

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, 24 NOVEMBER 2015 AT 6:11PM**

Present:

The Mayor, Councillor N D'Souza (Chairperson) (South Ward)

Councillor G Moore (Deputy Mayor) (West Ward)

North Ward - Councillors K Neilson, L Shurey & K Smith

South Ward - Councillors R Belleli & P Garcia

East Ward - Councillors T Bowen (from 7.45pm),
M Matson & B Roberts (from 7.34pm)

West Ward - Councillors S Nash & H Stavrinou

Central Ward - Councillors A Andrews, T Seng &
G Stevenson (from 7.38pm)

Officers Present:

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoules
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
Manager Communications	Mr J Hay
Manager Business Performance Projects	Ms C Foley
Manager Corporate Improvement	Ms A Warner

Prayer & Acknowledgement of Local Indigenous People

The Council Prayer was read by Cr Neilson. The Acknowledgement of Local Indigenous People was read by Cr Shurey.

Apologies/Granting of Leave of Absences

Nil.

Confirmation of the Minutes

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY 27 OCTOBER 2015

319/15

RESOLUTION: (Andrews/Shurey) that the Minutes of the Ordinary Council Meeting held on Tuesday 27 October 2015 (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 Matson declared a non-significant non pecuniary interest in Item CP64/15 as he knows some of the objectors on the matter.
- b) Cr Stavrinis declared a significant non pecuniary interest in Item CP64/15 as his cousin is married to the sister of one of the objectors. Cr Stavrinis will be taking no part in the debate or voting on this matter.
- c) Cr Stavrinis declared a significant non pecuniary interest in Item CP66/15 as he lives in close proximity to the development application. Cr Stavrinis will be taking no part in the debate or voting on this matter.
- d) Cr Neilson declared a non-significant non pecuniary interest in Item CP64/15 as she knows some of the objectors on the matter.
- e) Cr Neilson declared a non-significant non pecuniary interest in Item CP66/15 as she knows some of the objectors on the matter.
- f) Cr Neilson declared a non-significant non pecuniary interest in Item CP68/15 as she knows some of the objectors on the matter.
- g) Cr Neilson declared a non-significant non pecuniary interest in Item CS13/15 as she knows one of the applicants in this matter.
- h) Cr Neilson declared a non-significant non pecuniary interest in Item NM60/15 as she knows the speakers on this matter.
- i) Cr Andrews declared a non-significant non pecuniary interest in Item CP64/15 as he knows the applicant and some of the objectors on the matter.
- j) Cr Andrews declared a non-significant non pecuniary interest in Item CP66/15 as he knows the applicant on this matter.
- k) Cr Andrews declared a non-significant non pecuniary interest in Item CP68/15 as he received an invitation recently to an event at these premises, which he attended.
- l) Cr Matson declared a non-significant non pecuniary interest in Item NM60/15 as he knows the speakers on this matter.
- m) Cr Garcia declared a significant non pecuniary interest in Item CP66/15 as he lives in close proximity to the development application. Cr Garcia will be taking no part in the debate or voting on this matter.
- n) Cr Smith declared a significant non pecuniary interest in Item CP68/15 as his employer is part of the liquor industry. Cr Smith will be taking no part in the debate or voting on this matter.
- o) Cr Seng declared a non-significant non pecuniary interest in Item CP64/15 as one of the objectors is related to a Council staff member.
- p) Cr Seng declared a non-significant non pecuniary interest in Item CP66/15 as he knows the applicant.
- q) Cr Seng declared a non-significant non pecuniary interest in Item CP68/15 as he attended the first anniversary celebration held by the applicant when he was the Mayor.

- r) The Mayor, Cr D'Souza declared a non-significant non pecuniary interest in Item CP68/15 as he attended the first anniversary celebration held by the applicant.
- s) Cr Smith declared a non significant non pecuniary interest in Item NM59/15 as he holds shares in Westfarmers and Woolworths.
- t) Cr Moore declared a non-significant non pecuniary interest in Item NM60/15 as as he knows the speaker on the matter.
- u) Cr Bowen declared a significant non pecuniary interest in Item NM59/15 as he works for some of the supermarket chains. Cr Bowen will be taking no part in the debate or voting on this matter.
- v) Cr Moore declared a non-significant non pecuniary interest in Item CS15/15 as he knows one of the tenderers.
- w) Cr Garcia declared a non-significant non pecuniary interest in Item CS15/15 as he was formerly employed by one of the tenderers.

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:

CP64/15 315 MAROUBRA ROAD, MAROUBRA (DA/884/2014) - DEFERRED

Objector Tony Magistrale

Applicant Peter Samios

Council's Director City Planning left the chamber during the addresses from the public on this matter.

CP66/15 131 MOUNT STREET, COOGEE (DA/266/2015)

Objector Simone Wright

Applicant Stuart McDonald on behalf of applicant

CP67/15 169-181 DOLPHIN STREET, COOGEE (DA/649/2010/A)

Applicant Anthony Jones on behalf of applicant

CP67/15 263-269 CLOVELLY ROAD, CLOVELLY (DA/566/2014/A)

Applicant Anthony Betros on behalf of applicant

NM59/15 NOTICE OF MOTION FROM CR STAVRINOS - PROPOSED WHEEL LOCKING SYSTEM - ABANDONED SHOPPING TROLLEYS

For Stefan Flegman

NM60/15 NOTICE OF MOTION FROM CRS BOWEN, MOORE & NEILSON - PROTECTION OF TREES - LIGHT RAIL

Against Ingrid Maganov

For Ricki-Lee McLaurin-Smith

The meeting was adjourned at 7.16pm and was resumed at 7.34pm.

Mayoral Minutes

MM63/15 Mayoral Minute - Waiver of Fees for Maroubra Diggers Junior Swimming Club for Two (2) Swimming Carnivals at Des Renford Leisure Centre (F2012/00278)

320/15

RESOLUTION: (Mayor, Cr N D'Souza) that:

- a) Council votes \$2,040.00 from the 2015-16 Contingency Fund to cover the cost of hiring the Des Renford Leisure Centre;
- b) the organiser undertakes to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and
- c) normal facility spectator fees apply for all non-competitors.

MOTION: (Mayor, Cr D'Souza) CARRIED - SEE RESOLUTION.

MM64/15 Mayoral Minute - Waiver of Fees for Rainbow Club Australia Weekly Lane Hire at the Des Renford Leisure Centre (F2010/00214)

321/15

RESOLUTION: (Mayor, Cr N D'Souza) that:

- a) Council votes \$9,600.00 from the 2015-16 Contingency Fund to cover the hire fees into the Des Renford Leisure Centre; and
- b) the organiser undertakes to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event.

MOTION: (Mayor, Cr D'Souza) CARRIED - SEE RESOLUTION.

MM65/15 Mayoral Minute - Communication Support for Christmas Charities (F2015/00118)

322/15

RESOLUTION: (Mayor, Cr N D'Souza) that Council offer communication support to community led initiatives such as the Sydney Children's Hospital Randwick and the Make a Wish Australia Foundation Christmas campaigns.

MOTION: (Mayor, Cr D'Souza) CARRIED - SEE RESOLUTION.

Director City Planning Reports

CP64/15 Director City Planning Report - 315 Maroubra Road, Maroubra (DA/884/2014) - Deferred

Note: Having previously declared an interest, Cr Stavrinou left the chamber and took no part in the debate or voting on this matter. Council's Director City Planning also left the chamber during the debate and voting on this matter.

323/15

RESOLUTION: (Andrews/Nash) –

- 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 Clauses 4.3 of Randwick Local Environmental Plan 2012, relating to Building Height respectively, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the

amenity of the locality, and that the Department of Planning & 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/884/2014 for the construction of a residential flat building consisting of a total of nine (9) units above basement car parking consisting of a total of 13 car spaces, at No. 315 Maroubra Road, Maroubra subject to the following conditions of this report:

DEVELOPMENT CONSENT CONDITIONS

GENERAL CONDITIONS

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

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

Approved Plans & Supporting Documentation

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

Plan	Drawn by	Dated	Received by Council
DA-01 - Basement Floor Plan; Site & Ground Floor Plan	Nexus Architecture Pty Ltd	February 2014	27 March 2015
DA-02 - First Floor & Second Floor Plans	Nexus Architecture Pty Ltd	February 2014	27 March 2015
DA-03-01 - Roof Terraces Plan	Nexus Architecture Pty Ltd	February 2014 & 3/6/2015 for Revision A	4 June 2015
DA-04 - Section & Sectional Elevation	Nexus Architecture Pty Ltd	February 2014 & 3/6/2015 for Revision A	4 June 2015
DA-05 - Elevations 1	Nexus Architecture Pty Ltd	February 2014 & 3/6/2015 for Revision A	4 June 2015
DA-06 - Elevations 2	Nexus Architecture Pty Ltd	February 2014 & 3/6/2015 for Revision A	4 June 2015
DA-07 - Unit Plans	Nexus Architecture Pty Ltd	February 2014	27 March 2015
DA-8 - Miscellaneous Details	Nexus Architecture Pty Ltd	February 2014	27 March 2015

BASIX Certificate No.	Dated	Received by Council
562981M_02	20 March 2015	21 April 2015

Amendment of Plans & Documentation

2. The following plans are to be amended to be inconsistent with the approved floor plans (DA-01 and DA-02):

- 'Unit Plan' (DA-07 dated Feb 2014) at 1:50. The 1 bedroom plan in the top corner should be referenced as Units 1 and 2. The 2 bedroom plan below should be referenced as Unit 5 and 8 and then Unit 4 and 7 Mirror Reverse.
- Section A-A Plan (DA-04 dated Feb 2014), are inconsistent with the floor plans. The above ground units closer towards Maroubra Road should be referenced as Units 5 and 8 instead of Units 6 and 9.
- Maroubra Rd Façade Detail Plan (DA-08 dated Feb 2014), are inconsistent with the floor plans. Unit 6 and 9 should be marked as Unit 5 and 8.

Details shall be provided to the satisfaction of the PCA on approved Construction Certificate plans.

- A new 2.1m high hardwood timber post and rail paling fence shall be erected on the common boundary with the rear adjoining properties 68, 70 and 72 Haig Street, Maroubra measured from the finished ground level of the rear adjoining properties. The cost of the fencing must be borne by the applicant and the details must be submitted to Council's Manager Development Assessment prior to obtaining a construction certificate.
3. The angled side blade walls at second floor level (of Units 7 and 8) must have the same side setback as the angled blade walls at first floor level. Details shall be provided to the satisfaction of the PCA prior to obtaining a Construction Certificate.
 4. The window of Bedroom 1 of both Units 1 and 2 must consist of double glazing. Details of compliance must be included in the construction certificate application and written confirmation of compliance is to be provided to Council's Director of City Planning and the Certifying Authority **prior to the construction certificate being issued.**
 5. The kitchen windows on the side elevations (i.e. of Units 4,5,7 and 8) are to consist of fixed and obscured glazing to the lower pane of the window.
 6. The translucent glazing above the balustrades (indicated on the plans) on the rear elevation of Units 6 and 9 must be replaced with horizontal, fixed, 45 degree, angled louvres (i.e. angled upwards) that are spaced 10mm from each other. The balustrade and louvres must have a combined height of a minimum of 1.6m measured from the finished floor level of each balcony.
 7. All screen planting must be maintained at all times to the satisfaction of Council's Director of City Planning. A Maintenance Plan must be prepared and submitted for the approval of Council's Director of City Planning prior to a Construction Certificate being issued. The Maintenance Plan must include arrangements for the following aspects (as a minimum):
 - Inspection and maintenance of waterproofing roof membrane.
 - Details of drainage and irrigation systems (preferably self-watering), including overflow provisions.
 - Details of the location, numbers and type of plant species.
 - Planting and maintenance procedures, including frequency and methodology of maintenance requirements.
 - Maintenance of irrigation.

All landscaping in the approved plan is to be completed prior to an Occupation

Certificate being issued. The maintenance plan must be complied with during occupation of the property.

The owner/strata body of the premises shall at all times comply with the ongoing maintenance requirements of the Maintenance Plan and shall promptly upon request produce a copy of the Plan to Council.

8. The communal landscaped areas should include an area dedicated to onsite composting. Details are to be provided on the landscape plans submitted with an application for a Construction Certificate to the satisfaction of the Principal Certifying Authority.
9. The screen planting along the rear boundary shall: be mature in size and height upon planting; be evergreen; extend along the entire rear boundary; and achieve a similar screening function as per the existing trees, i.e. have a similar height, canopy spread and density.

Details of the screen planting are to be submitted for the approval of Council's Director of City Planning prior to obtaining a construction certificate.

10. A specification or acoustic report must be submitted with an application for a Construction Certificate that verifies the frosted glazing around the common roof terrace consists of noise reducing qualities.
11. The depth of the planter boxes on the private roof top terrace of Unit 9 shall be amended as follows:
 - The planter box along the western side of the terrace shall be increased to 2579mm (measured from the inner face of the parapet wall).
 - The planter box along the southern side of the terrace shall be increased to 1000mm (measured from the inner face of the parapet wall).
12. The depth of the planter box along the western side of the private roof top terrace of unit 7 shall be increased to 2000mm (measured from the inner face of the parapet wall)
13. New side fencing shall be erected to a height of 1.8m measured from the finished ground level around the building (inclusive of any retaining walls/(or portions of above the finished ground level) to the top of the fencing. The fencing shall be erected adjacent to the common boundaries, be wholly on the subject site and step down the site in response to the terracing. The cost of the fencing must be borne by the applicant.

Details must be submitted to and approved by Council's Director of City Planning, prior to obtaining a construction certificate.

REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

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

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

Consent Requirements

14. 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

15. Any sandstone blocks in the existing buildings or fences on the site must be recycled and/or re-used. They must not be rendered or painted.

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

16. In accordance with Council's Section 94A Development Contributions Plan effective from 21 April 2015, based on the development cost of \$280,918.00 the following applicable monetary levy must be paid to Council: \$28,091.80.

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.

Long Service Levy Payments

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

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

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

Security Deposit

18. The following damage / civil works security deposit requirement must be complied with, as security for making good any damage caused to the roadway, footway, verge or any public place; and as security for completing

any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the *Environmental Planning and Assessment Act 1979*:

- \$4000.00 - Damage / Civil Works Security Deposit

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

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

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

Sydney Water

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

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

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

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

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

Street Tree Management

20. The applicant must submit a payment of **\$855.25** (including GST) to cover the following costs:

- a. For Council to remove, stump-grind and dispose of the existing *Harpephyllum caffrum* (Kaffir Plum) from the Maroubra Road verge, just to the east of the existing opening, so as to accommodate the new vehicle crossing and basement entry ramp in this same location as shown;
- b. For Council to supply, install and maintain 1 x 25 litre street tree, *Angophora costata* (Sydney Red Gum) on the Maroubra Road verge, further to the east, an equal distance between the eastern edge of the new vehicle crossing and existing street tree growing towards the eastern site boundary.

This fee must be paid into **Tree Amenity Income** at the Cashier on the Ground Floor of the Administrative Centre **prior to a Construction Certificate being issued for the development.**

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

Protection of Street Tree

21. In order to ensure retention of the existing juvenile *Angophora costata* (Sydney Red Gum) located on the Maroubra Road verge, towards the eastern site boundary in good health, the following measures are to be undertaken:

- a. All documentation submitted for the Construction Certificate application must show its retention, with the position and diameter of both its trunk and canopy to be clearly and accurately shown on all plans in relation to the proposed works.
- b. Any excavations associated with the installation of new services, pipes, stormwater systems or similar over public property must be setback a minimum distance of 2.5 metres from its trunk.
- c. This tree is to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing, which shall be located a minimum distance of **1.5 metres** to its east and west (measured off the outside edge of its trunk at ground level), matching up with the back of the kerb to its north, and pedestrian footpath to its south, in order to completely enclose this tree for the duration of works.
- d. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which, signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER".
- e. The applicant is not authorised to perform any works to this tree, and must contact Council's Landscape Development Officer on 9399-0613 should pruning or any similar such work appear necessary, with the applicant required to cover all associated costs with such work, to Council's satisfaction, prior to the issue of a Final Occupation Certificate.
- f. Within the TPZ, there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, with all Site Management Plans needing to acknowledge these requirements.
- g. The PCA must ensure compliance with these requirements on-site during the course of construction, and prior to issuing any type of Occupation Certificate.
- h. A refundable deposit in the form of cash, credit card or cheque for an amount of **\$750.00** must be paid at the Cashier on the Ground Floor of the Administrative Centre, **prior to a Construction Certificate being issued for the development**, in order to ensure compliance with the conditions listed in this consent, and ultimately, preservation of the tree.

The refundable deposit will be eligible for refund following the issue of an Occupation Certificate, subject to completion and submission of Council's 'Security Deposit Refund Application Form', and pending a

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

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

REQUIREMENTS 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

22. 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).
23. Access and facilities for people with disabilities must be provided in accordance with the relevant requirements of the Building Code of Australia, Disability (Access to Premises – Buildings) Standards 2010, relevant Australian Standards and conditions of consent, to the satisfaction of the Certifying Authority.

BASIX Requirements

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

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

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

Site stability, Excavation and Construction work

25. 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*.

Design Alignment levels

26. 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.

27. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$762 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.

Vehicular Access & Carpark Layout

28. The basement carpark & access driveway must be designed and constructed in accordance with the following amendments/requirements to the satisfaction of the Certifying Authority:

- a) The first 2m length of the driveway internal to the site (i.e. adjacent to front property alignment) must not exceed a grade of 1 in 20 (5%).
- b) No change of grade on the internal driveway shall exceed 12.5%
- c) The internal driveway must match the alignment levels at the property boundary (as specified by Council).
- d) Carspace 5 on the approved plans shall be widened to a 2.4m width to the face of the column (not the centre) in compliance with AS 2890.1:2004
- e) Carspace 4 on the approved plans shall be converted to provide a minimum of 1 motorbike space and 5 bicycle spaces) in accordance with the requirements of Part B7 of Council's DCP 2013 and AS 2890.1:2004.
- f) A longitudinal section of the driveway must be provided with the construction certificate plans, at a scale of 1:20 along the centreline of the driveway. The section shall demonstrate compliance with the

Council issued alignment level at the property boundary, together with satisfactory ramp grades.

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

Stormwater Drainage

30. 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
- d) 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.
- e) 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.
- f) 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.
31. The site stormwater drainage system is to be provided in accordance with the following requirements;
- a) The stormwater drainage system must be provided in accordance with

the relevant requirements of Building Code of Australia and the conditions of this consent, to the satisfaction of the *Certifying Authority* and details are to be included in the construction certificate.

- b) The stormwater must be discharged (by gravity) either:
- i. Directly to the kerb and gutter or drainage system in front of the subject site in Maroubra Road; or
 - ii. To a suitably designed infiltration system (subject to confirmation in a geotechnical investigation that the ground conditions are suitable for the infiltration system)

- c) Should stormwater be discharged to Council's street drainage system, an on-site stormwater detention system must be provided to ensure that the maximum discharge from the site does not exceed that which would occur during a **1 in 10** year storm of one hour duration for existing site conditions. All other stormwater run-off from the site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the street drainage system, to the satisfaction of the certifying authority.

An overland escape route or overflow system (to Council's street drainage system) must be provided for storms having an average recurrence interval of 100 years (1 in 100 year storm), or, alternatively the stormwater detention system is to be provided to accommodate the 1 in 100 year storm.

- d) Should stormwater be discharged to an infiltration system, the infiltration area shall be sized for all storm events up to the 1 in 20 year storm event with provision for a formal overland flow path to Council's Street drainage system.

Should no formal overland escape route be provided for storms greater than the 1 in 20 design storm, the infiltration system shall be sized for the 1 in 100 year storm event.

NOTE: Infiltration should not be used if ground water and/or any rock stratum is within 2.0 metres of the base of the infiltration area.

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

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

- f) 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.

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

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

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

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

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

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

- j) Infiltration systems/Absorption Trenches must be designed and constructed generally in accordance with Randwick City Council's Private Stormwater Code.
- k) 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.

- l) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
- m) 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.
- n) 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.
- o) Any onsite detention/infiltration systems shall be located in areas accessible by residents of all units.

Site seepage & Groundwater

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

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

Waste Management

33. A Waste Management Plan detailing the waste and recycling storage and removal strategy for all of the development, is required to be submitted to and approved by Council's Director of City Planning.

The Waste Management plan is required to be prepared in accordance with Council's Waste Management Guidelines for Proposed Development and must include the following details (as applicable):

- The use of the premises and the number and size of occupancies.
- The type and quantity of waste to be generated by the development.
- Demolition and construction waste, including materials to be re-used or recycled.
- Details of the proposed recycling and waste disposal contractors.
- Waste storage facilities and equipment.
- Access and traffic arrangements.
- The procedures and arrangements for on-going waste management including collection, storage and removal of waste and recycling of materials.

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

34. The garbage room shall be sized to contain a total of 12 x 240 litre bins (comprising 5 garbage bins & 5 recycle bins & 2 green waste) and with adequate provisions for access to all bins. Details showing compliance are to be included in the construction certificate.
35. 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.

Landscape Plans

36. The Certifying Authority/PCA must ensure that the Landscape Plans submitted as part of the approved Construction Certificate are substantially consistent with the Landscape Plans by Lightbox Landscape Architects, DA.101-102, job no.078, issue A & B, dated 19.08.14.

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

37. 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.
38. All soil and erosion control measures must be established prior to the commencement of any works and maintained until the completion of all works. Periodic maintenance of the measures must be undertaken to ensure the measures remain effective.

Home Building Act 1989

39. 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

40. A dilapidation report shall be prepared by a professional engineer or suitably qualified and experienced building surveyor at the developer's cost, and 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 within the zone of influence (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

41. 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

42. 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

43. 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.

Public Liability

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

Construction Traffic Management

45. 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 Maroubra Road 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.

46. A detailed Construction Site Traffic Management Plan must be submitted to and approved by Council, prior to the 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 & Maritime Services, 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

The approved Construction Site Traffic Management Plan must be complied with at all times, and any proposed amendments to the approved Construction Site Traffic Management Plan must be submitted to and be approved by Council in writing, prior to the implementation of any variations to the Plan.

47. 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.

Public Utilities

48. 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.
49. 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.

Landscape Plans

50. Prior to the commencement of any works, the Certifying Authority/PCA, must ensure that the Landscape Plans by Lightbox Landscape Architects, DA.101-102, job no.078, issue A & B, dated 19.08.14, have been amended to include the following requirements:

- a) A minimum of 3 x 45 litre (pot size at the time of planting) evergreen trees that will assist with screening, privacy and separation between this site and adjoining properties to the south, must be provided in the area of deep soil at the rear, selecting species which will attain a minimum of 6 metres at height;

(These 3 trees must replace the 2 Frangipani's that are currently shown in this area).

- b) The planting schedule must include plant quantities and pot sizes, along with any other additional details required in order to describe the works, such as soil, mulch, irrigation, edging, paving, fencing, surface finishes, retaining walls, lighting;

- c) All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm, with details confirming compliance to be provided.

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

51. 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

52. 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 in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.

Removal of Asbestos Materials

53. 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 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence. A copy of the relevant licence must be provided to the Principal Certifying Authority.
- On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.
- Asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2005*. Details of the landfill site (which must be lawfully able to receive asbestos materials) must be provided to the Principal Certifying Authority.
- A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the Principal certifying authority upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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

Excavations, Back-filling & Retaining Walls

54. 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

55. 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

56. 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

57. 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

58. 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

59. 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

60. 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

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

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> • Monday to Friday - 7.00am to 5.00pm • Saturday - 8.00am to 5.00pm • Sunday & public holidays - No work permitted
Excavating of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like	<ul style="list-style-type: none"> • Monday to Friday - 8.00am to 1.00pm only • Saturday - No work permitted • Sunday & public holidays - No work permitted
Additional requirements for all development	<ul style="list-style-type: none"> • Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - No work permitted

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

Survey Requirements

62. 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

63. 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

64. 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.

Roadway

- 65. If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days' notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

Traffic Management

- 66. Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual "Traffic Control at Work Sites" (Version 4), to the satisfaction of Council.

Stormwater Drainage

- 67. 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.

- 68. 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.

Tree Management

- 69. Approval is granted for removal of the following trees, subject to implementation of the approved landscape plans:
 - a) The *Cupressus species* (Cedar) in the front yard, right in the northwest corner, as well as those shrubs along the western boundary, in front of the existing free-standing garage, as they are too small for Council's LEP & DCP clauses, and are also in direct conflict with the new basement entry ramp in this same area as shown;
 - b) The *Persea amercianna* (Avocado) in the rear yard, along the eastern boundary, just past the southeast corner of the existing dwelling, due to its direct conflict with all levels of the development;
 - c) The *Olea europaea* (European Olive) to its south, in a raised rockery, as well as the shrubs/small trees to the west, centrally in the rear yard, being a *Pittosporum undulatum* (Native Daphne) and a *Schefflera actinophylla* (Umbrella Tree) for the same reasons listed above;
 - d) Further to the south, in the highest, most southern terrace, the mature *Eriobotrya japonica* (Loquat) so as to accommodate the works and new landscape scheme for this area of open space.

- e) The *Cupressus sempervirens* (Italian Cypress) right in the southwest corner of the site to allow more desirable planting to be installed.

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

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

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

Fire Safety Certificates

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

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

Structural Certification

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

Sydney Water Certification

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

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

The Section 73 Certificate must be submitted to the Principal Certifying Authority and the Council prior to issuing an *Occupation Certificate* or *Subdivision Certificate*, whichever the sooner.

BASIX Requirements & Certification

74. 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

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

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

76. 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.

Council's Infrastructure, Vehicular Crossings & Road Openings

77. The owner/developer must meet the full cost for a Council approved contractor to:
- a) Construct a full width concrete heavy duty vehicular crossing and layback at kerb opposite the vehicular entrance to the premises to Council's specifications and requirements.
 - b) Construct kerb and gutter for the full site frontage except opposite the vehicular entrance and exit points, to Council's specifications and requirements.
 - c) Re-construct kerb and gutter for the full site frontage except opposite the vehicular entrance and exit points, to Council's specifications and requirements.
 - d) Carry out a full depth, 1 metre wide, road construction in front of the kerb and gutter along the full site frontage, to Council's specifications and requirements.
 - e) 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.
78. 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.

79. 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.

**Service Authorities
Sydney Water Requirements**

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

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

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

Ausgrid

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

Basement Carpark

82. The PCA shall be satisfied that the required amendments to the basement carpark have been provided in accordance with the conditions of this consent and/or AS 2890.1:2004.

Stormwater Drainage

83. 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.
84. 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).
85. 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.
86. 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 ground/seepage water 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**
87. 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 Plans by Lightbox Landscape Architects, DA.101-102, job no.078, issue A & B, dated 19.08.14, as well as any relevant conditions of consent.
88. 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 an Occupation Certificate.

Waste Management

89. 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.
90. 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

91. 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.

The following conditions are applied to satisfy the relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to the locality:

92. The use and operation of the premises shall not give rise to an environmental health or public nuisance.
93. There are to be no emissions or discharges from the premises which give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.

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

94. 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 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).

USE OF COMMON AREAS AND FACILITIES

95. Use of the roof top terraces must be limited to prevent disturbance to neighbouring residents:
- 8am to 10:00pm during weekdays and on Sundays.
 - 7am to midnight on Saturdays and public holidays.

A strata subdivision certificate must not be issued in respect of a strata plan for the development unless it incorporates strata by-laws accordingly and an instrument under Section 88B of the Conveyancing Act 1919 that includes a restriction on use of the terrace areas as set out above. The instrument under Section 88B cannot be varied without the approval of Council. In addition, the by-laws and instrument referred to above must be registered prior to the issue of any occupation certificate for the development.

Environmental Amenity

96. 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.
97. 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

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

Visitor Parking

99. Car parking spaces shall be allocated according to the following requirement and marked accordingly. Any future strata scheme must be consistent with this allocation.
- At least 1 space per unit and 2 visitor spaces. This must include two (2) adjacent spaces (preferably spaces 9 and 10) being altered into a combined accessible/visitor space and a motorcycle and marked accordingly.

Residential Parking Permits

100. All prospective owners and tenants of the building must be notified that Council will not issue any residential parking permits to occupants/tenants of this development.
101. A notice shall be placed in the foyer/common areas of the building advising tenants/occupiers that they are in a building which does not qualify for on-street resident parking permits.

Landscaping

102. Suitable strategies must be implemented to ensure that the landscaping is maintained in a healthy and vigorous state, until maturity, for the life of the development.

103. Ceiling fans must be provided in each main living room. Details of compliance must be included in the construction certificate application to the satisfaction of the Certifying Authority prior to the construction certificate being issued.

Safety and Security

104. Security grills/door are to be maintained at the basement entry. Entry into the basement parking shall be controlled by intercom and remote locking. Details shall be provided prior to obtaining a Construction Certificate to the satisfaction of the PCA.
105. Entry into the main entry lobby shall be controlled by intercom and remote locking. Details shall be provided prior to obtaining a Construction Certificate to the satisfaction of the Principal Certifying Authority.
106. Illumination shall be provided for all building entries, lobbies, common pedestrian paths and hallways, car park and communal open spaces within the development.
107. Low lying or downward facing lighting is to be provided along common pathways and at mailboxes.
108. All outdoor illumination must be designed to minimise light overspill and nuisance to the surrounding areas and comply with AS 4282: Control of the Obtrusive Effects of Outdoor Lighting.
109. All gates are to be self-closing with latches or lockable.
110. The street address shall not be conspicuously displayed at the Maroubra Road frontage, to the satisfaction of Council. Signage shall be included at the main entrances to indicate unit number and / or locations.

Waste Management

111. Each dwelling/unit shall consist of a temporary storage space (preferably under the kitchen sink) capable of holding a single's day waste and that will enable source separation. Details shall be provided to the satisfaction of the PCA prior to obtaining a Construction Certificate.
112. The bin storage room must be ventilated and fire protected to meet the relevant BCA requirements; consist of lighting; have a tap and hose; have a floor graded and drained to the sewer to the satisfaction of Sydney Water. Details shall be provided to the satisfaction of the PCA prior to obtaining a Construction Certificate.
113. Separate bins or storage areas shall be provided during works for materials to be reused, recycled and directed to landfill. Details shall be provided to the satisfaction of the PCA prior to obtaining a Construction Certificate.
114. A caretaker/or other responsible person must transport bins to and from the kerb side collection points immediately before and after collection, respectively.
115. The caretaker/or other responsible person must maintain the bins, storage room and kerbside collection zones in a hygienic condition and ensure no bins overflow. Any overflow must be cleaned up promptly.

Water Efficiency

116. Any water irrigation system shall be water efficient and may consist of:

- Automated sub-soil drip system.
- Soil moisture sensors.
- Use of non-potable sources (e.g. rainwater).

Details shall be submitted to and approved by the Principal Certifying Authority prior to issuing a construction certificate.

Postal Services and Mailboxes

117. Mailboxes shall be provided in accordance with the delivery requirements and guidelines of Australia Post. Each mailbox must clearly mark the number of the dwelling that it serves.

Building Façade

118. All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the front elevation of the building.
119. No approval is granted under this application to the strata subdivision of the residential flat building development approved herein. Where necessary, a separate application shall be submitted for the approval of Council.
120. Where appropriate, excavated soils are to be used as backfill / landscaped area, or appropriately classified and sent to a waste management centre. Details shall be provided in a waste management plan for demolition and construction wastes.

Side Setbacks

121. A fire protection statement must be submitted where windows are proposed on external walls of a residential flat building within 3m of the common boundaries. The statement must outline design construction measures that will enable operation of the windows (where required) whilst still being capable of complying with the relevant provisions of the BCA. Details shall be submitted to and approved by the Principal Certifying Authority prior to issuing a construction certificate.
122. Each unit must consist of an internal dryer in the laundry. Details of compliance must be included in the construction certificate application to the satisfaction of Council's Director of City Planning prior to obtaining a Construction Certificate.
123. All air conditioning units and the rainwater tank must meet the standard noise emission criteria of the NSW Environment Protection Authority (EPA) Noise Control Guidelines.

The air conditioning plant and rainwater tank 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.

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 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/childsafety 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 Preference should be given to providing low water consumption planting.

- A16 Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
- A17 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.
- A18 Further information and details on Council's requirements for trees on development sites can be obtained from the recently adopted Tree Technical Manual, which can be downloaded from Council's website at the following link, <http://www.randwick.nsw.gov.au> - Looking after our environment – Trees – Tree Management Technical Manual; which aims to achieve consistency of approach and compliance with appropriate standards and best practice guidelines.

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

AMENDMENT: (Matson/Shurey) that a deferred commencement condition be added that the rear basement car parking floor be level to the extent that the present non-conformance at the rear external wall height is eliminated. **LOST.**

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor D'Souza	Councillor Garcia
Councillor Matson	Councillor Moore
Councillor Neilson	Councillor Nash
Councillor Seng	Councillor Roberts
Councillor Shurey	Councillor Smith
	Councillor Stevenson
Total (6)	Total (7)

**CP65/15 Director City Planning Report - 24 Mitchell Street, Chifley
(DA/702/2015)**

324/15

RESOLUTION: (Stavrinou/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 the Floor Area Standard as detailed in the State Environmental Planning Policy (SEPP) - Affordable Rental Housing 2009 on the grounds that the proposed development complies with the objectives of the above RLEP 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/702/2015 to legitimise the use of the existing outbuilding as a secondary dwelling, at No. 24 Mitchell Street, Chifley, 2036, subject to the standard conditions contained in the development application compliance report attached to this report:

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

**CP66/15 Director City Planning Report - 131 Mount Street, Coogee
(DA/266/2015)**

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

325/15

RESOLUTION: (Matson/Roberts) that the matter be deferred for mediation to address issues including the bulk and scale of the proposal, noise, privacy, shadow impacts, solar access, parking and other amenity impacts on the neighbour immediately to the south.

MOTION: (Andrews/Nash):-

- A. 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/266/2015 for Demolition of the existing dwelling house and construction of a four storey residential flat building comprising of six dwellings and basement car park for 7 vehicles, associated site and landscape works, at No. 131 Mount Street, Coogee, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

Non standard conditions

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
- a) The rear car parking area including the driveway is to be enclosed along the southern edge by a solid wall extending the full height from floor-to-ceiling and the full length to the eastern end of the car parking area. Details of the design and materials to be used for the wall are to be submitted for approval prior to the issue of a Construction Certificate.
 - b) The south facing dining room window of Unit 6 must have obscure glazing up to a height of 1.5m.
 - c) Bin enclosures / rooms must be ventilated, fire protected, drained to the sewerage system and have lighting and water supply.
 - d) A mailbox must clearly mark the street number of the dwelling that it serves.
 - e) Provide adequate lighting for personal safety in common and access areas of the development.
 - f) Provide illumination for all building entries, pedestrian paths and communal open space within the development.
 - g) Storage facilities may be provided in basement or sub floor areas, or attached to garages. Where basement storage is provided, it should not compromise any natural ventilation in the car park, reduce sight lines or

obstruct pedestrian access to the parked vehicles.

- h) Provide a retractable or demountable clothes line in the courtyard of each dwelling unit.

AMENDMENT: (Matson/Roberts) CARRIED AND BECAME MOTION.

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Bowen	Councillor Moore
Councillor D'Souza	Councillor Stevenson
Councillor Matson	
Councillor Nash	
Councillor Neilson	
Councillor Roberts	
Councillor Seng	
Councillor Shurey	
Councillor Smith	
Total (10)	Total (3)

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

CP67/15 Director City Planning Report - 263-269 Clovelly Road, Clovelly (DA/566/2014/A)

326/15

RESOLUTION: (Smith/Andrews) –

- A. That Council, as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No. DA/566/2014/A for a modification of the approved development for a change of use of the approved training room to a caretakers unit, retention of the existing rock wall and removal of the approved basement store area.

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

Approved Plans & Supporting Documentation

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

Plan	Drawn by	Dated	Received by Council
DA02 Issue E	Bongiorno Hawkins	12.01.15	15 January 2015
DA03 Issue E	Bongiorno Hawkins	12.01.15	15 January 2015
DA05 Issue E	Bongiorno Hawkins	12.01.15	15 January 2015
DA06 Issue E	Bongiorno Hawkins	12.01.15	15 January 2015
DA07 Issue E	Bongiorno Hawkins	12.01.15	15 January 2015
DA08 Issue E	Bongiorno Hawkins	12.01.15	15 January 2015
DA09 Issue E	Bongiorno Hawkins	12.01.15	15 January 2015
DA 13 Issue E	Bongiorno Hawkins	12.01.15	15 January 2015
DA14 Issue E	Bongiorno Hawkins	12.01.15	15 January 2015
DA15 Issue E	Bongiorno Hawkins	12.01.15	15 January 2015
DA16 Issue E	Bongiorno Hawkins	12.01.15	15 January 2015
DA17 Issue E	Bongiorno Hawkins	12.01.15	15 January 2015
Landscape Plans 1 of 4 to 4 of 4	Tessa Rose	22 July, 2014	19 August 2014

Sample Boards 1 and 2	Tessa Rose		19 August 2014
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As amended by the Section 96 "A" plans and supporting documentation listed below:

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>
CC01 Issue B	Bongiorno Hawkins	5 Nov. 2015
CC02 Issue A	Bongiorno Hawkins	9 June 2015
CC03 Issue A	Bongiorno Hawkins	9 June 2015
CC04 Issue A	Bongiorno Hawkins	9 June 2015
CC05 Issue A	Bongiorno Hawkins	9 June 2015
CC06 Issue A	Bongiorno Hawkins	9 June 2015
CC07 Issue A	Bongiorno Hawkins	9 June 2015
CC08 Issue B	Bongiorno Hawkins	20 Oct. 2015
CC09 Issue A	Bongiorno Hawkins	20 Oct. 2015
CC10 Issue A	Bongiorno Hawkins	9 June 2015
CC11 Issue B	Bongiorno Hawkins	16 Sept. 2015
CC12 Issue B	Bongiorno Hawkins	16 Sept. 2015

Only in so far as they relate to the modifications highlighted on the section 96 plans and detailed in the Section 96 application, except as may be amended by the following conditions and as may be shown in red on the attached plans: .

- **Add condition 2c to read:**

2.c One of the staff car-spaces fronting Susan Lane shall be dedicated for use by the caretaker."

- **Amend Condition 21 to read:**

21. The condition of the rock face located along the northern (Susan Lane) site frontage must be fully assessed by a suitably qualified and experienced structural and/or geotechnical engineer. The assessment must determine if there is any potential for structural failure in the rock face and/or for weathered rock to fall into the development site. If stabilisation of the rock face is required to prevent structural failure or rock fall, detailed plans and specifications (including details of any rock anchors) must be submitted to the PCA for approval, and be approved, prior to the issuing of a construction certificate. All works must be carried out to the satisfaction of the PCA prior to the issuing of an occupation certificate. All stabilisation works must be inspected and certified by a suitably qualified structural / geotechnical engineer and a copy of the certification must be provided to Council prior to the issuing of an occupation certificate.

Notes:

- The use of ground anchors must be approved by Council and all of Council's terms and conditions must be met before installation of any anchors.
- This condition is required to minimise the potential for any failure of the rock face and the associated risk to the users of the childcare centre and damage to civil infrastructure in Susan Lane."

- **Amend Condition 51 to read:**

Food Safety

51. The onsite kitchen(s) that supplies the food business must be inspected by Council's Environmental Health Officer to ascertain compliance with relevant Food Safety Standards and the written approval of Council (being the relevant Food Authority for this food business) must be obtained prior to the operation of the food business."

- **Amend Condition 60 to read:**

Hours of Operation

60. The hours of the operation of the business (excluding residential activities associated with the caretakers unit) are restricted to the following: -

Monday – Friday only: 7:00am – 6:00pm.

Deliveries (including the loading and unloading of goods, but excluding residential deliveries to the caretakers unit) are restricted to:

Monday to Friday only: 7:00am - 6.00pm.”.

- **Amend Condition 61 to read:**

Flood Storage

61. Excluding food preparation for onsite residential purposes, all food preparation, cooking, display and storage activities must only be carried out within the approved food premises.

Storage shall be within appropriate shelves, off the floor and in approved storage containers. External areas or structures must not be used for the storage, preparation or cooking of food, unless otherwise approved by Council in writing and subject to any necessary further approvals.”.

- **Amend Condition 70 to read:**

70. Amplified music is not to be played in the outdoor play and caretaker’s courtyard areas at any time.”.

- **Amend Condition 71 to read:**

71. The outdoor areas on level 2 (upper-most floor) are not to be used in association with any after-hours events. The 4m x 3.2m courtyard area associated with the caretakers unit is the only outdoor area which may be used for general residential purposes (at all times).

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

CP68/15 Director City Planning Report - 169-181 Dolphin Street, Coogee (DA/649/2010/A)

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

327/15

RESOLUTION: (Andrews/Stavrinos) that Council, as the consent authority, grants consent under Sections 96 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/649/2010/A for permission to modify the land and environment court approved consent by amending condition no. 25 to refer to a new plan of management for the Coogee Pavilion at 169-181 Dolphin Street, Coogee, subject to the following conditions:

- **Amend Condition No. 25 to read:**

25. (a) The operator of the Hotel premises shall comply with the Plan of Management titled “Merivale Coogee Pavilion Plan of Management” – Version No: 0.26, Issued: 24 August 2015 (“Pavilion POM”) at all times.
- (b) Clause 2.4.1, 2.4.2 and 2.4.3 of The Pavilion POM referred to at 25 (a) shall be amended to include reference to the particular nature and range of activities that are available on each level.
- (c) The plan of management shall be amended to permit glassware within the outdoor dining area for a trial period of six months. The operator must

advise Council in writing two days prior to the commencement of the trial period.

- (d) The Pavilion POM referred to at 25 (a) may be amended from time to time ONLY with the prior written approval of Randwick City Council's Manager, Health Building & Regulatory Services and the Eastern Beaches Local Area Command Licensing Police.

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

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

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

AMENDMENT: (Matson/Shurey) that the plan of management shall be amended to prohibit glassware within the outdoor dining area. **LOST.**

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

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

CP69/15 Director City Planning Report - 3R Marine Parade, Maroubra (DA/641/2015)

328/15

RESOLUTION: (Andrews/Stavrinou)

- A. 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. 641/2015 for a first floor addition to Maroubra Beach Pavilion to be used as a training room by Surfing NSW, at No. 3R Marine Parade, Maroubra, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

Non standard conditions

External Colours, Materials & Finishes

3. a) 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.
- b) Highly reflective glass in windows visible from the public domain must not be used.
- c) External finishes to the building must be capable of properly withstanding deterioration and weathering accelerated by the coastal conditions.

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

General Manager's Reports**GM21/15 General Manager's Report - Review of the 2015-16 Operational Plan - September Quarter (F2015/03001)**

329/15

RESOLUTION: (Stavrinou/Matson) that the information contained in the September 2015 Review of the 2015-16 Annual Operational Plan be received and noted.

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

GM22/15 General Manager's Report - Fit for the Future Update and Transition Planning (F2014/00635)

Note: A rescission motion on this item was submitted by Councillors Belleli, Bowen and Stevenson in accordance with Council's Code of Meeting Practice and will be considered at the Ordinary Council Meeting to be held on 8th December, 2015.

330/15

RESOLUTION: (Smith/Stavrinou) that:

1. Council notes IPART's assessment of Randwick City and Waverley Councils' joint merger proposal as fit for the future.
2. Council write to its merger partner, Waverley Council, seeking endorsement that:
 - a. membership of the proposed Local Transition Committee comprise:
 - the Mayor of each merging council;
 - four additional Councillors from each merging council; and
 - the General Manager of each merging council.
 - b. noting the NSW Government will provide a Local Transition Committee membership allowance of \$5,000.00 per month to the Mayor and one Councillor, Council will fund the allowance of three additional Councillor committee members.
3. Council formally appoints the Mayor, Cr D'Souza and Councillors Matson, Andrews, Seng and Nash as Randwick City Council's elected members on the proposed Local Transition Committee.
4. A Randwick Transition Working Group be established, consisting of the Randwick Council members of the proposed Local Transition Committee.

MOTION: (Bowen/Stevenson) that the report be received and noted.

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

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

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

AMENDMENT: (Stevenson/Bowen) that none of the Councillors that are going to be on the Transition Committee be paid. **LOST.**

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

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

AMENDMENT: (Neilson/Bowen) that the Deputy Mayor be included on this Transition Committee. **LOST.**

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

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

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

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST

were as follows:

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

Director City Services Reports

CS13/15 Director City Services Report - Resident Representation on the Greening Randwick Committee (F2007/00647)

331/15 **RESOLUTION: (Matson/Shurey) that:-**

- Graham Turner, Heidi Dokulil, Beth Sargent and James Shillington be endorsed as resident representatives on the Greening Randwick Committee;
- Ms Ricki-Lee McLaurin-Smith also be a resident representative on the Greening Randwick Committee, based upon her acceptance at the meeting tonight;
- the elected membership consist of the Mayor, Cr D'Souza, Councillor Matson (Chairman) and a Liberal Councillor (Deputy Chair) to be advised; and
- the Greening Randwick Committee will make recommendations and report to the Environment Committee.

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

Director Governance & Financial Services Reports

GF51/15 Director Governance & Financial Services Report - Quarterly Budget Review - September 2015 (F2015/00184)

332/15 **RESOLUTION: (Andrews/Stavrinou) that:**

- the report in relation to the September 2015 Budget Review be received and noted; and
- the proposed September 2015 budget variations shown in the attachment to this report be adopted.

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

GF52/15 Director Governance & Financial Services Report - Code of Conduct Complaint Statistics (F2004/06569)

333/15 **RESOLUTION: (Andrews/Stavrinou) that the Code of Conduct statistics for the period September 2014 to September 2015 be forwarded to the Office of Local Government (Department of Premier and Cabinet) in accordance with part 12 of the**

Procedures for the Administration of the Model Code of Conduct.

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

GF53/15 Director Governance & Financial Services Report - Schedule of Meetings for 2016 and Arrangements for Decision Making over the Christmas/New Year period (F2004/06565)

334/15 **RESOLUTION: (Andrews/Stavrinos) that:**

- a) the Council Meeting recess commence following the ordinary Council Meeting scheduled to be held on Tuesday 8 December, 2015 and meetings be resumed on Tuesday 9 February 2016 (with Committee meetings being held on that night) and during the recess period the 'Council in Recess Procedure' be utilised, subject to the need for any extraordinary Council Meetings, which may be called in extenuating circumstances; and
- b) the Meeting Schedule for the 2016 calendar year be adopted.

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

GF54/15 Director Governance & Financial Services Report - Council Operating Hours - Christmas and New Year 2015-16 (F2006/00304)

335/15 **RESOLUTION: (Andrews/Stavrinos)** that the proposed 2015-16 Christmas and New Year opening hours for the Administration Building, Depot, Libraries and Leisure Centre, be endorsed.

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

GF55/15 Director Governance & Financial Services Report - Investment Report - October 2015 (F2015/06527)

336/15 **RESOLUTION: (Andrews/Stavrinos)** that the investment report for October 2015 be received and noted.

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

GF56/15 Director Governance & Financial Services Report - Further Election of Delegates to Various Committees (F2005/00775)

Note: A rescission motion on this item was submitted by Councillors Belleli, Bowen and Moore in accordance with Council's Code of Meeting Practice and will be considered at the Ordinary Council Meeting to be held on 8th December, 2015.

337/15 **RESOLUTION: (Andrews/Garcia) that:**

- (a) Council appoint Councillor Stavrinos as the delegate for representation on the Eastern Suburbs Business Enterprise Centre Committee and Councillor Moore as the delegate for representation on the Sydney Coastal Councils Committee, as resolved at the Extraordinary meeting of 29 September 2015;
- (b) the La Perouse Museum & Headland Trust and the Memorial for Fallen Lifesavers Trust be included on the official Committee Membership list adopted each year by Council; and

(c) Cr Seng be replaced as a JRPP alternate delegate by Cr Andrews.

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

Petitions

Nil.

Motion Pursuant to Notice

NM59/15 Motion Pursuant to Notice - Notice of Motion from Cr Stavrinis - Proposed Wheel Locking System - Abandoned Shopping Trolleys (F2006/00393)

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

338/15

RESOLUTION: (Stavrinis/Roberts) that Council:

- a) hold a meeting involving the Centre Management of all Shopping Centres in the Randwick LGA(including Eastlakes Shopping Centre, Southpoint Shopping Centre and Eastgardens Shopping Centre) and Trolley Trackers, to work out a strategy aimed at preventing abandoned shopping trolleys from being left in public spaces. At this meeting the Code of Practice For the Management of Shopping Trolleys and the voluntary implementation of wheel-locking systems will be discussed, aimed at preventing trolleys being taken outside the perimeter of shopping centres;
- b) include a standard condition of consent for relevant development requiring the preparation of a strategy/Plan of Management to retain the shopping trolleys within the premises, this could include provisions such as wheel locking systems;
- c) seek legal advice to determine who is responsible for any property damage caused by abandoned shopping trolleys in public spaces; and
- d) hold regular meetings with all concerned stakeholders regarding shopping trolley management and run a public education campaign with the assistance of shopping centres aimed at reducing the number of shopping trolleys being abandoned in public spaces.

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

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

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

Total (11)**Total (2)**

AMENDMENT: (Matson/Shurey) that a clause (e) be added stating "that Council brings forward draft policies covering (i) a social justice policy guaranteeing consumers' rights to fair access to food & household goods and (ii) advancing the compulsory provision by wholesalers of food & household goods of adequate home delivery services." **LOST.**

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

FOR

Councillor Belleli
Councillor D'Souza
Councillor Matson
Councillor Neilson
Councillor Shurey

Total (5)**AGAINST**

Councillor Andrews
Councillor Moore
Councillor Nash
Councillor Roberts
Councillor Seng
Councillor Smith
Councillor Stavrinou
Councillor Stevenson

Total (8)

NM60/15 Motion Pursuant to Notice - Notice of Motion from Crs Bowen, Moore & Neilson - Protection of Trees - Light Rail (F2004/08175)

Note: A rescission motion on this item was submitted by Councillors Andrews, Roberts and Stavrinou in accordance with Council's Code of Meeting Practice and will be considered at the Ordinary Council Meeting to be held on 8th December, 2015.

339/15

RESOLUTION: (Bowen/Moore) that in noting that Light Rail construction work will commence in January 2016 and will result in the destruction and loss of a significant number of established trees through Randwick, including along Alison Road, Wansey Road, High Street and Anzac Parade; this Council: -

1. acknowledges that the established trees in Randwick threatened by Light Rail construction are a precious part of Randwick's living environment, synonymous with the Randwick Local area;
2. calls on the state government to urgently review the design for Light Rail to ensure the trees of Randwick are protected;
3. expands the current campaign to include identifying each tree threatened by the CSELR, while abiding by the signed development agreement;
4. delegates authority to the General Manager to fund this campaign from savings identified in the budget; and
5. notes the tabled submission tonight from the community member who addressed Council on the matter and obtains an urgent legal opinion, prior to the next Council meeting, on the substance of her request that we explore, in addition to our other previous resolution for legal advice, the possibility of a judicial review into the consent granted for the CSELR relating to the protection of trees.

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

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Bowen	Councillor Nash
Councillor D'Souza	Councillor Roberts
Councillor Garcia	Councillor Seng
Councillor Matson	Councillor Smith
Councillor Moore	Councillor Stavrinou
Councillor Neilson	
Councillor Shurey	
Councillor Stevenson	
Total (9)	Total (6)

Confidential Reports

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

Closed Session

CP69/15 Confidential - 23 Courland Street, Randwick (DA/827/2014)

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

340/15

RESOLUTION: (Andrews/Stavrinou) that Council enter into consent orders in relation to the Class 1 appeal against Council's deemed refusal of the development application seeking approval for demolition of an existing building and the construction of a part three (3) and part four (4) storey boarding house at 23 Courland St, Randwick.

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

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

FOR	AGAINST
Councillor Andrews	Councillor Bowen
Councillor Belleli	Councillor Neilson
Councillor D'Souza	
Councillor Garcia	
Councillor Matson	
Councillor Moore	
Councillor Nash	
Councillor Roberts	
Councillor Seng	
Councillor Shurey	
Councillor Smith	
Councillor Stavrinou	
Councillor Stevenson	
Total (13)	Total (2)

CS14/15 Confidential - Quotation Q2016-07 - Supply of Garbage Compactors (F2015/00388)

This matter is considered to be confidential under Section 10A(2) (c) Of the Local

Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

341/15

RESOLUTION: (Stavrinos/Smith) that Council under Regulation 178(1)(a) of the Local Government (General) Regulation 2005:

1. authorise the General Manager, or delegated representative, to enter into a contract on behalf of Council with the recommended suppliers being:

Bucher Municipal for:

2 off Isuzu FRR 600 cab chassis with 8m ³ compactors	\$567,346.14
2 off Mercedes Econic 1830 cab chassis with 14m ³ compactors	\$767,811.44
2 off Mercedes Econic 2630LL cab chassis with 20m ³ compactors	\$855,021.94
TOTAL	\$2,190,179.40

and Volvo Commercial Vehicles for:

2 off Volvo FE7 cab chassis with 22m ³ compactors	\$826,237.84
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2. notify the unsuccessful tenderers.

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

CS15/15 Confidential - Tender T2016-04 - Licence for the Operation of Stand Up Paddle Board Schools (F2015/00201)

This matter is considered to be confidential under Section 10A(2) (c) Of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

342/15

RESOLUTION: (Andrews/Stavrinos) that:

1. Council under Regulation 178(1)(a) the Local Government (General) Regulation 2005, and subject to contractual negotiations being finalised to the reasonable satisfaction of the General Manager, accept the offer of Let's Go Surfing Pty Ltd as the successful tender for T2016-04 Licences for the Operation of Stand-up Paddleboard School/s.
2. Council authorises the General Manager, or delegated representative, to enter into a five (5) year licence agreement with Let's Go Surfing Pty Ltd for a Stand Up Paddle Board School at Malabar Beach and enter into a five (5) year licence agreement with Let's Go Surfing Pty Ltd for a Stand Up Paddle Board School at Frenchmans Bay, subject to the Approval in Principal from the Department of Primary Industries (Crown Lands).
3. Council notifies the unsuccessful tenderers.

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

CS16/15 Confidential - Tender T2016-12 - Kensington Community Centre Alterations and Additions (F2015/00430)

This matter is considered to be confidential under Section 10A(2) (c) Of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

343/15

RESOLUTION: (Stavrinos/Smith) that Council:

1. under Regulation 178(1)(a) of the Local Government (General) Regulation 2005, and subject to contractual negotiations being finalised to the reasonable satisfaction of the General Manager, accept Momentum Built Pty Ltd as the successful tenderer for T2016-12 Kensington Community Centre – Alterations and Additions, at a lump sum price of \$2,764,940.49 (ex GST);
2. authorises the General Manager, or delegated representative, to enter into a contract on behalf of Council; and
3. notifies unsuccessful tenderers.

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

CS17/15 Confidential - Tender T2016-13 - Chifley Sports Reserve Inclusive Playground Construction (F2015/00432)

This matter is considered to be confidential under Section 10A(2) (c) Of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

344/15

RESOLUTION: (Andrews/Stavrinos) that Council:

1. under Regulation 178(1)(a) of the Local Government (General) Regulation 2005, and subject to contractual negotiations being finalised to the reasonable satisfaction of the General Manager, accept Glascott Landscape and Civil as the successful tenderer for T2016-13 Chifley Sports Reserve Inclusive Playground Construction, at a lump sum price of \$819,263.64 (ex GST);
2. authorises the General Manager, or delegated representative, to enter into a contract on behalf of Council; and
3. notifies unsuccessful tenderers.

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

Open Session

The meeting moved back into open session.

Urgent Business

Nil.

Notice of Rescission Motions

- a) A rescission motion on item GM22/15 (Fit for the Future Update and Transition Planning) was submitted by Councillors Belleli, Bowen and Stevenson in accordance with Council's Code of Meeting Practice and will be considered at the Ordinary Council Meeting to be held on 8th December 2015.
- b) A rescission motion on Item GF56/15 (Further Election of Delegates to Various Committees) was submitted by Councillors Belleli, Bowen and Moore in accordance with Council's Code of Meeting Practice and will be considered at an Extraordinary Council Meeting to be held on 8th December 2015.

- c) A rescission motion on Item NM60/15 (Notice of Motion from Crs Bowen, Moore & Neilson - Protection of Trees - Light Rail) was submitted by Councillors Andrews, Roberts and Stavrinou in accordance with Council's Code of Meeting Practice and will be considered at an Extraordinary Council Meeting to be held on 8th December 2015.

There being no further business, His Worship the Mayor, Cr D' Souza, declared the meeting closed at 10.35pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 8 December 2015.

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CHAIRPERSON