (F2004/08357)**

233/13 **RESOLUTION: (Moore/Stavrinos) that Council:**

- a) approves the proposed community engagement process for the continuation of the special rates variation for the Sustaining our City environmental levy program;
- b) endorses the community engagement outline provided above;
- c) notes a report will be brought back to Council with recommendations for resolution in respect of a continuation of a special rate variation for environmental programs in November 2013; and
- d) resolves that the Environmental Levy Program be a five year program.

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

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

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

Councillor Nash  
 Councillor Neilson  
 Councillor Roberts  
 Councillor Seng  
 Councillor Smith  
 Councillor Stavrinou

**Total (13)**

**Total (1)**

**AMENDMENT: (Matson/Andrews)** that Council:

- a) approves the proposed community engagement process for the continuation of the special rates variation for the Sustaining our City environmental levy program;
- b) endorses the community engagement outline provided above; and
- c) notes a report will be brought back to Council with recommendations for resolution in respect of a continuation of a special rate variation for environmental programs in November 2013. **LOST.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Belleli
Councillor Matson	Councillor Bowen
Councillor Neilson	Councillor D'Souza
Councillor Smith	Councillor Garcia
	Councillor Moore
	Councillor Nash
	Councillor Roberts
	Councillor Seng
	Councillor Stavrinou
	Councillor Stevenson
<b>Total (4)</b>	<b>Total (10)</b>

## General Manager's Reports

### **GM16/13 General Manager's Report - Replacement of Community Vacancy on Wylie's Baths Trust (F2012/00407)**

Note: Having previously declared an interest, the Mayor left the chamber and took no part in the debate or voting on the matter. The Deputy Mayor assumed the Chair.

Note: A rescission motion on this matter was submitted in accordance with Council's Code of Meeting Practice and will be tabled at the next available meeting.

234/13

**RESOLUTION: (Matson/Stavrinou)** that Council receive and note this update on the recruitment process for a community representative on the Wylie's Baths Trust.

**MOTION: (Stevenson/Andrews)** that Council appoint Mr Chris Bastic to fill the vacant position on the Wylies Baths Trust. **LOST.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Belleli
Councillor D'Souza	Councillor Matson

Councillor Garcia  
 Councillor Moore  
 Councillor Neilson  
 Councillor Stevenson

Councillor Nash  
 Councillor Roberts  
 Councillor Seng  
 Councillor Smith  
 Councillor Stavrinou

**Total (6)**

**Total (7)**

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

**GM17/13 General Manager's Report - Review of the 2012-13 Annual Operational Plan - June Quarterly Report (F2012/00026)**

235/13

**RESOLUTION: (Andrews/D'Souza)** that the information contained in the June 2013 Quarterly review of the 2012-13 Annual Operational Plan be received and noted.

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

**GM18/13 General Manager's Report - Due Diligence Report, the Proposed Handover of La Perouse Museum and Surrounds (F2013/00139)**

236/13

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

- a) Council endorse option 2 by agreeing to enter into a lease management agreement with the NPWS to take over the management of La Perouse museum, structures and landscaping inside the Loop; and
- b) Council endorse that a Trust comprised of Randwick City Council (Chair), 3 Councillors, Friends of La Perouse Museum, Local Aboriginal Land Council, NPWS, French Counsel General and a community representative with expertise in the field of heritage be established to guide and oversee the management of the Museum and the surrounds.

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

**Director City Services Reports**

**CS11/13 Director City Services Report - Roads and Maritime Services Grant Funding and other road related projects (F2005/00767)**

237/13

**RESOLUTION: (Andrews/D'Souza)** that Council:

- a) fund the required \$226,500 from the Infrastructure reserves, so that it may accept the offers of funding from Roads and Maritime Services; and
- b) authorise the General Manager to accept Roads and Maritime Services' offers of funding for the traffic projects detailed within the body of this report.

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

**Director Governance & Financial Services Reports**

**GF41/13 Director Governance & Financial Services Report - Internal Reporting Policy - Public Interest Disclosures Act (F2005/00303)**

238/13

**RESOLUTION: (Moore/Stavrinou)** that Council's Internal Reporting Policy and procedure in relation to the Public Interest Disclosures Act be updated to reflect the

'Model Internal Reporting Policy – Local Government – July 2013'.

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

**GF42/13 Director Governance & Financial Services Report - Review of Code of Meeting Practice (F2004/06570)**

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239/13 **RESOLUTION: (Andrews/D'Souza)** that the amended Code of Meeting Practice be adopted for immediate implementation.

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

**GF43/13 Director Governance & Financial Services Report - Withdrawal of Caveat & Affixing of the Council Seal (F2004/06862)**

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240/13 **RESOLUTION: (Andrews/D'Souza)** that the Council's Seal be affixed to the withdrawal of Caveat form for the property at 12/4 Ford Road, Maroubra also known as Lots 12 & 23 in Strata Plan 2440.

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

**GF44/13 Director Governance & Financial Services Report - Investment Report - July 2013 (F2004/06527)**

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241/13 **RESOLUTION: (Andrews/D'Souza)** that the investment report for July 2013 be received and noted.

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

**GF45/13 Director Governance & Financial Services Report - Council and Committee Meetings Schedule for October 2013 (F2004/06565)**

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242/13 **RESOLUTION: (Andrews/D'Souza)** that the 2013 Council and Committee Meeting schedule be amended to provide for Committee Meetings to be held on Tuesday 8 October 2013 and a Council Meeting to be held on Tuesday 22 October 2013.

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

### **Petitions**

Nil.

### **Motion Pursuant to Notice**

**NM70/13 Notice of Motion from Cr Stavrinos - Request for State Government Advice Regarding Hoarding Issues (F2004/06134)**

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243/13 **RESOLUTION: (Stavrinos/Andrews)** that Council:

- a) ask the State Government to provide advice on how council can deal with matters in relation to hoarding which could provide health and safety concerns; and
- b) ask the appropriate State and Federal government agencies what services are available to deal with the issues faced by hoarders.

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

**NM71/13 Notice of Motion from Cr D'Souza - Port Botany Petrol Spill  
(F2004/06144)**

244/13

**RESOLUTION: (D'Souza/Moore)** that Council: -

- (a) writes to the NSW Minister for Emergency Services and requests a report on the petrol spill at the Caltex facility at Port Botany in July this year. The report should include the emergency responses including the fire brigade and what actions have been put in place to ensure a similar incident does not occur in the City of Randwick; and
- (b) writes to Caltex asking what procedures they have put in place to ensure an incident like this does not occur again.

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

**NM72/13 Notice of Motion from Cr Moore - Environmental Sustainability  
Supplementary Funding (F2004/08357)**

245/13

**RESOLUTION: (Moore/Nash)** that Council, in acknowledging the benefits to the community derived from environmentally sustainable programs,:

- i) recognises there is often a commercial contribution derived from avoiding energy, water, other resource and asset maintenance operational costs otherwise incurred without the initiatives; and
- ii) seeks a report examining an equitable budgeting approach to supplement current funding sources through reinvesting avoided costs to future environmentally sustainable projects.

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

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Belleli	Councillor Andrews
Councillor Bowen	Councillor Matson
Councillor D'Souza	Councillor Neilson
Councillor Garcia	Councillor Seng
Councillor Moore	Councillor Stavrinou
Councillor Nash	
Councillor Roberts	
Councillor Smith	
Councillor Stevenson	
<b>Total (9)</b>	<b>Total (5)</b>

**NM73/13 Notice of Motion from Cr Matson - Council's Response to Watering  
Down of Government's Ban on Promotional Liquor Discounts of  
Greater than Fifty Percent (F2004/07767)**

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

246/13

**RESOLUTION: (Matson/Stavrinou)** that Council make a submission to the NSW

Government's draft reforms of the Liquor Act by the 30 August deadline opposing proposed weakening of promotional bans that could now allow Coles and Woolworths to promote excessive alcohol consumption through more than 50 percent discounts off the normal retail price.

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

**NM74/13 Notice of Motion from Cr Matson - Response to Pedestrian and Car Movement Issues Raised by Our Lady of the Sacred Heart Primary School Parents and Friends Committee (F2004/08338)**

247/13

**RESOLUTION: (Matson/Andrews)** that Council respond to safety concerns over car movements raised by the OLSH Parents and Friends (P and F) Committee by inviting representatives of the committee and of the school staff to meet with Council officers and interested Councillors on site and a report be brought back to Council..

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

**NM75/13 Notice of Motion from Cr Matson - Elderly Pedestrian Safety in Cooper Street (F2004/08338)**

248/13

**RESOLUTION: (Matson/Stavrinos)** that Council consider traffic slowing improvements (such as enlargement of pedestrian islands) at the two intersections of Cooper Street and Moverly Road and of Cooper Street and Maroubra Road to provide greater safety to adjacent retirement home residents.

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

**Confidential Reports**

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

**Closed Session**

**CS12/13 Confidential - Tender for Heffron Park Amenities Building, Central East Precinct - T05/13 (F2013/00178)**

*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.*

249/13

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

- a) under Regulation 178(1)(a) of the Local Government (General) Regulation 2005, J & CG Construction be accepted as the successful tenderer;
- b) the General Manager, or delegated representative, be authorised to enter into a contract on behalf of Council; and
- c) unsuccessful tenderers are notified.

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

**GF46/13 Confidential - Tender for Claims Management Services - T01/2013 (F2012/00326)**

*This matter is considered to be confidential under Section 10A(2)(d) of the Local*

*Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.*

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250/13 **RESOLUTION: (Stavrinis/Matson)** that:

- a) under Regulation 178(1)(a) of the Local Government (General) Regulation 2005, Echelon Australia Pty Ltd be accepted as the successful tenderer(s); and
- b) the General Manager, or delegated representative, be authorised to enter into an agreement with Echelon Australia Pty Ltd for a period of three (3) years, with two (2) optional twelve (12) month extensions.

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

**GF47/13 Confidential - 16R Albi Place, Randwick - Road Dedication  
(F2004/06325)**

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

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251/13 **RESOLUTION: (Matson/Neilson)** that this matter be deferred in order to clarify whether or not this land is being used as a community garden before any action is undertaken.

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

**GF48/13 Confidential - Request for Transfer Granting Easement - 43P  
Borrodale Road, Kingsford (F2004/06325)**

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

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252/13 **RESOLUTION: (Stavrinis/Nash)** that Council refuses the request for execution of a Transfer Granting Easement for right of carriageway across Council land at 43R Borrodale Road, Kingsford by the owners of 41 Borrodale Road, Kingsford.

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

**Open Session**

That the meeting move back into open session.

**Urgent Business**

**UB5/13 Cr Harry Stavrinis - Support for the Prostate Cancer Foundation of  
Australia (F2008/00153)**

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253/13 **RESOLUTION: (Stavrinis/Roberts)** that Council:-

- (a) acknowledge that prostate cancer is the biggest killer of men in Australia\*;
- (b) recognise the importance of raising awareness amongst men in the community of being checked for prostate cancer; and

- (c) promote and encourage our community to hold Big Barbie events to support the Prostate Cancer Foundation of Australia with all proceeds being donated to help fight prostate cancer.

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

\* (Note: Council acknowledges the ABS Australian Social Trends, June 2010, identifies prostate cancer as the fifth leading cause of death among men.)

**Notice of Rescission Motions**

(a) Note: A rescission motion on item CP62/13 - 18 Frenchmans Road, Randwick was submitted by Councillors Matson, Neilson and Smith in accordance with Council's Code of Meeting Practice and will be considered at the Planning Committee Meeting to be held on 10 September 2013.

(b) Note: A rescission motion on item GM16/13 - Replacement of Community Vacancy on Wylie's Baths Trust was submitted by Councillors Andrews, Garcia and Stevenson in accordance with Council's Code of Meeting Practice and will be considered at the Ordinary Council Meeting to be held on 17 September 2013.

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, 17 September 2013.**

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**CHAIRPERSON**