



**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, 26 JULY 2016 AT 6:05PM**

**Present:**

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

Councillor G Moore (Deputy Mayor) (West Ward)

- |              |   |
|--------------|---|
| North Ward   | - Councillor K Smith                        |
| South Ward   | - Councillors R Belleli & P Garcia          |
| East Ward    | - Councillors T Bowen, M Matson & B Roberts |
| West Ward    | - Councillor S Nash                         |
| Central Ward | - Councillors A Andrews & T Seng            |

**Officers Present:**

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

**Prayer & Acknowledgement of Local Indigenous People**

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

The meeting observed one minute silence as a mark of respect for the victims of the recent tragedy in Nice, France.

**Apologies/Granting of Leave of Absences**

Apologies were received from Councillors Neilson, Shurey, Stavrinis and Stevenson.

**RESOLVED: (Smith/Matson)** that the apologies received from Councillors Neilson, Shurey, Stavrinis and Stevenson be accepted and leave of absence from the meeting

be granted.

## **Confirmation of the Minutes**

### **CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY 28 JUNE 2016**

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149/16

**RESOLUTION: (Matson/Nash)** that the Minutes of the Ordinary Council Meeting held on Tuesday 28 June 2016 (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 CP45/16 as he knows people who live in the street in question. Cr Matson will not be taking any part in the debate or voting on this matter.
- b) Cr Matson declared a non-significant non pecuniary interest in Item MM23/16 as his daughter attends this school.
- c) Cr Belleli declared a significant non pecuniary interest in Item NM33/16 as his business is located in a street in close proximity to these works. Cr Belleli will be taking no part in the debate or voting on the matter.
- d) Cr Bowen declared a significant non pecuniary interest in Item CP46/16 as he has a close relative who lives nearby. Cr Bowen will not be taking any part in the debate or voting on this matter.
- e) Cr Nash declared a non-significant non pecuniary interest in Item CP45/16 as he knows one of the speakers through the Liberal Party.
- f) Cr Nash declared a pecuniary interest in Item NM33/16 as he is undertaking professional work on this project. Cr Nash will not be taking any part in the debate or voting on this matter.
- g) Cr Belleli declared a non-significant non pecuniary interest in Item MM23/16 as he and his wife own a performing art school.
- h) Cr Belleli declared a non-significant non pecuniary interest in Item CP45/16 as he knows the speaker as a former Woollahra Councillor.
- i) Cr Seng declared a non-significant non pecuniary interest in Item CP45/16 as he knows the speaker as a former Woollahra Councillor.
- j) Cr Andrews declared a non-significant non pecuniary interest in Item CP45/16 as he knows the speaker as a former Woollahra Councillor.
- k) Cr Garcia declared a significant non pecuniary interest in Item MM22/16 as he is a member of the Coogee Surf Life Saving Club. Cr Garcia will not be taking any part in the debate or voting on this matter.
- l) Cr Belleli declared a non-significant non pecuniary interest in Item MM24/16 as he and his wife's performing arts school has performed for free at the Coogee Family Fun Day which is organised by the same organisation.
- m) Cr Seng declared a non-significant non pecuniary interest in Item GM13/16 as he lives in and owns a property in close proximity to the Kingsford Market site.
- n) Cr Matson declared a non-significant non pecuniary interest in Item GM13/16 as he lives in general proximity to the light rail terminus site.

## **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:

MM23/16 Mayoral Minute - National Art School

**For** Mr Oliver Lardner

CP45/16 20 WENTWORTH STREET, RANDWICK (DA/194/2016) DEFERRED

**Objector** Anthony Boskovitz on behalf of the objector

**Applicant** Jeff Karskens on behalf of the applicant

CP46/16 29 DOLPHIN STREET, RANDWICK (DA/333/2015) (DEFERRED)

**Objector** Jennifer Tuckwell

**Applicant** Vanessa Farrer on behalf of the applicant

CP48/16 29 BAIRD AVENUE, MATRAVILLE (DA/142/2016)

**Objector** Bryce Anderson

**Applicant** John Boerg on behalf of the applicant

CP50/16 46 TORRINGTON ROAD, MAROUBRA (DA/77/2013/B)

**Applicant** Diego Jaime

NM45/16 NOTICE OF MOTION FROM CR MATSON - DRAFT AMENDING LEP TO HERITAGE LIST 48 DUDLEY STREET COOGEE

**For** Tony Sheedy

The Meeting was adjourned at 7.08pm and was resumed at 7.20pm.

### Mayoral Minutes

#### **MM21/16 Mayoral Minute - Waiving of Fees - Sydney Sixers Cricket Team (F2016/00096)**

150/16

**RESOLUTION: (His Worship the Mayor, Cr N D'Souza) that:**

- a) Council vote \$2,123.00 to cover the fees associated with hosting the Sydney Sixers Event to be held on Sunday 9 October, 2016 and funds be allocated from the 2016-17 Contingency Fund;
- b) the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and
- c) the Mayor or the Mayor's representative be given the opportunity to address the event on behalf of Council.

**MOTION: (His Worship the Mayor, Cr N D'Souza) CARRIED - SEE RESOLUTION.**

#### **MM22/16 Mayoral Minute - Coogee SLSC - Fundraising Dinner (F2016/00001)**

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

151/16 **RESOLUTION: (His Worship the Mayor, Cr N D'Souza)** that Council confirms the financial support for Coogee SLSC of \$4,000.00 for a table at the recent fundraising dinner to help re-build the Club building following the recent storms, and confirms that this amount will be funded from the 2016-17 Contingency Fund.

**MOTION: (His Worship the Mayor, Cr N D'Souza) CARRIED - SEE RESOLUTION.**

**MM23/16 Mayoral Minute - National Art School (NAS) (F2016/06574)**

152/16 **RESOLUTION: (His Worship the Mayor, Cr N D'Souza)** that this matter be deferred to the next ordinary Council meeting to allow for the consideration of further information by Councillors.

**MOTION: (His Worship the Mayor, Cr N D'Souza) CARRIED - SEE RESOLUTION.**

**MM24/16 Mayoral Minute - Waiving of Street Banners Hire Fees - Taste of Coogee 2016. (F2016/00096)**

153/16 **RESOLUTION: (His Worship the Mayor, Cr N D'Souza)** that:

- a) Council agrees to waive the street banner hiring fees for twelve banners for a three week period for the Coogee Chamber of Commerce is \$2,847.24 (plus GST);
- b) the organisers undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event;
- c) Council's logo be included on the street banners to acknowledge our support;
- d) the Mayor or his representative is given the opportunity to address the event on behalf of Council;
- e) the event organisers provide Council with information following the event on the number of attendees; and
- f) the banners will only be installed if the event is approved.

**MOTION: (His Worship the Mayor, Cr N D'Souza) CARRIED - SEE RESOLUTION.**

**AMENDMENT: (Matson/Moore)** that this matter be deferred until the August Committee Meetings to wait for the decision on whether to approve this event to be made by Council. **LOST.**

**MM25/16 Mayoral Minute - NSW Police Force Request to Waive Hire Fees for Prince Henry Centre (F2016/00001)**

154/16 **RESOLUTION: (His Worship the Mayor, Cr N D'Souza)** that Council waives the Prince Henry Centre hire fees associated with the awards ceremony for the Major Events and Incidents Group (MEIG) of the NSW Police Force to be held on the 14th of September, 2016 with the funds to come from the Council Contingency Fund 2016/17.

**MOTION: (His Worship the Mayor, Cr N D'Souza) CARRIED - SEE**

**RESOLUTION.****Urgent Business**

Nil.

**Director City Planning Reports****CP45/16 Director City Planning Report - 20 Wentworth Street, Randwick  
(DA/194/2016) Deferred**

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

155/16

**RESOLUTION: (Andrews/Bowen)** 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/194/2016 for the demolition of the existing garage, construction of a new garage fronting the laneway with first floor studio/bathroom above, first floor alterations and additions to rear of existing dwelling including new first floor deck with pergola and associated works (Heritage Conservation Area) at 20 Wentworth Street, Randwick subject to the following conditions:

**GENERAL CONDITIONS**

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

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

**Approved Plans & Supporting Documentation**

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

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>
DA 1.00	Jeff Karskens	04.04.2016
DA 1.01		
DA 1.02		
DA 2.01		
DA2.02		
DA2.03		
DA2.04		

<b>BASIX Certificate No.</b>	<b>Dated</b>
A244122	31 March 2016

**Amendment of Plans & Documentation**

2. The approved plans and documents must be amended in accordance with the following requirements:
  - a. The air conditioning unit must be relocated to the northern side of the first floor deck in a noise attenuating enclosure.
  - b. The first floor deck must be reduced in width to be in line with the roof of

the existing ground floor immediately below.

- c. A 500mm wide planter box must also be constructed along the western edge of the first floor deck.

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

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

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

#### **Consent Requirements**

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

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

4. In accordance with Council's Section 94A Development Contributions Plan effective from 21 April 2015, based on the development cost of \$208 000.00 the following applicable monetary levy must be paid to Council: \$2080.00 .

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

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

Where:

**IDC** = the indexed development cost

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

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

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

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

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

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

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

**Security Deposit**

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

- \$600.00 - Damage / Civil Works Security Deposit

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

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

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

**Sydney Water**

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

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

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

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

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

**Design Alignment levels**

8. The design alignment level (the finished level of concrete, paving or the like) at the property boundary for the driveway level fronting Dangar Lane shall be as follows:

- **60mm above the edge of the bitumen road level in Dangar Lane at both the northern end and southern end of the garage door openings.**

The design alignment levels at the property boundary as issued by Council and their relationship to the roadway 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.

9. The above alignment levels and the site inspection by Council's Development

Engineer have been issued at a prescribed fee of \$155.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.

#### **Driveway Design**

10. The internal driveway ramp grade shall not exceed a grade of 1:6 at the northern end of the garage opening or at any other point along the garage door opening. The levels of the driveway must match the alignment levels at the property boundary (as specified by Council). Details of compliance are to be included in the construction certificate documentation.

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

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

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

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

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

#### **BASIX Requirements**

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

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

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

#### **Stormwater Drainage**

13. A surface water/stormwater drainage system must be provided in accordance with the following requirements, to the satisfaction of the Certifying Authority and details are to be included in the construction certificate:-
  - a) Surface water/stormwater drainage systems must be provided in accordance with the relevant requirements of the Building Code of Australia (Volume 2);
  - b) The surface water/stormwater must be drained and discharged to the street gutter or, subject to site suitability, the stormwater may be drained to a suitably designed absorption pit;
  - c) Any absorption pits or soaker wells should be located not less than 3m from any adjoining premises and the stormwater must not be directed to



- any adjoining premises or cause a nuisance;
- d) External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the building, or cause a nuisance or damage to the adjoining premises;
  - e) Details of any proposed drainage systems or works to be carried out in the road, footpath or nature strip must be submitted to and approved by Council before commencing these works.

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

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

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

**Public Utilities**

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

**Certification, PCA & other Requirements**

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

A copy of the construction certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
  - b) a *Principal Certifying Authority* (PCA) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and
  - c) a *principal contractor* must be appointed for the building work, or in relation to residential building work, an *owner-builder* permit may be obtained in accordance with the requirements of the *Home Building Act 1989*, and the PCA and Council are to be notified accordingly; and
  - d) the *principal contractor* must be advised of the required *critical stage inspections* and other inspections to be carried out, as specified by the

*Principal Certifying Authority; and*

- e) at least two days' notice must be given to the Council, in writing, prior to commencing any works.

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

**Home Building Act 1989**

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

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

**Dilapidation Reports**

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

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

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

**Construction Noise & Vibration Management Plan**

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

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

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

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

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

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

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

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

#### **Demolition Work Plan**

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

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

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

The Demolition Work Plan must be submitted to the Principal Certifying

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

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

### **Notes**

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

### **Public Utilities**

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

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

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

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

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

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

### **Inspections During Construction**

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

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

### **Site Signage**

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

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

### **Restriction on Working Hours**

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

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

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

### **Demolition Work Requirements**

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

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

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

### **Removal of Asbestos Materials**

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

- Relevant Occupational Health & Safety legislation and WorkCover NSW requirements

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

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

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

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

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

29. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:
- a) Public access to the building site and materials must be restricted by existing boundary fencing or temporary site fencing having a minimum height of 1.5m, to Council's satisfaction.  
  
Temporary site fences are required to be constructed of cyclone wire fencing material and be structurally adequate, safe and constructed in a professional manner. The use of poor quality materials or steel reinforcement mesh as fencing is not permissible.
  - b) Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.
  - c) The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris

at all times. Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.

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

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

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

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

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

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

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

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

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

#### **Building Encroachments**

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

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

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

The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a final occupation certificate for the development.

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

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

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

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

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

#### **Occupation Certificate Requirements**

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

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

#### **BASIX Requirements**

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

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

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



37. The applicant must meet the full cost for a Council approved contractor to:
- a. Construct a concrete layback with concrete guttering opposite the garage entrance to the site in Dangar Lane, to Council's specifications and requirements.
38. The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
39. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:
- a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
  - b) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a Pre-paid Works Application Form, prior to an occupation certificate being issued for the development, together with payment of the relevant fees.
  - c) If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.

The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.

#### **OPERATIONAL CONDITIONS**

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

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

#### **Use of premises**

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

#### **Air Conditioning Unit**

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

- before 7.00am or after 10.00pm on any other day.

**ADVISORY NOTES**

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

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

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

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

- A3 In accordance with the requirements of the *Environmental Planning & Assessment Act 1979*, building works, including associated demolition and excavation works (as applicable) must not be commenced until:

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

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

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

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

For further information please contact Council on 9399 0944.

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

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

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

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

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

A9 Smoke alarms are required to be installed in all residential dwellings, in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979* and the Building Code of Australia. Details should be included in the construction certificate application.

A10 Demolition work and removal of asbestos materials:

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

A11 Any external lighting to the premises should be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.

A12 Building owners and occupiers should consider implementing appropriate measures to prevent children from falling from high-level window openings and balconies (e.g. by installing window locking devices; installing heavy-duty screens to window openings; limiting the dimensions of any openings to 125mm; ensuring balustrades to balconies are at least 1m high and; locating fixtures, fittings and furniture away from high-level windows and balconies).

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

A13 Council's assessment of this application does not include an assessment of compliance with the *Swimming Pool Act 1992*. All pool barriers, fences and structures within properties containing a swimming pool must comply with the requirements of the *Swimming Pool Act 1992*, BCA and relevant Australian Standards.

Details of compliance with the *Swimming Pool Act 1992*, Building Code of

Australia and relevant Standards must be included in the Construction Certificate to the satisfaction of the Building Certifier.

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

**CP46/16 Director City Planning Report - 29 Dolphin Street, Randwick  
(DA/333/2015) (Deferred)**

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

156/16

**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 Clause 4.3 of Randwick Local Environmental Plan 2012, relating to height of buildings, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning & Infrastructure be advised accordingly.
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 333/2015 for Alterations and additions to existing residential flat building for a 1 x 2 bedroom unit (unit 5) with study in a roof form redesigned with dormer elements and allocation of 2 units as affordable rental housing (unit3 and unit 5), at No. 29 Dolphin Street, Randwick, subject to the following:

**GENERAL CONDITIONS**

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

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

**Approved Plans & Supporting Documentation**

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

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Received by Council</b>
DA-000	asa architects	07/03/16	8 March 2016
DA-010		07/03/16	8 March 2016
DA-030		07/03/16	8 March 2016
DA-100		07/03/16	8 March 2016
DA-102		07/03/16	8 March 2016
DA-300		07/03/16	8 March 2016
DA-301		07/03/16	8 March 2016

<b>BASIX Certificate No.</b>	<b>Dated</b>	<b>Received by Council</b>
A219616	21 May 2015	22 May 2015

**Amendment of Plans & Documentation**

2. The approved plans and documents must be amended in accordance with the following requirements:
  - a. The upper level rear terrace must be reduced in depth by 2.2 metres allowing for a maximum depth of 2.2m measured from the northern elevation of the habitable living room.
  - b. The privacy screens along the eastern and western sides of the upper level rear terrace must have a height of 1.6m above the terrace floor level. The privacy screen must be constructed of metal or timber and the total area of any openings within the privacy screen must not exceed 25% of the area of the screen. Alternatively, the privacy screen may be constructed with translucent, obscured, frosted or sandblasted glazing in a suitable frame.

#### **Affordable Rental Housing Component**

3. A plan to be submitted to Council satisfactory to SEPP (Affordable Rental Housing) identifying units 3 & 5 as dedicated to affordable rental housing.

The specific dwellings identified for affordable rental housing shall be indicated on the stamped approved Construction Certificate plans, a copy of which should be submitted to Council.

- a. The dwellings to be used for the purposes of 'affordable rental housing', as per the provisions of the SEPP shall be used as such for at least 10 years from the date of the issue of the occupation certificate.
- b. The affordable rental housing component (secured for a minimum of 10 years) must be managed by a registered Community Housing Provider (CHP). The CHP must ensure compliance with the occupant restriction and others provisions of the regulatory code established through regulations under the Housing Act 2001.
- c. A restriction must be registered, before the date of the issue of the occupation certificate, against the title of the property, in accordance with Section 88E of the Conveyancing Act 1919 that will ensure that the requirements a. and b. are met and that the terms of restriction may not be varied without Council's consent.
- d. Prior to an occupation certificate being granted, evidence must be provided to Council demonstrating that the section 88E covenant has been registered on the title stating that the affordable rental housing component must be used for affordable rental housing and managed by a registered CHP.

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

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

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

#### **Consent Requirements**

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

associated documentation.

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

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

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

- b) Details of the proposed colours, materials and textures (i.e. elevations 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**

6. In accordance with Council's Section 94A Development Contributions Plan effective from 21 April 2015, based on the development cost of \$231,935.00, the following applicable monetary levy must be paid to Council: \$2,319.35.

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:

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

Where:

**IDC** = the indexed development cost

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

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

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

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

### **Long Service Levy Payments**

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

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

### **Security Deposits**

8. The following security deposits requirement must be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused to Council's assets and infrastructure; and as

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

- \$600.00 - Damage / Civil Works Security Deposit

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

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

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

### **Sydney Water**

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

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

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

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

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

### **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.

### **Structural Adequacy**

10. Certificate of Adequacy supplied by a *professional engineer* shall be submitted to the certifying authority (*and the Council, if the Council is not the certifying authority*), certifying the structural adequacy of the existing structure to support the upper floor addition.

### **Building Code of Australia & Fire Safety**

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

*Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA). Details of compliance are to be provided in the construction certificate.

12. All new building work (including alterations, additions, fit-out work and fire safety works) are to be carried out in accordance with the relevant provisions of the Building Code of Australia (BCA) and details are to be included in the Construction Certificate, to the satisfaction of the Certifying Authority.
13. The existing levels of fire and safety within the building are to be upgraded in accordance with the following requirements, to provide improved levels of fire and occupant safety in the building:
  - a) A report prepared by a suitably qualified and experienced Building Code of Australia/Fire Safety Consultant is to be submitted to and approved by Council's Manager of Health, Building & Regulatory Services, prior to issuing a Construction Certificate.

The report must include a detailed assessment of the existing building and compliance with the Building Code of Australia. The report must also include details of the measures and works considered appropriate to achieve an adequate level of fire safety for the building and the occupants.

The fire safety upgrading works (as approved by Council) are required to be incorporated into the Construction Certificate and be implemented prior to issue of a final Occupation Certificate for the development.

14. The building and fire safety upgrading works must be included in the *Construction Certificate* for the development and must be carried out prior to issuing of a final *Occupation Certificate* for the development. Written correspondence must be provided to Council which confirms that all of the upgrading works have been carried out in accordance with the conditions of consent.

#### **Access & Facilities**

15. Access and/or facilities for people with disabilities must be provided to all new building work in accordance with any relevant provisions of the Building Code of Australia Disability (Access to Premises – Buildings) Standards 2010, to the satisfaction of the Certifying Authority.

#### **BASIX Requirements**

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

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

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

#### **Site stability and construction work**

17. 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*.

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

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

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

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

18. 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.

- a) a *Principal Certifying Authority* (PCA) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and
- b) 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
- c) at least two days' notice must be given to the Council, in writing, prior to commencing any works; and
- d) the relevant requirements of the *Home Building Act 1989* (as applicable)

must be complied with and details provided to the Principal Certifying Authority and Council.

### **Demolition Work & Removal of Asbestos Materials**

19. Demolition work must be carried out in accordance with the following requirements:

- a) Demolition work must be carried out in accordance with Australian Standard, AS2601 (2001) - The Demolition of Structures and a Demolition Work Plan is required to developed and implemented to the satisfaction of the Principal Certifying Authority prior to commencing any demolition works.
- b) The demolition, removal, storage and disposal of any materials containing asbestos must be carried out in accordance with the relevant requirements of WorkCover NSW, Council's Asbestos Policy and the following requirements:
  - A licence must be obtained from WorkCover NSW for the removal of friable asbestos and or more than 10m<sup>2</sup> of bonded asbestos (i.e. fibro)
  - Asbestos waste must be disposed of in accordance with the *Protection of the Environment Operations Act 1997* & relevant Regulations
  - A sign must be provided to the site/building stating "Danger Asbestos Removal In Progress"
  - A Clearance Certificate or Statement must be obtained from a suitably qualified person (i.e. Occupational Hygienist) upon completion of the asbestos removal works, which is to be submitted to the Principal Certifying Authority and Council prior to issuing an Occupation Certificate.

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

### **Construction Noise & Vibration**

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

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

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

### **Home Building Act 1989**

21. 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**

22. A dilapidation report prepared by a *professional engineer* or suitably qualified and experienced building surveyor shall be submitted to the *certifying authority* prior to the commencement of demolition, excavation or building works detailing the current condition and status of all buildings and ancillary structures located upon all of the premises adjoining the subject site (e.g. dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandah's, fences, retaining walls, swimming pools and driveways etc).

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

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

23. 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**

24. 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**

25. A *Construction Noise & Vibration Management Plan*, prepared in accordance with the Department of Climate Change 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 DECC Guidelines for Construction Noise and Assessing Vibration and Councils conditions of consent.
- c) A further report/correspondence must be obtained from the consultant as soon as practicable upon the commencement of works, which reviews and confirms the implementation and suitability of the noise and vibration strategies in the *Construction Noise & Vibration Management Plan* and which demonstrates compliance with relevant criteria.
- d) Any recommendations and requirements contained in the *Construction Noise & Vibration Management Plan* and associated reports are to be implemented accordingly and should noise and vibration emissions not

comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to Council and the PCA.

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

### **Construction Traffic Management**

26. 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 Dolphin Street for the duration of the 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.

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

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

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

### **Public Liability**

28. 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.

#### **Public Utilities**

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

#### **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.

#### **Building Inspection Requirements**

31. The 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.

#### **Excavations & Support of Adjoining Land**

32. 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.
33. All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and supported to prevent them from being dangerous to life, property or buildings.

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

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

#### **Permitted Working Hours**

34. Building, demolition and associated site works must be carried out in

accordance with the following requirements:

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> <li>· Monday to Friday - 7.00am to 5.00pm</li> <li>· Saturday - 8.00am to 5.00pm</li> <li>· Sunday &amp; public holidays - No work permitted</li> </ul>
Excavating of rock, use of jack-hammers, pile-drivers or the like	<ul style="list-style-type: none"> <li>· Monday to Friday - 8.00am to 5.00pm</li> <li>· Saturday - No work permitted</li> <li>· Sunday &amp; public holidays - No work permitted</li> </ul>
Internal work only within a commercial or industrial development, located in a commercial or industrial zone, which is not audible within any residential dwelling or commercial or industrial premises	<ul style="list-style-type: none"> <li>· Monday to Saturday - No time limits (subject to column 1)</li> <li>· Sunday &amp; public holidays - No work permitted</li> </ul>
Additional requirements for all development (except for single residential dwellings)	<ul style="list-style-type: none"> <li>· Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - No work permitted</li> </ul>

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

### **Construction Site Management**

35. Public health, safety and convenience must be maintained at all times during demolition and building works and the following requirements must be complied with at all times:
- a) A sign must be provided and maintained in a prominent position throughout 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".
  - b) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, trip hazards, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.
  - c) Building materials, sand, soil, waste materials, construction equipment or other materials or articles must not be placed upon the footpath,

roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.

- d) Bulk bins, waste containers or other articles must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container or other articles in a public place can be made to Council's Building Services section.
- e) During demolition and construction, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to the satisfaction of Council.

Details of the proposed sediment control measures are to be detailed in the *site management plan* which must be submitted to the Principal Certifying Authority and Council prior to the commencement of any site works. The sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction. A copy of the plan is to be maintained on-site and be made available to Council officers upon request.

- f) Public safety must be maintained at all times and public access to any demolition and building works, materials and equipment on the site is to be restricted. If necessary, a temporary safety fence or hoarding (having a minimum height of 1.5m) is to be provided to protect the public. Temporary site fences are to be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible. If necessary, an overhead (B Class type) hoarding may be required to protect the public or occupants of the adjoining premises from falling articles or materials.

*If it is proposed to locate any site fencing, hoardings or items upon any part of the footpath, nature strip or any public place, a Local Approval application must be submitted to and approved by Council's Health, Building & Regulatory Services department beforehand. Details and plans are to be submitted with the application, together with payment of the weekly charge in accordance with Council's adopted Pricing Policy.*

- g) Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual "Traffic Control at Work Sites" (Version 4), to the satisfaction of Council.
- h) A Road / Asset Opening application must be submitted to and be approved by 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.

All works within or upon the road reserve, footpath, nature strip or other public place are to be completed to the satisfaction of Council, prior to the issuing of an occupation certificate for the development. For further information, please contact Council's Road / Asset Opening Officer on 9399 0691 or 9399 0999.



**Inspections during Construction**

36. 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**

37. All work and activities must be carried out in accordance with the relevant regulatory requirements and Randwick City Council policies, including:
- Work Health and Safety Act 2011 & Regulations
  - Occupational Health and Safety (Hazardous Substances) Regulation 2001
  - Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
  - WorkCover NSW Code of Practice for the Safe Removal of Asbestos
  - Australian Standard 2601 (2001) – Demolition of Structures
  - The Protection of the Environment Operations Act 1997
  - Protection of the Environment Operations (Waste) Regulation 2005
  - Relevant Office of Environment & Heritage / Environment Protection Authority (EPA) and WorkCover NSW Guidelines.
  - Randwick City Council Asbestos Policy (adopted 13 September 2005)

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

**Removal of Asbestos Materials**

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

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

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

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

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

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

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

### **Sediment & Erosion Control**

40. 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**

41. 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**

42. 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**

47. 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**

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

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

#### **Survey Requirements**

44. 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**

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

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

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

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

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

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

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

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

#### **Occupation Certificate Requirements**

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

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

#### **BASIX Requirements**

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

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

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

49. The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
50. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:
- a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.

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

#### **Occupation Certificate Requirements**

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

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

#### **Fire Safety Certificate Requirements**

51. 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 of the *Fire Safety Certificate* and *Fire Safety Schedule* must also be forwarded to Fire & Rescue NSW.

#### **OPERATIONAL CONDITIONS**

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

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

#### **Use of premises**

53. The premises must only be used as a single residential dwelling and must not

be used for dual or multi-occupancy purposes.

54. The car spaces within the development are for the exclusive use of the occupants of the building. The car spaces must not be leased to any person/company that is not an occupant of the building.

#### **Residential Parking Permits**

55. All prospective owners and tenants of the building must be notified that Council will not issue any residential parking permits to the occupants/tenants of the additional units approved by this Development Consent.
56. A notice shall be placed in the foyer/common areas of the building advising tenants/occupiers that the additional units approved by this Development Consent do not qualify for on-street resident parking permits.

#### **External Lighting**

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

#### **Plant & Equipment**

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

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

#### **Air Conditioners**

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

#### **Rainwater Tanks**

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

#### **Fire Safety Statements**

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

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

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

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

#### **Environmental Amenity**

53. The use and operation of the premises shall not give rise to an environmental health or public nuisance, cause a vibration nuisance or, result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.
54. The proposed use and operation of the premises (including all plant and equipment) must not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and *Regulations*.

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background ( $L_{A90}$ ),  $15 \text{ min}$  noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an  $L_{Aeq, 15 \text{ min}}$  and adjusted in accordance with the NSW Office of Environment & Heritage/Environment Protection Authority Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

#### **Waste Management**

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

#### **ADVISORY NOTES**

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

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

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

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

- A3 The requirements and provisions of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000*, must be



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

- A4 The assessment of this development application does not include an assessment of the proposed building work under the Building Code of Australia (BCA) and Disability (Access to Premises – Buildings) Standards 2010.

All new building work must comply with the BCA and relevant Australian Standards and details of compliance must be provided in the Construction Certificate application.

- A5 Building owners and occupiers should consider implementing appropriate measures to prevent children from falling from high-level window openings and balconies (e.g. by installing window locking devices; installing heavy-duty screens to window openings; limiting the dimensions of any openings to 125mm; ensuring balustrades to balconies are at least 1m high and; locating fixtures, fittings and furniture away from high-level windows and balconies).

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

- A6 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.

- A7 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.

- A8 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.

- A9 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.

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

the vicinity of the development site.

A11 The 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.

A12 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.

A13 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).

A14 Smoke alarms are required to be installed in all residential dwellings, in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979* and the Building Code of Australia. Details should be included in the construction certificate application.

A15 Demolition work and removal of asbestos materials:

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

A16 Any external lighting to the premises should be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.

A17 Building owners and occupiers should consider implementing appropriate measures to prevent children from falling from high-level window openings and balconies (e.g. by installing window locking devices; installing heavy-duty screens to window openings; limiting the dimensions of any openings to 125mm; ensuring balustrades to balconies are at least 1m high and; locating fixtures, fittings and furniture away from high-level windows and balconies).

For further information about preventing falls from windows and balconies

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

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

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Matson
Councillor Belleli	Councillor Moore
Councillor D'Souza	
Councillor Garcia	
Councillor Nash	
Councillor Roberts	
Councillor Seng	
Councillor Smith	
<b>Total (8)</b>	<b>Total (2)</b>

**AMENDMENT: (Matson/Moore)** that the application be deferred to invite the applicant to submit amended plans incorporating the deletion of the additional wet areas and showers in the two ground floor units. **LOST.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Matson	Councillor Andrews
Councillor Moore	Councillor Belleli
	Councillor D'Souza
	Councillor Garcia
	Councillor Nash
	Councillor Roberts
	Councillor Seng
	Councillor Smith
<b>Total (2)</b>	<b>Total (8)</b>

**CP47/16 Director City Planning Report - 1/54A Bream Street, Coogee (DA/140/2016)**

157/16

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

- A. That Council supports the exceptions to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clause 4.4 of Randwick Local Environmental Plan 2012, relating to Floor Space Ratio, on the grounds that the proposed development complies with the objectives of the above clause, and will not adversely affect the amenity of the locality, and that the Department of Planning & Environment be advised accordingly.
- B. That Council as the responsible authority grant its development consent under Section 80 and 80(A) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/140/16 for alterations and additions to the existing residential flat building, including the conversion of the existing utility room into a 1 bedroom apartment and associated works to common property at 1/54A Bream 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 courtyard is to be retained as part of common property. Juliette balconies that match those of the units above are to be provided at the ground floor level, in the location of the bedroom door and the living room door.
  - b. Laundry facilities are to be provided within the apartment
  - c. The bathroom window is to be of obscure glazing.
  - d. Appropriate landscaping is to be provided within the north-eastern setback.
  - e. The kitchen window on the western elevation is to align with the windows above.
  
33. The applicant must amend the existing Strata Plan consistent with the proposed conversion of the utility lot into an additional apartment and denote the juliette balconies for private use by Lot 1.

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

### CP48/16 Director City Planning Report - 29 Baird Avenue, Matraville (DA/142/2016)

158/16

**RESOLUTION: (Andrews/Seng)** that this application be deferred for mediation between the applicant and the objectors, with the applicant to consider amending the plans in light of the mediation.

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

FOR	AGAINST
Councillor Andrews	Councillor Smith
Councillor Belleli	
Councillor Bowen	
Councillor D'Souza	
Councillor Garcia	
Councillor Matson	
Councillor Moore	
Councillor Nash	
Councillor Roberts	
Councillor Seng	
<b>Total (10)</b>	<b>Total (1)</b>

### CP49/16 Director City Planning Report - 6 McMaster Place, Little Bay (DA/34/2016)

159/16

**RESOLUTION: (Andrews/Nash)** 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. 34/2016 for construction of part 2/part 3 storey dwelling with garage and associated works (Heritage Conservation Area) at No. 6 McMaster Place, Little Bay, 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 proposed roof form may not be amended in terms of materials and finishes that would otherwise compromise the overall design of the roof shape from the existing streetscape.
  - b. Photomontages must be submitted to Council which illustrates the proposed dwelling house in the context of the neighbouring buildings from McMaster Place and the public walkway at the rear of the subject site.
  - c. A privacy screen having a height of 1.6m is to be provided along the full north-eastern edge of the balcony and details of compliance are to be provided in the construction certificate plans. The total area of any openings within the privacy screen must not exceed 25% of the area of the screen.
  - d. The ground floor ensuite windows (W15 and W16) are to be provided with translucent, obscured, frosted or sandblasted glazing to maintain a reasonable level of privacy to the occupants of the dwelling.
  - e. The louvres located on the ground floor north-east facing window openings must be fixed and be tilted in an angle that does not result in any direct overlooking into the private open space and habitable room windows of the north-eastern neighbour.

**Heritage**

3. The applicant must ensure that:
  - a. Site contractors should be advised of their obligations under the Heritage Act with regard to potential archaeological relics.
  - b. If historic archaeological deposits/relics are discovered, the Heritage Council must be notified in writing in accordance with Section 146 of the Heritage Act 1977 (NSW). Work must cease in the affected area(s) and a suitably qualified and experienced archaeologist must be contacted to assess the archaeological material. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.
4. An application under Section 60 of the Heritage Act 1977 must be submitted to and approved by the Delegate of the Heritage Council of NSW prior to work commencing.
5. Prior to the commencement of the proposed works, site contractors should be made aware of the possibility that historical or Aboriginal items may survive on the site.
6. Site contractors should be advised of their obligations under the National Parks and Wildlife Act 1974 (NSW) and notification procedures in the event that any Aboriginal cultural material is disturbed or exposed during site works.
7. Site contractors should be advised of their obligations under the Heritage Act and notification procedures in the event that any cultural material such as archaeological relics is disturbed or exposed during site works.

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

**CP50/16 Director City Planning Report - 46 Torrington Road, Maroubra  
(DA/77/2013/B)**

160/16

**RESOLUTION: (Andrews/Roberts)** that Council, as the consent authority, grants development consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Application No. DA/77/2013/B by adding a new study room and extension to terrace area with associated awning at second floor level and additional photovoltaic solar panels on the roof. The consent is modified in the following manner:

- **Amend Condition 1 to read:**

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

<b>Plan</b>	<b>Rev</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Received by Council</b>
SK 02	01	DMJ Design Studio	6 June 2013	19 June 2013
SK 03				
SK 04				
DA-001	-	Accent Landscape Architects	11 January 2013	15 February 2013
DA-002				
DA-003				
DA-004				

<b>BASIX Certificate No.</b>	<b>Dated</b>	<b>Received by Council</b>
463279S_02	18 June 2013	19 June 2013

Except as amended by the Section 96 'B' plans and supporting documentation listed below:

<b>Plan</b>	<b>Drawn By</b>	<b>Dated</b>
SK 02 to SK 06 Section 96	Archebiosis Design	4 May 2016
SK 07 to SK 08 Section 96	Archebiosis Design	4 May 2016

<b>BASIX Certificate No.</b>	<b>Dated</b>
463279S_05	10 May 2016

Only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application"

- **Add Condition 55:**

The privacy screen to the south-eastern side of the upper level terrace shall extend along the full length of the south-eastern side of the terrace.

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

## General Manager's Reports

### **GM13/16 General Manager's Report - Light Rail Project: Updates on Light Rail Support Plan, Purchase of 1-11 Rainbow Street Kingsford, Public Domain Improvements and Trees (F2014/00400)**

161/16

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

- a) accepts the offer totalling \$12.55 million (at Attachment 4) from Transport for NSW to purchase 1-11 Rainbow St Kingsford (Lot 1 in Deposited Plan 120465);
- b) endorses the payment plan outlined in this report;
- c) approves the affixing of the Council Seal to all necessary documents associated with the property acquisition;
- d) delegates authority to the General Manager to finalise negotiations and execute all necessary contracts on behalf of Council;
- e) endorses the revised Light Rail Support Plan and budget of \$36m as outlined in Attachment 2;
- f) endorses Council's letter dated 13 July, 2016 to Transport for NSW (at attachment 5);
- g) endorses the payment of Smartpoles or multi-purpose poles along Anzac Parade at Kingsford and Kensington for \$3.5 million for future proofing, to be funded as outlined in the report; and
- h) notes the updated information in regard to trees and public domain works affected by the CSELR project.

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

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Belleli
Councillor D'Souza	Councillor Bowen
Councillor Garcia	Councillor Moore
Councillor Matson	
Councillor Nash	
Councillor Roberts	
Councillor Seng	
Councillor Smith	
<b>Total (8)</b>	<b>Total (3)</b>

**AMENDMENT: (Bowen/Moore)** that clauses (a) through (g) be replaced with the following clauses:

- (a) Council calls on the State Government to transfer the property at 1 – 11 Rainbow Street, Kingsford to RCC at no cost as compensation for the loss of parking in the Kingsford area, noting that compensation has been paid to the Centennial Park Trust and that Randwick racecourse is receiving compensation for the loss of parking;
- (b) Council calls on TfNSW to come to an agreement with RCC for the appointment

of a consultant arborist and that TfNSW agree to negotiate the removal of any further trees for light rail and that no further tree removals occur without the agreement of the arborist;

- (c) TfNSW undertake to investigate the utilisation of grass track technology through Randwick and Kingsford, in particular the Centennial Parkland area and Wansey Road, as well as the Anzac Parade median strips, in order to preserve or enhance the existing natural environment; and
- (d) TfNSW to meet the cost of undergrounding the substation at High Cross Park for \$3million, as well as \$660,000.00 for the provision of three sets of traffic signals at Arthur Street & Botany Street, Arthur Street & Belmore Road and Botany Street & Barker Street. **LOST.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Belleli	Councillor Andrews
Councillor Bowen	Councillor D'Souza
Councillor Moore	Councillor Garcia
	Councillor Matson
	Councillor Nash
	Councillor Roberts
	Councillor Seng
	Councillor Smith
<b>Total (3)</b>	<b>Total (8)</b>

The Mayor requested that the hard work done by former Mayor, Cr Scott Nash and the General Manager on this matter be formally acknowledged in the minutes.

#### **GM14/16 General Manager's Report - Recognition of Simeon Pearce (F2004/07108)**

162/16

**RESOLUTION: (Smith/Matson)** that the report be received and noted.

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

#### **Director City Services Reports**

Nil.

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

#### **GF24/16 Director Governance & Financial Services Report - Investment Report - June 2016 (F2015/06527)**

163/16

**RESOLUTION: (Smith/Matson)** that the investment report for June 2016 be received and noted.

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



**GF25/16 Director Governance & Financial Services Report - 2015-16 Draft  
Financial Statements (F2015/00182)**

164/16

**RESOLUTION: (Smith/Matson) that:**

- a) the Schedule of 2015-16 funds to be carried forward into 2016-17 be adopted as per Attachment 3
- b) all remaining funds from the Light Rail Support Plan budget allocations be transferred to a new Light Rail Support Plan Reserve and used in accordance with the activities contained within the Light Rail Support Plan;
- c) in relation to the financial statements required in accordance with section 413(2)(c) of the *Local Government Act 1993*:
  - i) Council resolves that in its opinion the General Purpose Financial Statements, Special Purpose Financial Statements and Special Schedules for the year ended 30 June 2016:
    - a. have been properly drawn up in accordance with the provisions of the *Local Government Act 1993* and the Regulations there under, the Australian Accounting Standards and professional pronouncements, and the Local Government Code of Accounting Practice and Financial Reporting;
    - b. to the best of the Council's knowledge and belief the statements present fairly the Council's operating result and financial position for the year and accords with the Council's accounting and other records; and
    - c. the Council is unaware of any matter that would render the financial statements false or misleading in anyway.
  - ii) The Statement by Councillors and Management for both the General Purpose Financial Statements and Special Purpose Financial Statements be signed by the Mayor, another Councillor, the General Manager and the Responsible Accounting Officer.
- d) the financial statements be referred to the Council's Auditors for audit.
- e) arrangements be made to place copies of the audited financial statements on public exhibition and the necessary advertisements be published.
- f) a copy of the audited financial statements be forwarded to the NSW Office of Local Government.
- g) the audited financial statements be presented at a meeting of Council to be held in accordance with Section 418 of the *Local Government Act 1993*.

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

Nil.

**Motion Pursuant to Notice****NM33/16 Motion Pursuant to Notice - Notice of Motion from Cr Matson -  
Proposal for Joint WestConnex Legal Action (F2013/00263)**

Note: Having previously declared an interest, Crs Belleli and Nash left the meeting

and took no part in the debate or voting on this matter.

165/16

**RESOLUTION: (Matson/Bowen)** that Council notes the legal advice obtained and;

- 1) requests further augmented advice as to whether the Minister's freedom under section 115ZK (of the EPA Act 1979) to give approval to condition B43 (of the WestConnex New M5 consent) can be sufficiently written down (i.e. narrowed in interpretation) to allow Council to call for a Judicial Review of the Minister's administrative decisions concerning the condition;
- 2) in clarifying this request Council further notes its interest in;
  - (a) the decision of *Haughton v Minister for Planning and Macquarie Generation; Haughton v Minister for Planning and TRUenergy Pty Ltd* [2011] NSWLEC 217;
  - (b) the possibility that the Minister in granting the approvals relevant to him under condition B43 and other conditions has failed (or is failing) to consider mandatory relevant considerations including ecologically sustainable development (ESD) and anthropogenic climate change; and
  - (c) whether Council previous resolution concerning the degree of adverse impact on sections of the Council's road network is invigorated by the above inquiries; and
- 3) informs the City of Sydney and the Inner West Council that it is exploring additional legal grounds and asks for an in principle indication of support for a joint legal action should one appear viable.

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

**NM45/16 Motion Pursuant to Notice - Notice of Motion from Cr Matson - Draft Amending LEP to Heritage List 48 Dudley Street Coogee (F2005/00306)**

166/16

**RESOLUTION: (Matson/Nash)** that a meeting be arranged with the owner, Council's Heritage Officer and interested residents to discuss this matter.

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

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

FOR	AGAINST
Councillor Bowen	Councillor Andrews
Councillor D'Souza	Councillor Belleli
Councillor Garcia	Councillor Seng
Councillor Matson	Councillor Smith
Councillor Moore	
Councillor Nash	
Councillor Roberts	
<b>Total (7)</b>	<b>Total (4)</b>

### Confidential Reports

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

## Closed Session

### **CS10/16 Confidential - Tender for Installation of Vehicle Signage No. T2016-22 (F2015/00549)**

*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.*

167/16

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

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, Look Design and Digital Pty Ltd be accepted as the successful tenderer for T2016-22 for the Installation of Vehicle Signage at their proposed rates;
2. entering into this contractual arrangement is in accordance with the "Guidelines for Council Decision making During Merger Proposal Periods" under Section 23A of the Local Government Act, in that the contract is being entered into as a result of a decision made and a procurement process commenced prior to the start of the merger proposal period. In addition, entry into the contract is necessary for the purposes of meeting Council's ongoing service delivery commitments to our community;
3. the General Manager, or delegated representative, be authorised to enter into a contract on behalf of Council for a period of 3 years with 2 x 1 year optional extensions; and
4. unsuccessful tenderers are notified.

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

### **MM26/16 Confidential - Performance Review of General Manager (EMP02901)**

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

168/16

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

- a) Council receive and note the General Manager's performance review and rating as Better than Satisfactory; and
- b) Council increase the total remuneration package of the General Manger in accordance with Clause 8.5 of the OLG's Standard Contracts of Employment for General Managers and Senior Staff and the 2016 determination of the Statutory and Other Officers Remuneration Tribunal.

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

## Open Session

The meeting moved back into open session.

## Notice of Rescission Motions

Nil.

There being no further business, His Worship the Mayor, Cr D' Souza, declared the meeting closed at 9.30 pm.

**The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 23 August 2016.**

.....  
**CHAIRPERSON**