

**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, 9 DECEMBER 2014 AT 6:09PM**

**Present:**

The Mayor, Councillor T Seng (Chairperson) (Central Ward)

Councillor A Andrews (Deputy Mayor) (Central Ward)

- |              |   |
|--------------|---|
| North Ward   | - Councillors K Neilson, L Shurey & K Smith               |
| South Ward   | - Councillors N D'Souza, R Belleli & P Garcia             |
| East Ward    | - Councillors T Bowen, M Matson & B Roberts (from 6.41pm) |
| West Ward    | - Councillors G Moore, S Nash & H Stavrinou               |
| Central Ward | - Councillor G Stevenson                                  |

**Officers Present:**

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoples
Director City Planning	Ms S Truvert
Director Governance & Financial Services	Mr J Smith
Manager Administrative Services	Mr D Kelly
Manager Development Assessment	Mr K Kyriacou
Communications Manager	Mr J Hay

**Prayer & Acknowledgement of Local Indigenous People**

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

**Apologies/Granting of Leave of Absences**

Nil.

**Confirmation of the Minutes**

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING  
HELD ON TUESDAY 25 NOVEMBER 2014**

353/14

**RESOLUTION: (Stavrinou/Matson)** that the Minutes of the Ordinary Council Meeting held on Tuesday 25 November 2014 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

## CONFIRMATION OF THE MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON TUESDAY 2 DECEMBER 2014

354/14

**RESOLUTION: (Stavrinou/Matson):** that the Minutes of the Extraordinary Council Meeting held on Tuesday 2 December 2014 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

### Declarations of Pecuniary and Non-Pecuniary Interests

- a) Cr Neilson declared a non-significant non pecuniary interest in Item NM148/14 as she knows the speaker on the matter.
- b) Cr Shurey declared a non-significant non pecuniary interest in Item NM148/14 as she knows the speaker on the matter.
- c) Crs Andrews and Matson declared a non-significant non pecuniary interest in Item CP124/14 as they are both members of the La Perouse Museum Trust.
- d) Cr Nash declared a non significant non pecuniary interest in Item GM38/14 as he is familiar with the speaker on the matter, in a professional capacity.
- e) Cr Smith declared a significant non pecuniary interest in Item UB11/14 as he owns property in area. Cr Smith took no part in the debate or voting on the matter.

### Address of Council by Members of the Public

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

CP117/14 24 HAIG STREET, MAROUBRA (DA/342/2014) - **DEFERRED**

**Applicant** Nathan Besser

CP118/14 180-184 MAROUBRA ROAD, MAROUBRA (DA/413/2014)

**Objector** Nathan Martin

**Applicant** Anthony Betros (on behalf of applicant)

CP119/14 81 BREAM STREET, COOGEE (DA/491/2014)

**Applicant** Anthony Betros (on behalf of applicant)

CP120/14 82 DUDLEY STREET, COOGEE (DA/396/2014)

**Objector** Donald Little

**Applicant** Luigi Rosselli (Architect)

GM38/14 54-56 MARINE PARADE, MAROUBRA (DA/277/2014)

**Objector** Tony Moody

**Objector** Julie Cunningham

**Applicant** David Gray

GM39/14 6 EASTBOURNE AVENUE, CLOVELLY (DA/439/2014)

**Objector** Michael Branagh

**Applicant** Skye Heller

NM148/14 NOTICE OF MOTION FROM CR BOWEN - EXTRA COUNCIL COMMITTEES ON THE RESPONSE FOR THE FIT FOR THE FUTURE PROPOSAL FOR COUNCIL AMALGAMATIONS

**For** Rosemary McKenzie

The Meeting was adjourned at 7.25pm and was resumed at 7.37pm.

**RESOLVED: (PROCEDURAL MOTION) (Smith/Stavrinos)** that all matters that were subject to addresses by the public be dealt with as the first items of business.

### Mayoral Minutes

Nil.

### Director City Planning Reports

**CP117/14 Director City Planning Report - 24 Haig Street, Maroubra (DA/342/2014) - Deferred**

355/14

**RESOLUTION: (Smith/Matson)** that Council, as the consent authority, refuses development consent under Section 80 of the Environmental Planning and Assessment Act, 1979, as amended, to Development Application No. 342/2014 for the construction of a secondary dwelling above the existing garage, new garage door at No. 24 Haig Street, Maroubra, for the following reasons:

1. The proposal does not satisfy Clause 22(3)(b) within the State Environmental Planning Policy for Affordable Rental Housing 2009 in that the proposal exceeds the maximum permissible floor area for secondary dwellings.
2. The proposed development does not comply with the relevant objectives of R2 - Low Density Residential zone under Randwick Local Environmental Plan 2012. The secondary dwelling is considered to be visually intrusive and is not in keeping with the predominate character of the laneway.
3. The documentation submitted with the application is deficient of information and does not include a Clause 4.6: Exceptions to Development Standards to address the departure from the maximum permissible floor area for secondary dwellings of Clause 22(3)(b) within the SEPP ARH 2009.
4. The proposed development does not satisfy the objectives and controls for laneway development as detailed in C1: Low Density Residential, Clause 8.1 of the Randwick Comprehensive Development Control Plan in that the design of the upper-floor level will result in a development that is excessive in visual bulk and scale and will compromise the visual amenity from the laneway and the neighbouring premises.

**MOTION: (Stevenson/Andrews)** that this application be deferred to the February Planning Committee meeting to allow Councillors to further consider this matter.

**AMENDMENT: (Smith/Matson) CARRIED AND BECAME THE MOTION.**

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

FOR	AGAINST
Councillor Andrews	Councillor Moore

Councillor Belleli  
 Councillor Bowen  
 Councillor D'Souza  
 Councillor Garcia  
 Councillor Matson  
 Councillor Nash  
 Councillor Neilson  
 Councillor Roberts  
 Councillor Shurey  
 Councillor Smith  
 Councillor Stavrinou

**Total (12)**

Councillor Seng  
 Councillor Stevenson

**Total (3)**

**MOTION: (Smith/Matson) 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 Andrews	Councillor Seng
Councillor Belleli	Councillor Stevenson
Councillor Bowen	
Councillor D'Souza	
Councillor Garcia	
Councillor Matson	
Councillor Moore	
Councillor Nash	
Councillor Neilson	
Councillor Roberts	
Councillor Shurey	
Councillor Smith	
Councillor Stavrinou	
<b>Total (13)</b>	<b>Total (2)</b>

**CP118/14 Director City Planning Report - 180-184 Maroubra Road, Maroubra (DA/413/2014)**

356/14

**RESOLUTION: (Bowen/Matson)**

- A. That Council does not support the exception to the development standard under Clause 4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clauses 4.3 of Randwick Local Environmental Plan 2012, relating to building height on the grounds that the proposed development does not comply with the objectives of the height standard.
- B. That Council, as the consent authority, refuse development consent under Sections 80 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 413/2014 for demolition of existing buildings and construction of a mixed use development comprising of 43 dwellings in a seven (7) storey residential flat building, retail premises, roof top terrace and basement car parking for 62 vehicles (variation to height control) at No. 180 – 184 Maroubra Road, Maroubra for the following reasons:
  1. The proposal does not satisfy the objectives of the B2 Local Centre zone specified in the Randwick Local Environmental Plan 2012.
  2. The proposal exceeds the maximum building height of 25m specified in

- Clause 4.3 of Randwick Local Environmental Plan 2012 and the Clause 4.6 variation to the development standard is not well founded
3. The proposal does not satisfy the relevant objectives in relation to maximum building height objectives for the Maroubra Junction Town Centre as contained within Randwick DCP 2013 Part D4.
  4. The proposal has a maximum number of 7 storeys and exceeds the maximum number of storeys specified under the Randwick DCP 2013 Part D4.
  5. The proposal does not satisfy the design principle for Context, Scale, and Built Form specified in Clauses 9, 10 and 11 of State Environmental Planning Policy No 65 –Design Quality of Residential Flat Buildings.
  6. The proposal does not satisfy the objectives or controls for Building Envelope set-out in Clause 3.1.3.1 of Randwick Development Control Plan 2013 Part D4.
  7. The proposal does not satisfy the objectives or controls for Building Depth set-out in Clause 3.1.5 of Randwick Development Control Plan 2013 Part D4.
  8. The proposal does not satisfy the objectives or controls for Building Separation and Setbacks set-out in Clauses 3.1.6 and 3.1.9 of Randwick Development Control Plan 2013 Part D4.
  9. The proposal does not satisfy the objectives or controls for Block 08 Controls set-out in Clause 3.2.8 of Randwick Development Control Plan 2013 Part D4 –
  10. The proposal does not satisfy the objectives or controls for Open space set out in Clause 4.8.1 of Randwick Development Control Plan 2013 Part D4.
  11. The proposal fails to comply with the requirements specified in Part B7 of Randwick DCP 2013 – Parking.
  12. The proposed development is unacceptable and unreasonable in that the proposed height, bulk, scale, built form and design will have an adverse impact on the amenity of neighbouring residents and in that regard is not compatible with the scale of residential development in the Maroubra Junction Town Centre.
  13. The proposal will impact on the neighbouring mature tree situated on the adjoining property at 186-188 Maroubra Rd, Maroubra
  14. The proposal will isolate the land at 186-188 Maroubra Rd, Maroubra from achieving its full development potential as provided for under the provisions of RLEP 2012 and RDCP 2013.
  15. The proposal fails to satisfy the relevant considerations under Section 79C(1) (b),(c) and (e) Environmental Planning and Assessment Act 1979 for natural and built environmental impacts, suitability of the site, and the public interest.

**MOTION: (Andrews/Stavrinou)** that this matter be deferred to allow the applicant to submit amended plans. **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 Bowen
Councillor Belleli	Councillor D'Souza
Councillor Nash	Councillor Garcia
Councillor Seng	Councillor Matson
Councillor Stavrinou	Councillor Moore
	Councillor Neilson
	Councillor Roberts
	Councillor Shurey
	Councillor Smith
	Councillor Stevenson
<b>Total (5)</b>	<b>Total (10)</b>

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

**CP119/14 Director City Planning Report - 81 Bream Street, Coogee  
(DA/491/2014)**

357/14

**RESOLUTION: (Andrews/Bowen)**

- A. That Council supports the exceptions to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clause 4.4 of Randwick Local Environmental Plan 2012, relating to Floor Space Ratio, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning & Environment be advised accordingly.
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/491/2014 for the development of a residential flat building at No. 81 Bream Street, Coogee, subject to the standard conditions contained in development application compliance report.

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

**CP120/14 Director City Planning Report - 82 Dudley Street, Coogee  
(DA/396/2014)**

358/14

**RESOLUTION: (Andrews/Matson)**

- A. That Council does not support the exception to the development standard under Clause 4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clauses 4.3 of Randwick Local Environmental Plan 2012, relating to building height on the grounds that the proposed development does not comply with the objectives of the height standard.
- B. That Council, as the consent authority, refuses consent to Development Application No. 396/2014 for new upper level to the existing residential flat building consisting of addition to Unit 4 containing lounge room, master bedroom and roof terrace, at No. 82 Dudley Street, Coogee, pursuant to Section 80(1)(b) of the Environmental Planning and Assessment Act 1979, as amended, for the following reasons:
  1. The proposal does not satisfy the relevant objectives for the R3 Medium

Density Residential zone stipulated under Randwick Local Environmental Plan 2012;

2. The proposal does not satisfy the relevant objectives or numerical standard for Height of buildings as set out under Clause 4.3 under Randwick Local Environmental Plan 2012 and the Clause 4.6 exception to the development standard is not well founded.
3. The proposed development proposes a non-compliant external wall height that eventuates in unreasonable bulk, scale, and view sharing and fails to meet the objectives for Building Height set out in Clause 3.2 of the Randwick Development Control Plan 2013 Part C2 – Medium Density Residential;
4. The proposed development proposes a habitable roof space that eventuates in unreasonable bulk, scale, and view loss and fails to meet the objectives for Habitable roof space set out in Clause 4.3 of the Randwick Development Control Plan 2013 Part C2 – Medium Density Residential;
5. The proposed development is inclusive of a large balcony that will compromise the visual and acoustic privacy of the single dwelling to the west and fails to meet the objectives and controls for visual and acoustic privacy set out in Clause 5.3 and 5.4 of the Randwick Development Control Plan 2013 Part C2 – Medium Density Residential;
6. The proposed development has not properly examined the relationship between the building, the site conditions, and the surrounding context and does not demonstrate a skilful design. The height, form and massing of the development will detrimentally affect the amenity of the neighbouring properties and the streetscape. The proposal is not considered to satisfy Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979.

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

Note: Councillor Bowen was absent from the chamber during the debate and voting on the following matter.

**CP121/14 Director City Planning Report - 16/172-180 Clovelly Road, Randwick (DA/739/2014)**

359/14

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

- A. That Council supports the exceptions to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clause 4.3 of Randwick Local Environmental Plan 2012, relating to maximum height of buildings, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning & Environment be advised accordingly.
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/739/2014 for new retractable awning to the existing balcony for Unit 16 at third floor level, at No. 172-180 Clovelly Road, Randwick, subject to the standard conditions contained in the DA Compliance Report.

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

**CP122/14 Director City Planning Report - 1250 Anzac Parade, Malabar  
(DA/552/2014)**

360/14 **RESOLUTION: (Smith/Matson)** 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. 552/2014 for an Upgrade of the existing car park fronting Anzac Parade to allow for an addition of approximately 50 car spaces, new underground on-site detention tank and upgrade of the main entrance including widening of the internal road for heavy vehicle access and additional parallel parking spaces at Long Bay Correctional Centre., at No. 1250 Anzac Parade, Malabar, subject to the standard conditions, to be agreed to by the crown, contained in the development application compliance report.

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

**CP123/14 Director City Planning Report - Report Variation to Development  
Standard under State Environment Planning Policy No. 1 (SEPP 1)  
and Clause 4.6 between 1 and 30 November, 2014 (F2008/00122)**

361/14 **RESOLUTION: (Smith/Shurey)** that the report be received and noted.

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

**CP124/14 Director City Planning Report - Draft Amendments to the  
Botany Bay National Park Plan of Management (F2013/00139)**

362/14 **RESOLUTION: (Matson/Neilson)** that Council endorse the submission to the National Parks & Wildlife Service, subject to including a request in the submission that the national park be officially recognised as Kamay National Park, being the Aboriginal name for the Park.

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

**General Manager's Reports**

**GM38/14 General Manager's Report - 54-56 Marine Parade, Maroubra  
(DA/277/2014)**

363/14 **RESOLUTION: (Andrews/Stavrinos)** that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 277/2014 for demolition of existing structures and construction of a part 2 and part 4 storey residential development containing 11 units and 7 townhouses, basement parking for 27 vehicles and associated landscaping and works at No. 54-56 Marine Parade, Maroubra, subject to the following conditions contained 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:

<b>Plan</b>	<b>Drawn by</b>	<b>Received</b>
A-301 Rev. K	MKD Architects	17 October, 2014
A-302 Rev. K	MKD Architects	17 October, 2014
A-303 Rev. K	MKD Architects	17 October, 2014
A-304 Rev. K	MKD Architects	17 October, 2014
A-305 Rev. K	MKD Architects	17 October, 2014
A-401 Rev. K	MKD Architects	17 October, 2014
A-402 Rev. K	MKD Architects	17 October, 2014
A-403 Rev. K	MKD Architects	17 October, 2014
A-404 Rev. K	MKD Architects	17 October, 2014
A-501 Rev. K	MKD Architects	17 October, 2014
A-701 Rev. A	MKD Architects	17 October, 2014
A-702 Rev. A	MKD Architects	17 October, 2014
A-703 Rev. A	MKD Architects	17 October, 2014
A-704 Rev. A	MKD Architects	17 October, 2014

<b>BASIX Certificate</b>	<b>No.</b>	<b>Dated</b>
	544755M	08 May, 2014

#### **Amendment of Plans & Documentation**

2. The approved plans and documents must be amended in accordance with the following requirements and details are to be included in the *Construction Certificate*:
- a. All privacy screens as indicated on the above plans 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 provided with translucent, obscured, frosted or sandblasted glazing in a suitable frame.
  - b. The screens on the southern facade to the lobby at first, second floor levels must have an operable and open design. When operated the louvres shall maintain a minimum openness of 50% so as not to constitute floor area. Detailed drawings at a scale of 1:50 demonstrating compliance are to be submitted to and approved by Council's Manager Development Assessment prior to issue of the construction certificate.
  - c. The maximum height of the spa, swimming pool and associated deck areas are not to exceed RL 21.7m AHD. Details demonstrating compliance are to be included in the construction certificate.
  - d. The swimming pool and spa area is not to be used outside the hours of 7.00am and 10.00pm so to ensure reasonable amenity to occupants of the development and those on surrounding properties. The above restrictions must be incorporated into the By-Laws of any Strata Scheme for the development. Documentation of compliance in this regard is to be provided to the Principal Certifying Authority prior to issue of an occupation certificate.
  - e. The plans shall be amended to remove the proposed privacy screen and roof covering over the rear balcony to south western top floor unit, to ensure that the ground floor dining room window (third) window from the west at ground floor on the northern façade of the adjoining property at 58 Marine Parade shall receive sunlight to 50% of the subject window for a minimum period of 3 hours from 8am to 4pm at mid-winter. Amended

plans shall be provided as part of the Construction Certificate plans for the approval of Council demonstrating compliance with this condition prior to the issuing of the Construction Certificate and these amended plans shall include Shadow Plans certified by a Surveyor demonstrating compliance with this condition.

- f. The proposed diving board shall be deleted and this deletion shall be reflected in the Construction Certificate plans prior to issuing of the Construction Certificate.
- g. The proposed external decks associated with the swimming pool shall be provided with sound absorptive surface material as recommended by a qualified Acoustic Consultant so that pedestrian movement/activities on the deck shall not create noise which exceeds 5dBA above ambient background noise levels at the residential property boundary with 58 Marine Parade. An acoustic report shall be submitted to the principal certifying authority prior to the issuing of an occupation certificate demonstrating that the absorptive surface material will comply with this condition.
- h. Any boundary fencing to be constructed along the southern boundary with 58 Marine Parade shall be in materials and to a height agreed to by the Applicant and the owners of 58 Marine Parade. The height of the proposed common boundary shall ensure that there is no overlooking from persons at ground level (either in the units or in the recreation areas) into 58 Marine Parade. Any approval for fences on side boundaries common to other private properties is independent of any consent or agreement which may be required of any adjoining owner under the provisions of the Dividing Fences
- i. All roofs shall be non-trafficable at all times, except for maintenance purposes.

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

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

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

#### **Consent Requirements**

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

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

4. The colours, materials and finishes of the external surfaces to the building must not have a reflectivity index of greater than 20% and be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.

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

### Section 94A Development Contributions

5. In accordance with Council's Section 94A Development Contributions Plan effective from 12 July 2012, based on the development cost of \$4,652,151.00 the following applicable monetary levy must be paid to Council: \$46,521.51.

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. Please contact Council on telephone 9399 0999 or 1300 722 542 for the indexed contribution amount prior to payment.

To calculate the indexed levy, the following formula must be used:

$$\text{IDC} = \text{ODC} \times \text{CP2/CP1}$$

Where:

**IDC** = the indexed development cost

**ODC** = the original development cost determined by the Council

**CP2** = the Consumer Price Index, All Groups, Sydney, as published by the ABS in respect of the quarter ending immediately prior to the date of payment

**CP1** = the Consumer Price Index, All Groups, Sydney as published by the ABS in respect of the quarter ending immediately prior to the date of imposition of the condition requiring payment of the levy.

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 Deposit

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

- \$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.

### **Electricity Substation**

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

### **Sydney Water**

9. 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.

### **Landscaping**

10. The landscape plan by Taylor Brammer Landscape Architects, dwg LA01-02, issue A dated 02.05.14 shall be amended prior to the issuing of a construction certificate to provide species of plants that will achieve a maximum height of 4m at maturity as measured above existing ground level to ensure that the proposed landscaping adjacent to 58 Marine Parade does not increase overshadowing onto 58 Marine Parade. The approved height of landscaping shall be maintained at all times.

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

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

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

### **Compliance with the Building Code of Australia & Relevant Standards**

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

12. 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**

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 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.*

**Site stability, Excavation and Construction work**

14. A report must be obtained from a suitably qualified and experienced *professional engineer*, which includes the following details, to the satisfaction of the Certifying Authority for the development:-

- a) Geotechnical details which confirm the suitability and stability of the site for the development and relevant design and construction requirements to be implemented to ensure the stability and adequacy of the development and adjacent land.
- b) Details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings.
- c) Details to demonstrate that the proposed methods of excavation, support and construction are suitable for the site and should not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration.
- d) The adjoining land and buildings located upon the adjoining land must be adequately supported at all times throughout demolition, excavation and building work, to the satisfaction of the *Principal Certifying Authority*.
- e) Written approval must be obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place) and details must be provided to the *Certifying Authority*.

**Traffic conditions**

15. To assist in providing adequate visibility and safety to pedestrians and users of the neighbouring driveway at No.52 Marine Parade, the following measures are to be implemented;
- The southern wall adjacent to the vehicular crossings shall not exceed a height of 600mm above the internal driveway level for a distance of 1.5m within the site or new walls must be splayed 1.5 metres by 1.5 metres.
  - The common boundary wall with No.52 Marine Parade shall not exceed a height of 0.6m above the internal driveway level (at the front property

alignment) for a distance of 3.0m into the site.

Details of compliance, to the satisfaction of the certifying authority, are to be included in the construction certificate documentation.

16. The vehicular access driveways, internal circulation ramps and the carpark areas, (including, but not limited to, the ramp grades, carpark layout and height clearances) are to be in accordance with the requirements of Australian Standard 2890.1:2004. The Construction Certificate plans must demonstrate compliance with these requirements.
17. A minimum of 1 motorcycle space and 11 bicycle spaces must be provided in accordance with Part B7 of Council's DCP 2013. The Construction Certificate plans must demonstrate compliance with these requirements.

#### **Design Alignment levels**

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

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

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

19. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$1219 calculated at \$50.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.

#### **Stormwater Drainage**

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

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

- iii. Grassed areas
  - iv. Garden areas
- e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
- f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
- g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.
21. The site stormwater drainage system is to be provided in accordance with the following requirements;
- a) The stormwater drainage system must be provided in accordance with the relevant requirements of Building Code of Australia and the conditions of this consent, to the satisfaction of the *Certifying Authority* and details are to be included in the construction certificate.
  - b) The stormwater must be discharged (by gravity) directly to the kerb and gutter in front of the subject site on Marine Parade.
  - c) The maximum discharge rate of stormwater to Council's street drainage system must not exceed 25 litres/second for all storms up to the 1 in 20 year storm event. On-site detention may be required to ensure that the maximum discharge rate is not exceeded.
  - d) Determination of the required cumulative storage (in any on-site detention system) must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.
  - e) Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.  
  
The pump system must also be designed and installed strictly in accordance with Randwick City Council's Private Stormwater Code.
  - f) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage system.
  - g) A sediment/silt arrestor pit must be provided within the site near the street boundary prior to discharge of the stormwater to Council's drainage system.  
  
Sediment/silt arrestor pits are to be constructed generally in accordance with the following requirements:

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

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

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

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

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

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

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



temporarily stored.

- k) A 'V' drain (or equally effective provisions) are to be provided to the perimeter of the property, where necessary, to direct all stormwater to the detention/infiltration area.
- l) Mulch or bark is not to be used in on-site detention areas.
- m) Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line and must not encroach across a neighbouring property's frontage unless approved in writing by Council's Development Engineering Coordinator.
- n) Any onsite detention systems shall be located in areas accessible by residents of all units.

#### **Site seepage & Groundwater**

22. The proposed development must comply with the following requirements to ensure adequate management of site seepage and sub-soil drainage:

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

#### **Waste Management**

23. Waste Management provisions must be implemented in accordance with the Waste Management Plan submitted with the development application (Prepared by MKD Architects stamped by Council 13<sup>th</sup> May 2014, subject to the following amendments:-

- The number of bins shall be increased to 20 comprising of 9 x 240L garbage + 9 x 240L recycling + 2 x 240L green waste.
- Details and receipts verifying the recycling and disposal of materials must be kept on site at all times and presented to Council officers upon request.

24. The garbage room shall be sized to contain a total of 20 x 240 litre bins

(comprising 9 garbage bins, 9 recycle bins and 2 green waste) with adequate provisions for access to all bins. Details showing compliance are to be included in the construction certificate.

25. The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.

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

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

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

#### **Certification and Building Inspection Requirements**

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

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

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

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

#### **Home Building Act 1989**

27. 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 relevant 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**

28. A dilapidation report prepared by a *professional engineer* or suitably qualified and experienced building surveyor shall be submitted to the *certifying*

*authority* prior to the commencement of demolition, excavation or building works detailing the current condition and status of all buildings and ancillary structures located upon all of the premises adjoining the subject site (e.g. dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandah's, fences, retaining walls, swimming pools and driveways etc).

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

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

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

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**

30. 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 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.*

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

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

- a) Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents.

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

- b) The *Construction Noise & Vibration Management Plan* must include details of measurements, analysis and relevant criteria and demonstrate that the noise and vibration emissions from the work satisfy the relevant provisions of the *Protection of the Environment Operations Act 1997*, current EPA Guidelines for Construction Noise and Assessing Vibration and Councils conditions of consent.
- c) A further report/correspondence must be obtained from the consultant as soon as practicable upon the commencement of works, which reviews and confirms the implementation and suitability of the noise and vibration strategies in the *Construction Noise & Vibration Management Plan* and which demonstrates compliance with relevant criteria.
- d) Any recommendations and requirements contained in the *Construction Noise & Vibration Management Plan* and associated reports are to be implemented accordingly and should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to Council and the PCA.

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

accordingly.

### **Construction Traffic Management**

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

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

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

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

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

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

34. Any necessary approvals must be obtained from NSW Police, Roads & Maritime Services, Transport, and relevant Service Authorities, prior to commencing work upon or within the road, footway or nature strip.

**Civil Works**

35. A separate written approval from Council is required to be obtained in relation to all works which are located externally from the site within the road reserve/public place, in accordance with the requirements of the Roads Act 1993. Detailed plans and specifications of the proposed works are to be submitted to and approved by the Director of City Services prior to commencing any works within the road reserve/public place.

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

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

**Public Utilities**

36. 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.
37. Documentary evidence from the relevant public utility authorities confirming they have agreed to the proposed works and that their requirements have been or are able to be satisfied, must be submitted to the Principal Certifying Authority prior to the commencement of any demolition, excavation or building works.

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

**REQUIREMENTS DURING CONSTRUCTION & SITE WORK**

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

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

**Inspections during Construction**

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

**Building & Demolition Work Requirements**

39. All work and activities must be carried out in accordance with the relevant regulatory requirements and Randwick City Council policies, including:
- Work Health and Safety Act 2011 & Regulations
  - Occupational Health and Safety (Hazardous Substances) Regulation 2001

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

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

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

- 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.*

#### **Excavations, Back-filling & Retaining Walls**

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

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

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

#### **Support of Adjoining Land**

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

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

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

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

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

#### **Dust Control**

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

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

*Dust control measures and practices may include:-*

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

#### **Temporary Site Fencing**

45. Temporary site safety fencing or site hoarding must be provided to the perimeter of the site throughout demolition, excavation and construction



works, to the satisfaction of Council, in accordance with the following requirements:

- a) Temporary site fences or hoardings must have a height of 1.8 metres and be a cyclone wire fence (with geotextile fabric attached to the inside of the fence to provide dust control), or heavy-duty plywood sheeting (painted white), or other material approved by Council.
- b) Hoardings and site fencing must be designed to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises and if necessary, be provided with artificial lighting.
- c) All site fencing and hoardings must be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.
- d) An overhead ('B' Class) type hoarding is required is be provided to protect the public (unless otherwise approved by Council) if:
  - materials are to be hoisted (i.e. via a crane or hoist) over a public footway;
  - building or demolition works are to be carried out on buildings which are over 7.5m in height and located within 3.6m of the street alignment;
  - it is necessary to prevent articles or materials from falling and causing a potential danger or hazard to the public or occupants upon adjoining land;
  - as may otherwise be required by WorkCover, Council or the PCA.

*Notes:*

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

**Public Safety & Site Management**

46. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with to the satisfaction of Council:
- a) Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.
  - b) The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times. Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.
  - c) Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the

discharge of materials into the stormwater drainage system.

- d) Access gates and doorways within site fencing, hoardings and temporary site buildings or amenities must not open outwards into the road or footway.
- e) Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health, Building and Regulatory Services department.
- f) Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual "Traffic Control at Work Sites" (Version 4), to the satisfaction of Council.

### Site Signage

47. 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

48. 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 1.00pm only</li> <li>• Saturday - No work permitted</li> <li>• Sunday &amp; public holidays - No work permitted</li> </ul>
Additional requirements for all development	<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.*

### Survey Requirements

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

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

#### **Building Encroachments**

50. 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**

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

- a) A *Road / Asset Opening Permit* must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the *Road / Asset Opening Permit* must be complied with.
- b) Council's Road / Asset Opening Officer must be notified at least 48 hours in advance of commencing any excavation works and also immediately upon completing the works (on 9399 0691 or 0409 033 921 during business hours), to enable any necessary inspections or works to be carried out.
- c) Relevant *Road / Asset Opening Permit* fees, construction fees, inspection fees and security deposits, must be paid to Council prior to commencing any works within or upon the road, footpath, nature strip or other public place,
- d) The owner/developer must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a *final occupation certificate* or occupation of the development (whichever is sooner).
- e) Excavations and trenches must be back-filled and compacted in accordance with AUSPEC standards 306U.
- f) Excavations or trenches located upon a road or footpath are required to be provided with 50mm depth of cold-mix bitumen finish, level with the existing road/ground surface, to enable Council to readily complete the finishing works at a future date.
- g) Excavations or trenches located upon turfed areas are required to be back-filled, compacted, top-soiled and re-turfed with Kikuyu turf.
- h) The work and area must be maintained in a clean, safe and tidy

condition at all times and the area must be thoroughly cleaned at the end of each day's activities and upon completion.

- i) The work can only be carried out in accordance with approved hours of building work as specified in the development consent, unless the express written approval of Council has been obtained beforehand.
- j) Sediment control measures must be implemented in accordance with the conditions of development consent and soil, sand or any other material must not be allowed to enter the stormwater drainage system or cause a pollution incident.
- k) The owner/developer must have a Public Liability Insurance Policy in force, with a minimum cover of \$10 million and a copy of the insurance policy must be provided to Council prior to carrying out any works within or upon the road, footpath, nature strip or in any public place.

#### **Traffic Management**

- 52. Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual "Traffic Control at Work Sites" (Version 4), to the satisfaction of Council.
- 53. All work, including the provision of barricades, fencing, lighting, signage and traffic control, must be carried out in accordance with the NSW Roads and Traffic Authority publication - 'Traffic Control at Work Sites' and Australian Standard AS 1742.3 – Traffic Control Devices for Works on Roads, at all times.
- 54. All conditions and requirements of the NSW Police, Roads & Maritime Services, Transport and Council must be complied with at all times.

#### **Stormwater Drainage**

- 55. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the principal certifying authority.  
  
The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.
- 56. A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of Section 138 of the Roads Act 1993.

#### **Waste Management**

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

#### **Tree Removal**

- 58. Approval is granted for removal of the following trees so as to accommodate the proposed works as shown; subject to full implementation of the approved landscaping:
  - a. The *Lagunaria patersonii* (Norfolk Island Hibiscus, T4) in the rear yard of no.56, as this species is undesirable given the fine 'fibre-glass' like hairs that are released from its seed pods after flowering, which are highly irritable to both humans and animals;
  - b. The *Lagunaria patersonii* (Norfolk Island Hibiscus, T1) in the rear yard

of no.54, near the common boundary, closest to the rear of the existing building, for the same reasons outlined above, as well as the *Euphorbia tirucalli* (Pencil Tree, T3) to its northwest, given this species poisonous sap;

- c. The *Agonis flexuosa* (Willow Myrtle, T5), to their northwest, wholly within no.56, in the narrow area between the dilapidated timber dividing fence and northeast side of the existing free-standing garage, given its direct conflict with all aspects of the proposal;
- d. The *Nerium oleander* (Oleander, T7) within no.54, to the northwest, as this species is exempt from Council's DCP due to its poisonous sap;
- e. The *Callistemon viminalis* (Bottlebrush, T8) further to the north, close to the northwest site boundary.

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

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

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

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

#### **Occupation Certificate Requirements**

59. 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 & Certification**

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

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

#### **Noise Control Requirements & Certification**

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

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background ( $L_{A90}$ ),  $15 \text{ min}$  noise level, measured in the absence of the noise

source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an  $L_{Aeq, 15 \text{ min}}$  and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

62. A report must be obtained from a suitably qualified and experienced consultant in acoustics, which demonstrates and certifies that noise and vibration from any plant and equipment (e.g. mechanical ventilation systems and air-conditioners) satisfies the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Office of Environment and Heritage (EPA) Noise Control Manual, Industrial Noise Policy and Council's development consent.

A copy of the report must be provided to the Principal Certifying Authority and Council prior to an occupation certificate being issued.

### **Swimming & Spa Pools**

63. Swimming pools are to be designed and installed in accordance with the relevant requirements of the *Building Code of Australia* and be provided with childproof fences and self-locking gates, in accordance with the *Swimming Pools Act 1992* and the *Swimming Pools Regulation 2008*.

The swimming pool is to be surrounded by a child-resistant barrier (e.g. fence), that separates the pool from any *residential building* (as defined in the *Swimming Pools Act 1992*) that is situated on the premises and from any place (whether public or private) adjoining the premises; and that is designed, constructed and installed in accordance with Australian Standard AS 1926.1 – 2012 (Swimming Pool Safety Part 1 - Safety Barriers for Swimming Pools).

Gates to pool area must be self-closing and latching at all times and, the gate is required to open outwards from the pool area and prevent a small child opening the gate or door when the gate or door is closed.

Temporary pool safety fencing is to be provided 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.

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

*Note: This development consent does not approve the design and location of swimming pool fencing and other swimming pool safety barriers. Swimming pool fencing and other safety barriers are required to comply with the Swimming Pools Act 1992, Swimming Pools Regulation 2008 and relevant Standards. Details of compliance are required to be incorporated into the plans and specifications for a Construction Certificate, to the satisfaction of the Certifying Authority.*

64. Swimming pools (and spa pools) are to be designed, installed and operated in accordance with the following general requirements:
- a) Backwash of the pool filter and other discharge of water is to be drained to the sewer in accordance with the requirements of the Sydney Water Corporation; and
  - b) All pool overflow water is to be drained away from the building and adjoining premises, so as not to result in a nuisance or damage to

premises; and

- c) Water recirculation and filtrations systems are required to comply with AS 1926.3 – 2010: Swimming Pool Safety – Water Recirculation and Filtration Systems; and
- d) Pool plant and equipment is to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.

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

65. The owner of the premises must 'register' the swimming pool [or spa pool] on the NSW Swimming Pool Register, in accordance with the *Swimming Pools Amendment Act 2012*.

The Swimming Pool Register is administered by the NSW Government, Department of Premier & Cabinet, Division of Local Government and registration on the Swimming Pool Register may be made on-line via their website [www.swimmingpoolregister.nsw.gov.au](http://www.swimmingpoolregister.nsw.gov.au).

Registration must be made **prior to the issue of an Occupation Certificate** for the pool and a copy of the NSW Swimming Pool Certificate of Registration must be forwarded to the Principal Certifying Authority and Council accordingly.

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

66. The owner/developer must meet the full cost for Council or a Council approved contractor to:
- a) Extend/Re-Construct a full width concrete heavy duty crossing and layback at kerb opposite the vehicular entrance to the premises.
  - b) Re-Construct kerb and gutter for the full site frontage except opposite the vehicular entrance and exit points.
  - c) Carry out a full depth, 1 metre wide, road construction in front of the kerb and gutter along the full site frontage.
  - d) Re/construct a 1.3m wide concrete footpath along the full site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.
67. Prior to issuing a final occupation certificate or occupation of the development (whichever is sooner), the owner/developer must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
68. 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.

### **Carparking**

69. Four carspaces only shall be dedicated for the use as visitor parking.

### **Sydney Water Requirements**

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

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

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

### **Undergrounding of Power**

71. The applicant shall meet the full cost for the overhead power feed and telecommunication cables to the development site to be relocated underground (i.e. from the nearest mains pole on the opposite side of Marine Parade). The applicant shall liaise directly with the relevant service utility authorities to organise for the cables to be relocated. All cables must be relocated underground to the satisfaction of the relevant service utility authority prior to the issuing of an occupation certificate for the development.

### **Stormwater Drainage**

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

Notes:

- a. The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
  - b. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.
73. A works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced hydraulic consultant/engineer



must be forwarded to the Principal Certifying Authority and the Council. The works-as-executed plan must include the following details (as applicable):

- The location of any detention basin/s with finished surface levels;
- Finished site contours at 0.2 metre intervals;
- Volume of storage available in any detention areas;
- The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
- The orifice size/s (if applicable);
- Details of any infiltration/absorption systems; and
- Details of any pumping systems installed (including wet well volumes).

74. The applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer, which confirms that the design and construction of the stormwater drainage system complies with the Building Code of Australia, Australian Standard AS3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and conditions of this development consent.

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

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

#### **Landscaping**

76. Prior to issuing any type of Occupation Certificate, certification from a qualified professional in the landscape/horticultural industry must be submitted to, and be approved by, the PCA, confirming the date that the completed landscaping was inspected, and that it has been installed substantially in accordance with the Landscape Plan & Details by Taylor Brammer Landscape Architects, dwg LA01-02, issue A dated 02.05.14.
77. The nature-strip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.

#### **Waste Management**

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

#### **OPERATIONAL CONDITIONS**

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

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

**Fire Safety Statements**

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

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

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

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

**Environmental Amenity**

81. 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.

Details of compliance with AS 4282—1997 -Control of the obtrusive effects, of outdoor lighting must be submitted to the principal certifying authority prior to the issuing of an occupation certificate.

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

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

**Stormwater Detention/Infiltration System**

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

**GENERAL ADVISORY NOTES**

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

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

Failure to comply with these requirements is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million. Alternatively, Council may issue a penalty infringement notice (for up to \$3,000) for each offence. Council may also issue notices and orders to demolish unauthorised or non-complying building work, or to comply with the requirements of Council's development consent.

- A2 In accordance with the requirements of the *Environmental Planning &*

*Assessment Act 1979*, building works, including associated demolition and excavation works (as applicable) must not be commenced until:

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

A3 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.

A4 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.

A5 Any proposed amendments to the design and construction of the building may require a new development application or a section 96 amendment to the existing consent to be obtained from Council, before carrying out such works

A6 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.

A7 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.

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

Finished ground levels external to the building are to be consistent with the development consent and are not to be raised, other than for the provision of approved paving or the like on the ground.

- A10 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.

- A11 The necessary development consent and a construction certificate or a complying development certificate (as applicable) must be obtained for proposed external plant and equipment, if not included in this consent.

- A12 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.

- A13 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/childdafety](http://www.health.nsw.gov.au/childdafety) or pick-up a brochure from Council's Customer Service Centre.

- A14 An application must be submitted to an approved by Council prior to the installation and operation of any proposed greywater or wastewater treatment systems, in accordance with the *Local Government Act 1993*.

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

- A15 Swimming/spa pool plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:

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

- A16 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.

- A17 Council's assessment of this application does not include an assessment of compliance with the *Swimming Pool Act 1992*. All pool barriers, fences and structures within properties containing a swimming pool must comply with the requirements of the *Swimming Pool Act 1992*, BCA and relevant Australian Standards.

Details of compliance with the *Swimming Pool Act 1992*, Building Code of Australia and relevant Standards must be included in the Construction Certificate to the satisfaction of the Building Certifier.

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

**AMENDMENT: (Stevenson/Nil)** that draft condition 2 be amended by the deletion of the words "achieve a height of four metres at maturity" and replacing it with "achieve a height of a maximum of 1.8 metres at maturity." **LAPSED FOR WANT OF A SECONDER.**

**GM39/14 General Manager's Report - 6 Eastbourne Avenue, CLOVELLY  
(DA/439/2014)**

364/14

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

- A. That Council supports the exceptions to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clause 4.3(2) of Randwick Local Environmental Plan 2012, relating to Height of Buildings, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning & Infrastructure be advised accordingly.
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/439/2014 for substantial alterations and additions to the existing attached dual occupancy and conversion to a dwelling house with rear swimming pool and roof terrace, at No. 6 Eastbourne Avenue, Clovelly, subject to the following conditions contained in the development application compliance report attached to 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:

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Received by Council</b>
101 (Revision	Melocco &	10/10/2014	13 October 2014

L)	Moore Architects		
201 (Revision Q)	Melocco & Moore Architects	10/10/2014	13 October 2014
202 (Revision S)	Melocco & Moore Architects	10/10/2014	13 October 2014
203 (Revision S)	Melocco & Moore Architects	10/10/2014	13 October 2014
204 (Revision V)	Melocco & Moore Architects	10/10/2014	13 October 2014
205 (Revision E)	Melocco & Moore Architects	10/10/2014	13 October 2014
300 (Revision N)	Melocco & Moore Architects	10/10/2014	13 October 2014
301 (Revision M)	Melocco & Moore Architects	10/10/2014	13 October 2014
302 (Revision O)	Melocco & Moore Architects	10/10/2014	13 October 2014
304 (Revision Q)	Melocco & Moore Architects	10/10/2014	13 October 2014
305 (Revision N)	Melocco & Moore Architects	10/10/2014	13 October 2014
306 (Revision A)	Melocco & Moore Architects	10/10/2014	10 November 2014
Material Finishes 403 (Revision B)	Melocco & Moore Architects	10/11/2014	13 October 2014

<b><i>BASIX Certificate No.</i></b>	<b><i>Dated</i></b>	<b><i>Received by Council</i></b>
A193128_02	10 November 14, 2014	10 November 14, 2014

### **Amendment of Plans & Documentation**

2. The approved plans and documents must be amended in accordance with the following requirements:
  - a. To prevent overlooking into neighbouring properties the following must be implemented:
    - i) Window W17 must be provided with obscure glazing and shall not be operable by more than 45 degree.
    - ii) The casement window W20 shall be replaced with an awning hung window. The window must be of obscure glazing and shall not be operable by more than 45 degree.
    - iii) To the eastern side of the roof terrace vertical metal or timber screening to a height of 500mm shall be provided above the

balustrade.

- iv) The roof garden to the front of the dwelling shall not be trafficable.

### **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.

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

4. In accordance with Council's Section 94A Development Contributions Plan effective from 12 July 2012, based on the development cost of \$1,897,803 the following applicable monetary levy must be paid to Council: \$18,978.05.

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. Please contact Council on telephone 9399 0999 or 1300 722 542 for the indexed contribution amount prior to payment.

To calculate the indexed levy, the following formula must be used:

$$\text{IDC} = \text{ODC} \times \text{CP2/CP1}$$

Where:

**IDC** = the indexed development cost

**ODC** = the original development cost determined by the Council

**CP2** = the Consumer Price Index, All Groups, Sydney, as published by the ABS in respect of the quarter ending immediately prior to the date of payment

**CP1** = the Consumer Price Index, All Groups, Sydney as published by the ABS in respect of the quarter ending immediately prior to the date of imposition of the condition requiring payment of the levy.

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**

5. 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.*

#### **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 Council footpath level 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 \$150.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.

#### **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.

#### **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 storeys.

#### **BASIX Requirements**

11. 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**

12. 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**

13. 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**

14. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, 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**

15. 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**

16. 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**

17. 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**

18. 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**

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

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

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

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

#### **Inspections During Construction**

21. 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**

22. 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**

23. 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**

24. 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**

25. 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**

26. 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**

27. 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**

28. 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.
29. 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.

30. 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**

31. 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**

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

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

#### **Tree Management**

33. The mature planting located at the upper garden level along the rear northern boundary are to be protected and retained during building works.

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

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

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

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

#### **Occupation Certificate Requirements**

34. 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**

35. 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.

#### **Swimming Pool Safety**



36. Swimming pools are to be designed and installed in accordance with the relevant requirements of the *Building Code of Australia* and be provided with childproof fences and self-locking gates, in accordance with the *Swimming Pools Act 1992* and the *Swimming Pools Regulation 2008*.

The swimming pool is to be surrounded by a fence having a minimum height of 1.2m, that separates the pool from any *residential building* (as defined in the *Swimming Pools Act 1992*) that is situated on the premises and from any place (whether public or private) adjoining the premises; and that is designed, constructed and installed in accordance with Australian Standard AS 1926.1 – 2012 (Swimming Pool Safety Part 1 - Safety Barriers for Swimming Pools).

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

Temporary pool safety fencing is to be provided 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.

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

*Note: This development consent does not approve the design and location of swimming pool fencing and other swimming pool safety barriers. Swimming pool fencing and other safety barriers are required to comply with the Swimming Pools Act 1992 and Swimming Pools Regulation 2008. Details of compliance are required to be incorporated into the plans and specifications for a Construction Certificate, to the satisfaction of the Certifying Authority.*

#### **Swimming Pool Requirements**

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

Backwash of the pool filter and other discharge of water is to be drained to the sewer in accordance with the requirements of the Sydney Water Corporation; and

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

#### **Notification of Swimming Pools**

38. The owner of the premises must 'register' the swimming pool [or spa pool] on the NSW Swimming Pool Register, in accordance with the *Swimming Pools Amendment Act 2012*.

The Swimming Pool Register is administered by the NSW Government, Department of Premier & Cabinet, Division of Local Government and

registration on the Swimming Pool Register may be made on-line via their website [www.swimmingpoolregister.nsw.gov.au](http://www.swimmingpoolregister.nsw.gov.au).

Registration must be made before the issue of an Occupation Certificate for the pool.

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

39. 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.
40. 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.
41. 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.

**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**

42. 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**

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

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

#### **Swimming/Spa Pools**

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

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

#### **Air Conditioners**

45. 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.

### **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 \$3,000) for each offence. Council may also issue notices and orders to demolish unauthorised or non-complying building work, or to comply with the requirements of Council's development consent.

- A2 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 In accordance with the requirements of the *Environmental Planning & Assessment Act 1979*, building works, including associated demolition and excavation works (as applicable) must not be commenced until:

- A *Construction Certificate* has been obtained from an Accredited Certifier

or Council,

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

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 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 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.

A10 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 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.*

A11 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.

A12 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.

A13 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.

A14 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.

A15 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: (Smith/Neilson):**

- A. That Council does not support the exception to the development standard under Clause 4.6 of Randwick Local Environment Plan 2012 in respect to non compliance with Clause 4.3(2) of Randwick Local Environment Plan 2012, relating to Height of Buildings, on the grounds that the proposed development does not comply with the objectives of the above clause.
- B. That Council, as consent authority, refuse development consent under section 80 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/439/2014 for substantial alterations and additions to the existing attached dual occupancy and conversion of a dwelling house with rear swimming pool and roof terrace, at No. 6 Eastbourne Avenue, Clovelly, for the following reasons:
1. The proposal does not satisfy the relevant objectives for the R2 Low Density Residential zone stipulated under Randwick Local Environmental Plan 2012;
  2. The proposal does not satisfy the relevant objectives or numerical standard for Height of buildings as set out under Clause 4.3 under Randwick Local Environmental Plan 2012 and the Clause 4.6 exception to the development standard is not well founded.

3. The proposed development proposes a non-compliant external wall height that eventuates in unreasonable bulk, scale, and view sharing and fails to meet the objectives for Building Height set out in Clause 3.2 of the Randwick Development Control Plan 2013 Part C1 – Low Density Residential;
4. The proposed development proposes a habitable roof space that eventuates in unreasonable bulk, scale, and view loss and fails to meet the objectives for Habitable roof space set out in Clause 4.3 of the Randwick Development Control Plan 2013 Part C1 – Low Density Residential;
5. The proposed development has not properly examined the relationship between the building, the site conditions, and the surrounding context and does not demonstrate a skilful design. The height, form and massing of the development will detrimentally affect the amenity of the neighbouring properties and the streetscape. The proposal is not considered to satisfy Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979.  
**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 Bowen	Councillor Andrews
Councillor Matson	Councillor Belleli
Councillor Neilson	Councillor D'Souza
Councillor Shurey	Councillor Garcia
Councillor Smith	Councillor Moore
	Councillor Nash
	Councillor Roberts
	Councillor Seng
	Councillor Stavrinou
	Councillor Stevenson
<b>Total (5)</b>	<b>Total (10)</b>

**MOTION: (Roberts/Andrews) 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 Andrews	Councillor Bowen
Councillor Belleli	Councillor Matson
Councillor D'Souza	Councillor Moore
Councillor Garcia	Councillor Neilson
Councillor Nash	Councillor Shurey
Councillor Roberts	Councillor Smith
Councillor Seng	
Councillor Stavrinou	
Councillor Stevenson	
<b>Total (9)</b>	<b>Total (6)</b>

### **Director City Services Reports**

Nil.

### **Director Governance & Financial Services Reports**

#### **GF79/14 Director Governance & Financial Services Report - Domestic Waste**

**Charge - Carbon Tax Refund (F2014/00521)**

365/14 **RESOLUTION: (Stavrinos/Andrews)** that every 2015-16 Domestic Waste Management Charge receives a \$5.10 Carbon Tax Refund on the 2015-16 Rate Notice.

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

**GF80/14 Director Governance & Financial Services Report - Business Continuity Planning (F2013/00379)**

366/14 **RESOLUTION: (Moore/Stavrinos)** that the following Business Continuity documents be endorsed:

- Business Continuity Manual;
- Business Continuity Procedure; and
- Business Continuity Tools.

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

**GF81/14 Director Governance & Financial Services Report - SSROC Street Lighting Improvement Program - Deficiency in Network NSW's Tender Specifications (F2004/07519)**

367/14 **RESOLUTION: (Moore/Andrews)** that Council:

- a) receive and note the report from the General Manager regarding the Networks NSW Street Lighting Tender; and
- b) send a letter to Networks NSW in support of the SSROC Street Lighting Improvement Program submission of 11 November 2014, with a copy of the letter to be forwarded to the General Manager and Chair of SSROC.

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

**GF82/14 Director Governance & Financial Services Report - Council operating hours - Xmas and New Year 2014-15 (F2006/00304)**

368/14 **RESOLUTION: (Andrews/Stavrinos)** that the proposed 2014-15 Christmas and New Year opening hours for the Administration Building, Depot, Libraries and Leisure Centre, be endorsed.

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

**Petitions**

Nil.

**Motions Pursuant to Notice****NM146/14 Motion Pursuant to Notice - Notice of Motion from Crs Moore, Stevenson & Garcia - Randwick and Botany Chinese New Year Celebrations (F2008/00044)**

**MOTION: (Moore/Garcia)** that Council, in recognising the value to the community to be encouraging, supporting and promoting cultural activities, take the opportunity to collaborate with the broad range of organisers proposing a Chinese New Year celebration to be held in Dacey Gardens in February 2015 and is so doing:-

- a) notes the event is drawing on a wide variety of local interest groups including the Kingsford Chamber of Commerce, local businesses, University of NSW Chinese interest groups, the Chinese Consul General and Botany Council;
- b) join with and match Botany Council with up to a \$50,000.00 contribution;
- c) provide event advice and support as determined appropriate to ensure Randwick's involvement and partnership objectives are met; and
- d) require that the likely participating businesses in Kingsford be given the first right of refusal to participate in this event. **LOST.**

Councillors Stevenson and Garcia called for a **DIVISION.**

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 Nash
Councillor Garcia	Councillor Roberts
Councillor Moore	Councillor Seng
Councillor Neilson	Councillor Shurey
Councillor Stevenson	Councillor Smith
	Councillor Stavrinou
<b>Total (7)</b>	<b>Total (8)</b>

**AMENDMENT: (Stevenson/Bowen)** that Council close off one access point to the Kingsford roundabout to make it an eight way roundabout for the night, which is a lucky number in the Chinese community. **LOST.**

**AMENDMENT: (Belleli/Bowen)** that Council delegate to the General Manager permission to work with Botany Council and to sponsor this event up to a maximum amount of \$10,000.00. **LOST.**

**NM147/14 Motion Pursuant to Notice - Notice of Motion from Cr Bowen - Response to the Fit for Future Proposal (F2004/06554)**

369/14

**RESOLUTION: (Matson/Andrews)** that noting this Council's long and proud record of community service and support to the community of interest in the Southeastern Metropolitan area of Sydney, strong record of financial management and further noting previous community opposition to the amalgamation of Randwick City Council, resolutions of this council opposing amalgamation and concerns about increased rates, parking meters, loss of adequate democratic representation, loss of services and staff to provide community support to our residents, community groups, sporting clubs and volunteer organisations through amalgamation, that this Council in response to the State Government Fit for Future policy:

1. re-affirms its position that it is opposed to any amalgamation of Randwick City Council;
2. adopts the Fit for the Future template timeline as provided to Council;
3. commits to conduct a plebiscite of our residents on the question of whether they support the amalgamation of Randwick City Council; and



4. undertake the plebiscite in May 2015.

**MOTION: (Bowen/Stevenson)** that noting this Council's long and proud record of community service and support to the community of interest in the Southeastern Metropolitan area of Sydney, strong record of financial management and further noting previous community opposition to the amalgamation of Randwick City Council, resolutions of this council opposing amalgamation and concerns about increased rates, parking meters, loss of adequate democratic representation, loss of services and staff to provide community support to our residents, community groups, sporting clubs and volunteer organisations through amalgamation, that this council in response to the State Government Fit for Future policy:

1. re-affirms its position that it is opposed to any amalgamation of Randwick City Council;
2. notes submission from the Council in response to the Fit for Future policy is not required until 30 June 2015;
3. commits to conduct a referendum style plebiscite of our residents on the question of whether they support the amalgamation of Randwick City Council; and
4. ensure the referendum style plebiscite is to take place before the end of February 2015.

**AMENDMENT: (Matson/Andrews) CARRIED AND BECAME THE MOTION.**

Councillors Bowen and Neilson called for a **DIVISION**.

The **DIVISION** on the amendment 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 Nash	Councillor D'Souza
Councillor Roberts	Councillor Garcia
Councillor Seng	Councillor Moore
Councillor Shurey	Councillor Neilson
Councillor Smith	Councillor Stevenson
Councillor Stavrinou	
<b>Total (8)</b>	<b>Total (7)</b>

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

Councillors Bowen and Neilson called for a **DIVISION**.

The **DIVISION** on the amendment 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 Garcia	Councillor Bowen
Councillor Matson	Councillor D'Souza
Councillor Nash	Councillor Moore
Councillor Roberts	Councillor Neilson
Councillor Seng	Councillor Stevenson
Councillor Shurey	
Councillor Smith	

Councillor Stavrinou

**Total (9)**

**Total (6)**

**NM148/14 Motion Pursuant to Notice - Notice of Motion from Cr Bowen - Extra Council Committees on the Response for the Fit for the Future Proposal for Council Amalgamations (F2004/06554)**

**MOTION: (Bowen/Stevenson)** that given the Fit for Future proposal potentially affects all aspects of council's operations, all areas of Randwick LGA and thereby all residents and community groups reliant on Randwick City Council for support, this council resolves that any committee or working group formed to direct Council policy on the Fit for Future proposal be open to membership of all Councillors. **LOST.**

Councillors Bowen and Stevenson called for a **DIVISION.**

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

**FOR**

Councillor Belleli  
Councillor Bowen  
Councillor D'Souza  
Councillor Garcia  
Councillor Moore  
Councillor Neilson  
Councillor Stevenson

**Total (7)**

**AGAINST**

Councillor Andrews  
Councillor Matson  
Councillor Nash  
Councillor Roberts  
Councillor Seng  
Councillor Shurey  
Councillor Smith  
Councillor Stavrinou

**Total (8)**

**Urgent Business**

**UB10/14 Cr Tony Bowen - Light Rail**

370/14

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

- (a) noting the proposed changes to the CSLER Light Rail project will:
- result in the loss of substantially more established and significant trees in Centennial park;
  - result in significant encroachment and utilisation of historic Centennial parklands through the constructions of a 3 metre high, 300 metre long retaining wall along Alison Road together with a light rail stop in the park;
  - disrupt and cause to be re-located existing cycleways connecting Randwick, POW Hospital and UNSW to Centennial Parklands, the CBD and greater metropolitan Sydney;
  - involve the use of substantially larger light rail vehicles, up to 67 M in length, with increased noise impacts including in our residential areas, such as Wansey Road and High Street;

This Council states its opposition to the loss of trees, parklands and cycleways associated with the changes to the light rail proposal; and

- (b) given the impact of these changes on the Randwick LGA, Council immediately calls on TfNSW to extend the consultation period until mid February 2015 to ensure all affected residents have an opportunity to study the impact of these changes and express their point of view to the state government as they see fit.

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

**UB11/14 Cr Kathy Neilson - St Catherine's School - Masterplan**

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

371/14

**RESOLUTION: (Neilson/Bowen)** that Council endorses the Submission to NSW Department of Planning & Environment from Randwick Council Manager, Strategic Planning Alan Bright, which has identified a number of impacts on Randwick residents in streets near St Catherine's School, subject to the following amendments and additions:

- (a) the Master Plan be amended to provide a substantial amount of additional on-site parking, for example a minimum of 200 car spaces - currently only 19 extra car spaces are proposed in addition to the existing 56 car spaces. This is essential due to, but not limited by, the:
  - existing over-subscribed on-street parking available in the area,
  - proposed increase in capacity of the school, including students, teachers, staff, and visitors, and
  - proposed intensification of school functions associated with the new buildings, including the 500-seat theatre and larger aquatic centre. The development of the Research, Performing Arts & Aquatic Centre (RPAC) should be dependent on providing the additional parking, that is, the parking should be physically provided with the first stage of development;
- (b) the height and gross floor area of the RPAC be reduced on MacPherson Street to align with the bulk and scale of neighbouring properties;
- (c) the site coverage of the proposal should be reduced so as to minimise the loss of green space and minimise overdevelopment of the land;
- (d) this motion be forwarded to the NSW Department of Planning & Environment as part of Council's Submission; and
- (e) Randwick Council also endorses Waverley Council's submission.

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

**Confidential Reports (closed session)**

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

**GM36/14 Confidential - Organisation Structure – Information Services Department (F2005/00524)**

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

372/14

**RESOLUTION: (Smith/Andrews)** that Council adopt the organisational structure for the management level of the Information Services department as outlined in the report, with the establishment of the positions of Manager Business Systems, Manager Mapping Systems and Manager Technology Systems.

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

**GM37/14 Confidential - Waste Collection Services Tender (Part A) T2015-03 and Ongoing Arrangements for Waste Collection Services (F2014/00486)**

*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.*

373/14

**RESOLUTION: (Smith/Nash) –**

a) That Council:

- under clause 178(1)(b) of the *Local Government (General Regulation) 2005* (NSW) having considered the tenders submitted for the proposed waste collection services contract (Part A), resolve to decline to accept all of the tenders for the waste collection services contract (Part A) for the present;
- Council write to all tenderers for Part A and formally postpone the tender process for the waste collection services;
- under Clause 178(3)(a) of the *Local Government (General Regulation) 2005* (NSW), Council resolves to postpone the proposal for the waste collection services contract on an indefinite basis or, alternatively, for a period of 3 months to allow the negotiations with SITA for a short term waste collection services contract to conclude;
- under section 55(3)(i) of the *Local Government Act 1993* (NSW), Council resolves, due to extenuating circumstances and the unavailability of competitive or reliable tenderers for the short term waste collection services contract, that Council not invite tenders for Part A for the short term waste collection services contract for the reason that there is a need to provide waste collection services for a flexible short term period only and that only one supplier is likely to be in a position to provide these waste collection services to Council in a reliable fashion;
- negotiate an irrevocable offer with SITA in relation to a new waste collection services contract for a short term period of 12 months, plus two 6 month options exercisable only by Council ;
- that Council direct that a probity officer and legal representative are present when discussions with SITA are undertaken;
- that once an irrevocable offer is received from SITA, that Council considers whether the postponed tendering process for Part A 'waste collection services' should be cancelled and if so, write to all tenderers for Part A and formally conclude the tender process.

b) That Council write to the Independent Commission Against Corruption setting out the following:

- the steps Council has taken to date in relation to the tender process for the waste collection services contract (Part A) and that the tender process will continue for Parts B and C;
- the reasons why the Council has decided not to proceed with any of the tenders for the waste collection services received at the present time and that a short term waste collection services contract has or will be entered into with SITA; and
- that Council has sought legal advice about its rights and obligations in the tender process; and

c) That, after an irrevocable offer is received from SITA, Council publish a notice in the Southern Courier setting out the reasons for its decision to abandon the current tender process for Part A 'waste collection services' and sign a short term waste collection contract and notify of its intention to call for tenders for those waste collection services at a later date.

**MOTION: (Smith/Nash) CARRIED - SEE RESOLUTION.**A **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST

were as follows:

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Moore
Councillor Belleli	Councillor Neilson
Councillor Bowen	
Councillor D'Souza	
Councillor Garcia	
Councillor Matson	
Councillor Nash	
Councillor Roberts	
Councillor Seng	
Councillor Shurey	
Councillor Smith	
Councillor Stavrinou	
<b>Total (12)</b>	<b>Total (2)</b>

Cr Stevenson was not present in the Council Chamber during the vote on the above motion.

**GF83/14 Confidential - Tender for Workers' Compensation Insurance - T2015-07 (F2014/00434)**

*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.*

374/14

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

- a) Accepts Allianz Australia Workers Compensation (NSW) Ltd as the successful tenderer to provide Workers Compensation insurance for the Council;
- b) Authorises the General Manager to sign the contract documents on behalf of Council for a three (3) year term with an option to extend for two further terms of 12 months each; and
- c) Notifies the unsuccessful tenderers.

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

Cr Stevenson was not present in the Council Chamber during the vote on the above motion.

Note: Council considered a confidential memorandum on the CountryTell matter and no issues were raised.

**Open Session**

The meeting moved back into open session.

**Notice of Rescission Motions**

Nil.

There being no further business, His Worship the Mayor, Cr T Seng, declared the meeting closed at 10.34pm.

**The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 24 February 2015.**

.....  
**CHAIRPERSON**