

**MINUTES OF ORDINARY COUNCIL MEETING OF THE
COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 25th JUNE, 2002 AT 6:26 P.M.**

PRESENT:

His Worship the Mayor, Cr D. Sullivan (North Ward) (Chairperson)

Councillor M. Daley (South Ward) (Deputy Mayor)

| | | |
|--------------|---|---|
| North Ward | - | Crs J. Greenwood and P. Tracey |
| South Ward | - | Crs C. Matthews and A. White |
| East Ward | - | Crs F. Backes, B. Notley-Smith and M. Matson |
| West Ward | - | Crs P. Schick, M. Whitehead and J. Procopiadis |
| Central Ward | - | Crs C. Bastic (until 6.27 p.m.), T. Seng and A. Andrews |

OFFICERS PRESENT:

| | |
|---|---------------------|
| General Manager | Mr. G. Messiter. |
| Director Asset & Infrastructure Services | Mr. T. McCarthy. |
| Acting Director Planning & Environment | Ms. S. Truuvvert. |
| Director Governance Management & Information Services | Mr. M. Hummerston. |
| Public Officer | Mr. P. Smith. |
| Acting Communications Manager | Ms. L. Fragiacomio. |
| Acting Manager Strategic Planning | Ms. K. Armstrong. |

The meeting was adjourned at 6.27 p.m.

The meeting was resumed by the Mayor at 8.14 p.m., with Cr Bastic not in attendance.

1. COUNCIL PRAYER

The Council Prayer was read by His Worship, the Mayor Cr D. Sullivan.

2. APOLOGY.

Nil.

3. MINUTES

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY, 28th MAY, 2002.**

- 134 **RESOLUTION:** (*Andrews/Procopiadis*) that the Minutes of the Ordinary Council Meeting held on Tuesday, 28th May, 2002 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

CONFIRMATION OF THE MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON TUESDAY, 18th JUNE, 2002.

- 135 **RESOLUTION:** (*Andrews/Daley*) that the Minutes of the Extraordinary Council Meeting held on Tuesday, 18th June, 2002 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

4. ADDRESSES TO THE COUNCIL BY THE PUBLIC.

Nil.

5. MAYORAL MINUTES.

5.1 MAYORAL MINUTE 37/2002 - DEPARTMENT OF DEFENCE SITE RANDWICK - BUNDOCK AND AVOCA STREETS, RANDWICK. (98/S/4189 PT 10)

- 136 **RESOLUTION:** (*His Worship the Mayor, Cr D. Sullivan*) that the Mayor's Minute No. 37/2002 be received and noted.

MOTION: (*His Worship the Mayor, Cr D. Sullivan*) SEE RESOLUTION.

5.2 MAYORAL MINUTE 38/2002 – CIVIC RECEPTION - SUPERINTENDENT KEVIN RAFFERTY. (98/S/0305)

- 137 **RESOLUTION:** (*His Worship the Mayor, Cr D. Sullivan*) that Council hold a Civic Reception in honour of Superintendent Kevin Rafferty, in view of his pending retirement.

MOTION: (*His Worship the Mayor, Cr D. Sullivan*) SEE RESOLUTION.

6. GENERAL MANAGERS' REPORTS.

6.1 GENERAL MANAGER'S REPORT 11/2002 - ANNUAL REPORTING OF CONTRACTS FOR SENIOR STAFF. (PERSONNEL xr 98/S/2499 xr 98/S/0617)

- 138 **RESOLUTION:** (*Daley/Bastic*) that:

- a) *The General Manager's Report No. 11/2002 entitled "Annual reporting of Contracts for Senior Staff" be received and noted; and*
- b) *Council endorse the name of "Department of Planning and Community Development".*

MOTION: (*Daley/Bastic*) SEE RESOLUTION.

7. DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORTS.

7.1 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 70/2002 - DIRECTIONAL SIGNAGE STRATEGY FOR IMPLEMENTATION OF COMMERCIAL/TOURISM/LEISURE SIGNS. (98/S/1044)

139 **RESOLUTION:** *(Daley/Andrews)* that:

- a) *Council adopt the following signage strategy for directing visitors to commercial/tourism/leisure locations within the Randwick Council City area;*
 - i) *Development Control Plan - Outdoor Advertising where applicable;*
 - ii) *The RTA's 'Tourist Signposting' manual for all tourist signposting; and*
 - iii) *RTA's 'Interim Guide to Signs and Markings' and Australian Standard AS 1742 where practicable for all other types of signage.*
- b) *Council adopt the design criteria as required under the RTA's 'Interim Guide to Signs and Markings' and Australian Standard AS 1742 where practicable, and in cases where it is not practicable to use either the RTA or Australian Standard, the design criteria should be to use suitable good practice in line with the above standards and guides;*
- c) *The timeline for installation of the signage under Council's control be as soon as practicable, subject to the availability of materials; and*
- d) *The Council includes the Strategy in each annual Management Plan with funding for this purpose being allocated to facilitate its implementation.*

MOTION: *(Daley/Andrews)* SEE RESOLUTION.

7.2 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 71/2002 - TREE SHROUDING POLICY. (98/S/1100)

140 **RESOLUTION:** *(Andrews/White)* that Council adopts a tree shrouding policy containing the following elements:

- a) *If a tree on public land owned by Council has been vandalised by poisoning, ringbarking, etc, and it is a qualified Council officer's opinion that such a tree is dead or likely to die, then the tree should be removed by a qualified arborist;*
- b) *Upon removal of the tree and if it is deemed appropriate by the relevant Council officer, Council should construct a 'banner' by way of three (3) poles (in a triangular arrangement), being properly secured in the ground and having a suitable material fitted to the poles to act as a banner ("the structure");*
- c) *The pole/banner structure should mirror the size of the removed tree as much as practicable;*
- d) *The following wording (or similar) should be written on the banner: "The healthy tree that once grew here has been vandalised by persons unknown and has had to be removed. Randwick City Council will pay a reward of \$500.00 for information leading to the conviction of the person(s) found responsible for such vandalism";*

- e) *The Council has the discretion to determine the duration by which “the structure” should remain. If the Council determines that “the structure” should remain for a period of time, there should be regular maintenance of “the structure” to ensure that the same and its construction remain safe to members of the public; and*
- f) *A replacement tree(s) should be planted if possible and the length of the period of time “the structure” remains may depend on the regrowth of the replacement tree(s).*

MOTION: (Andrews/White) SEE RESOLUTION.

7.3 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 72/2002 - KINGSFORD MARKET SITE. (P/002600)

141 **RESOLUTION: (Procopiadis/Schick) that:**

- (a) *the Director of Asset & Infrastructure Services Report dated 20th June 2002 in relation to the Kingsford Market Site be noted;*
- (b) *a further report be prepared on the possibility of Council purchasing the remainder of the site from the S.T.A;*
- (c) *Council indicate to its consultant that there is no preferred option for the community groups, etc. currently occupying the site; and*
- (d) *a report be prepared on possible sites for the relocation of the Rotary Markets.*

MOTION: (Procopiadis/Schick) SEE RESOLUTION.

AMENDMENT: (Matson/Greenwood) that the consultant be advised that the rezoning proposal would have to be altered to incorporate the retention of the Kingsford Legal Centre and its tenure on the existing site. **LOST.**

A division was called for by Crs Matson and Greenwood. Voting was as follows:-

| For | Against |
|---------------------|--|
| Greenwood Matson | Andrews Backes Daley Matthews Notley-Smith Procopiadis Schick Seng His Worship the Mayor, Cr D. Sullivan Tracey White Whitehead |

7.4 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 73/2002 - TENDER 18/01 SUPPLY OF WHEEL LOADER. (98/S/4292)

142 **RESOLUTION:** *(Andrews/Daley)* that Council purchase the Caterpillar 938G tendered by Gough and Gilmore for the sum of \$268,485 exclusive of GST and accept the trade in offer of \$83,000 net of GST.

MOTION: *(Andrews/Daley)* SEE RESOLUTION.

7.5 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 74/2002 - TENDER 09/2002 - SUPPLY AND ERECTION OF BLEACHER SEATING FOR COOGEE OVAL. (98/S/4656)

143 **RESOLUTION:** *(Daley/White)* that Council accept the tender submitted by Oldfields Access Pty Ltd for the supply and erection of their bleacher seating system at Coogee Oval at a cost of \$74,865.00.

MOTION: *(Daley/White)* SEE RESOLUTION.

7.6 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 75/2002 - COASTAL WALKWAY ACCESS. (98/S/1528)

144 **RESOLUTION:** *(Schick/Procopiadis)* that:

- a) *A further written attempt be made to secure a First Right of Refusal over the property at 49 Cuzco Street, Coogee and, in the event that a positive outcome is not achieved on this occasion, Council pursue its other options as outlined in the report;*
- b) *Should Mrs Waugh agree to granting the "First Right of Refusal" over the property at 49 Cuzco Street, Council undertake naming of that corridor for the walkway in her honour; and*
- c) *The General Manager and the Mayor be responsible for negotiations in relation to any acquisition of portion of 30 Marine Parade, Maroubra within the terms previously resolved by Council.*

MOTION: *(Schick/Procopiadis)* SEE RESOLUTION.

7.7 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 76/2002 - EXPRESSION OF INTEREST FOR THE THIRD STOREY ADDITION TO BOWEN LIBRARY - REQUESTED ADDITIONAL INFORMATION. (98/S/4519)

145 **RESOLUTION:** *(Backes/Procopiadis)* that:

- a) *The Director Asset & Infrastructure Services' Report No. 76/2002 report be noted;*
- b) *Council invite Richard Crooks Constructions, Beach Constructions, TCQ Builders, Fugen Construction and Infinity Constructions to submit tenders for the construction of the third storey addition to the Bowen Library; and*
- c) *All other contractors be advised that their submissions have been unsuccessful on this*

occasion.

MOTION: (Backes/Procopiadis) SEE RESOLUTION.

**7.8 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 77/2002 -
CANCER COUNCIL - RELAY FOR LIFE. (98/S/3067)**

146 **RESOLUTION: (Backes/Notley-Smith) that:**

- (a) *Council give in principle support to the conducting of this event at Grant Reserve, Coogee, subject to conditions of approval being satisfactorily met and that Council actively promote the event through its available resources;*
- (b) *The Mayor and General Manager review the possibility of a Council team participating; and*
- (c) *Mr Mitchell and Ms Walsh be advised of Council's decision on this matter.*

MOTION: (Backes/Notley-Smith) SEE RESOLUTION.

**8. DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION
SERVICES' REPORTS.**

**8.1 DIRECTOR GOVERNANCE MANAGEMENT & INFORMATION
SERVICES' REPORT 21/2002 - CORPORATE SYSTEMS REPLACEMENT
PROJECT. (98/S/3323)**

147 **RESOLUTION: (Daley/Backes) that:**

- a) *Council rejects all tenders;*
- b) *Council enters into negotiations with the highest ranked tenderer for the following reasons:*
 - i) *The tender process has been ongoing for a period in excess of 2 years;*
 - ii) *The preferred solution is complex and many contractual issues particularly relating to price and service levels, still need to be negotiated and there has been reluctance by tenderers to go into such detail unless they are selected as preferred tenderer;*
 - iii) *Inviting fresh tenders is unlikely to achieve a more satisfactory outcome for Council than the exhaustive process conducted to date.*
- c) *Council delegates to the Mayor, General Manager and Director Governance, Management & Information Services authority to complete negotiations with the highest ranked tenderer on a suitable contract and service level agreements; and*
- d) *If required, approval is given for the affixing of Council's seal on the contract and associated documents.*

MOTION: (Daley/Backes) SEE RESOLUTION.

8.2 DIRECTOR GOVERNANCE MANAGEMENT & INFORMATION SERVICES' REPORT 22/2002 - PAY BY PHONE FACILITY FOR THE PAYMENT OF COUNCIL RATES. (98/S/0052)

148 **RESOLUTION:** *(Procopiadis/White)* that no action be taken at this stage to expand on the current methods available to ratepayers to pay rates.

MOTION: *(Procopiadis/White)* SEE RESOLUTION.

9. DIRECTOR PLANNING & ENVIRONMENT'S REPORTS.

9.1 DIRECTOR PLANNING & ENVIRONMENT'S REPORT 35/2002 - CAFE/RESTAURANT OPERATING HOURS. (98/S/4356)

149 **RESOLUTION:** *(Backes/Andrew)* that Council:

- a) *Endorse the updated hours of operation, developed as the basis for Council's standard conditions of consent in relation to the operating hours of outdoor dining applications; and*
- b) *Resolve under Section 72 of the Environmental Planning and Assessment Act 1979 & Part 3, Division 1 of the Environmental Planning and Assessment Regulation 2000, to prepare a new Outdoor Dining DCP, in accordance with Planning NSW Guidelines, including outdoor dining hours.*

MOTION: *(Backes/Andrews)* SEE RESOLUTION.

9.2 DIRECTOR PLANNING & ENVIRONMENT'S REPORT 36/2002 - 34 AVOCA STREET, RANDWICK. (D/1144/2001)

150 **RESOLUTION:** *(Andrews/Daley)* that:

- A. *Council assume the concurrence of the Director of Urban Affairs and Planning to vary the provisions of Clause 32 of the Randwick Local Environmental Plan 1998 (as amended) relating to Demolition of existing nursing home and construction of a 3 storey residential flat building containing fifteen units and basement parking under State Environmental Planning Policy No. 1 and, as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 1144/01 for demolition of existing nursing home and construction of a 3 storey residential flat building containing fifteen units and basement parking at 34 Avoca Street, Randwick.*
- B. *Council's Manager Development Assessment under delegated authority from the General Manager, as the consent authority, grant development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning & Assessment Act 1979 (as amended) to Development Application No 1144/01 for Demolition of existing nursing home and construction of a 3 storey residential flat building containing fifteen units and basement parking at 34 Avoca Street, Randwick, subject to the following conditions:-*

Deferred Commencement Conditions

The consent is not to operate until the following material has been submitted to and approved by the Acting Director Planning and Environment:

1. *Details of External Colours, Material and Textures*

A schedule, sample board and elevation drawings indicating the proposed colours, materials and textures of the external surfaces of the proposed building and front fencing. The colours, materials and textures are to be compatible with the surrounding area, incorporating natural, subdued colours and materials which minimise solar glare and reflectivity.

Development Consent Conditions

Subject to compliance with the deferred commencement conditions, to the satisfaction of the Director Planning and Environment, development consent is granted under Section 80 & 80A of the Environmental Planning and Assessment Act 1979 subject to the following conditions:

1. *The development must be implemented substantially in accordance with the plans numbered A101 C, A102 C, A 103 B, A 301 C, dated 27/9/01, 2/10/01, 10/4/02, 3/10/01 respectively and received by Council on 22 May 2002, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

The following conditions are applied to satisfy the provisions of section 79C of the Environmental Planning and Assessment Act 1979 and to maintain reasonable levels of environmental amenity

2. *The external colours, materials and finishes of the proposed development shall be in accordance with the details and plans submitted to and approved by the Director of Planning & Environment pursuant to the deferred commencement conditions.*
3. *The consumption of water within the building shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be provided in the construction certificate plans or specifications.*
4. *The development must be designed and constructed to achieve a minimum energy efficiency NatHERS rating of 3.5 stars or equivalent and a NatHERS certificate or equivalent, prepared by a suitably qualified person, is to be submitted to the certifying authority with the **construction certificate** application.*

The design of the building must be consistent with the development consent and any proposed variations to the building to achieve the energy efficiency rating may necessitate a new or amendment to the development consent prior to the issuing of a construction certificate.

5. *Vehicular access to the basement car park shall be readily accessible to visitors at all times. Where a security gate is provided a suitable intercom shall be installed adjacent to the vehicular entrance together with appropriate signage to provide access to visitor spaces.*
6. *All plumbing and drainage pipes, other than rain water heads, gutters and downpipes, must be concealed within the building.*
7. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
8. *Power supply and telecommunications cabling to the development shall be underground.*
9. *A single common television aerial, and/or satellite dish (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.*
10. *Where access is required to adjoining premises for construction purposes, the written consent of the owner/s of the subject adjoining premises must be provided to the satisfaction of the Principal Certifying Authority, prior to carrying out any construction works from or upon the adjoining premises.*

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

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

In this regard, the use of the premises and the operation of any plant or equipment on the site shall not give rise to an L10 sound pressure level which is 5dB(A) greater than the A-weighted L90 background sound pressure level, measured at any point on a residential boundary or within any residential dwelling.

The following condition/s are applied to satisfy the increased demand for public amenities and public services:

12. *In accordance with Council's Section 94 Contributions Plan effective from 2 September 1999, the following monetary contribution is to be paid to Council.*

| | | |
|-----------|---|-------------------|
| <i>a)</i> | <i>for the provision or improvement of open space</i> | <i>\$19721.64</i> |
| <i>b)</i> | <i>for the provision or improvement of community facilities</i> | <i>\$8720.16</i> |
| <i>c)</i> | <i>Administration fee</i> | <i>\$425.00</i> |

The contribution must be paid in cash or by bank cheque prior to a construction certificate being issued for the proposed development, together with payment of the required Section 94 Administration Fee of \$425.00. Council's Section 94 Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.

The following conditions are applied to ensure that adequate provisions are made for the management of waste from the development:

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

A Waste Management Plan is to be submitted to Council and approved by Council's Manager of Waste Services, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979, prior to a construction certificate being issued for the proposed development.

The plan shall detail the type and quantity of waste to be generated by the development; demolition waste; construction waste; materials to be re-used or recycled; facilities/procedures for the storage, collection recycling & disposal of waste and the on-going management of waste.

The following conditions are applied to ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulations:

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

15. *In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the requirements of the Home Building Act 1989.*

Where the work is to be done by a licensed contractor, excavation or building work must not be carried out unless the Principal Certifying Authority (PCA):

- has been informed in writing of the licensee's name and contractor number; and*
- is satisfied that the licensee has complied with the insurance requirements of Part 6 of the Home Building Act 1989, or*

Where the work to be done by any other person (i.e. an owner builder), excavation or building work must not be carried out unless the Principal Certifying Authority:

- has been informed of the person's name and owner-builder permit number, or*
- has been given a declaration, signed by the owner of the land that states that the market cost of the labour and materials involved in the work does not exceed \$3,000.*

Details of the builder and compliance with the provisions of the Home Building Act 1989 are to be submitted to Council prior to the commencement of works, on the notice of appointment of the PCA / Intention to commence building work.

The following group of conditions have been applied to ensure the structural

adequacy and integrity of the proposed building and adjacent premises:

16. A report shall be prepared by a professional engineer and submitted to the certifying authority **prior to the issuing of a construction certificate**, detailing the proposed methods of excavation, shoring or pile construction, including details of vibration emissions and detailing any possible damage which may occur to adjoining or nearby premises that may be caused by the proposed building, excavation and shoring works.

*Any practices or procedures specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises, are to be fully complied with and incorporated into the plans and specifications for the **construction certificate**.*

17. 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, including ancillary structures (i.e. including dwellings, residential flat buildings, commercial/industrial building, garages, carports, veranda's, fences, retaining walls, swimming pools and driveways etc.) located upon all of the premises adjoining the subject site

*The report is to be supported with photographic evidence of the status of the buildings and a copy of the report must also be forwarded to the Council and to the owners of each of the abovestated premises, **prior to the commencement of any works**.*

The following conditions are applied to ensure that the development satisfies the terms of Council's approval and relevant standards of construction, and to maintain adequate levels of health, safety and amenity during construction:

18. A sign must be erected on the site in a prominent, visible position, prior to commencing any demolition, excavation or building works, stating that 'unauthorised entry to the site is prohibited' and showing the name of the person in charge of the work site and a telephone number at which the person may be contacted outside working hours, in accordance with clause 78H of the Environmental Planning and Assessment Regulation 1994.

In the case of residential building work, the sign is also required to detail the licence number of the building contractor or the permit number of the owner-builder, in accordance with the Home Building Act, 1989 and Regulations.

19. All demolition work is to be carried out in accordance with the provisions of AS2601-1991. The Demolition of Structures, as in Force at 1 July, 1993 and details of compliance are to be prepared by a suitably qualified person and be submitted to the principal certifying authority, **prior to the commencement of any demolition works**.
20. Prior to the commencement of any building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and

Environmental Planning & Assessment Regulation 2000.

21. *Prior to the commencement of any building work, a principal certifying authority must be appointed and Council is to be notified accordingly and, at least 2 days notice of the intention to commence building work must be given to Council, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
22. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.*
23. *The building works are to be inspected by the principal certifying authority (or other suitably qualified person on behalf of the applicant) to monitor compliance with Council's approval and the relevant standards of construction.*

Documentary evidence of compliance with Council's approval and relevant building inspections, is to be maintained by the principal certifying authority.

Upon inspection of each stage of construction, the principal certifying authority (or other suitably qualified person on behalf of the applicant) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's approval:

- *Sediment control measures.*
- *Provision of perimeter fences or hoardings for public safety and restricted access to building sites.*
- *Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.*

24. *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 protected to prevent them from being dangerous to life or property.*
25. *Retaining walls or shoring 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, if the soil conditions require it, and adequate provisions are to be made for drainage.*

Retaining walls and shoring are to be designed and installed in accordance with the relevant requirements of the Building Code of Australia and Australian Standards and details of any proposed retaining walls are to be submitted to the Principal Certifying Authority for consideration prior to installation.

26. *An Occupation Certificate must be obtained from the principal certifying authority prior to any occupation of the building work encompassed in this development consent in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*
27. *In addition to the matters contained in the Environmental Planning and*

*Assessment Regulation 2000, the following matters are to be completed in accordance with the terms and conditions of this development consent, **prior to the occupation** of the building:*

- a) *car parking and vehicular access*
 - b) *landscaping*
 - c) *stormwater drainage*
 - d) *external finishes and materials*
28. *Building and demolition works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.*
29. *Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.*
30. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions at all times.*
31. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written consent of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Council's Local Approvals Policy.*
32. *Any building/demolition works involving asbestos cement are to be carried out in accordance with the Work Cover New South Wales "Guidelines for Practices Involving Asbestos Cement in Buildings".*
33. *A Construction Site Management Plan is to be submitted to and approved by the principal certifying authority prior to the commencement of demolition, excavation or building works. The 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;*
- *construction noise and vibration management.*

The site management measures are to be implemented prior to the commencement of any site works and be maintained throughout the works, to maintain adequate levels of public health and safety. A copy of the approved Construction Site Management Plan must be maintained on site and be made available to Council officers upon request.

34. *During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing.*

A soil and water management plan (SWMP) must be submitted to and approved by the principal certifying authority and implemented prior to the commencement of any site works or activities.

The soil and water management plan must contain a site plan, detailing:

- *the slope of the land*
- *site access points and access control measures*
- *location and type of all sediment control measures*
- *location of existing vegetation, to be retained*
- *material stockpile or storage areas and methods of sediment control*
- *location of existing and proposed drainage systems*
- *proposed disposal of site water*
- *location of building operations and equipment*
- *proposed re-vegetation details*

All soil and water management measures must be maintained at all times throughout demolition, excavation, building and site works and a copy of the soil and water management plan is to be kept on-site and be made available to Council officers upon request.

35. *Stockpiles of soil, sand, aggregate or other materials must not be located on any drainage line, natural watercourse, footpath, roadway or any public place and the stockpiles must be protected with adequate sediment control measures.*

Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.

36. *A warning sign for soil and water management must be displayed in a prominent position on the building site, visible to both the public and site workers. The sign must be displayed throughout the construction period. Copies of a suitable warning sign are available at Council's Customer Service Centre for a nominal fee.*

37. *If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient or the building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.*

If necessary, an awning is to be erected sufficiently to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises.

The public place adjacent to the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place and any such hoarding, fence or awning is to be removed upon completion of the work.

The public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

If it is proposed to locate any hoardings, site fencing or amenities upon a footpath or public place, the written consent from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.

38. *A temporary timber crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, unless access is via an existing concrete crossover.*
39. *The applicant/builder is required to hold Public Liability Insurance, with a minimum liability of \$5 million and a copy of the Insurance cover is to be provided to Council.*

The following conditions are applied to ensure that reasonable levels of fire safety are provided in the building:

40. *The building is required to be provided with a smoke alarm system complying with Clause 3 of Specification E2.2a of the B.C.A. or a smoke detection system complying with Clause 4 of Specification E2.2a of the B.C.A. or a combination of a smoke alarm system within the sole-occupancy units and a smoke detection system in areas not within the sole-occupancy units.*

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

41. *The following security deposits requirements are to be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused to the roadway, footway, verge or any public place; or 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:*

- a) \$2000.00 - Security damage deposit

The damage deposit may be provided by way of a cash or cheque with the Council and is refundable upon the applicant advising Council, in writing, of the completion of all building works and/or obtaining an occupation certificate, if required.

42. *The following vehicular crossing deposit requirement is to be complied with prior to a construction certificate being issued for the development, as security for Council or a Council approved subcontractor to construct the vehicular crossing.*

- a) \$1500.00 - Vehicular crossing deposit

The vehicular crossing deposit may be provided by way of cash or cheque with the Council and is refundable upon the completion of the Council vehicular crossing by Council or a Council approved subcontractor.

The following conditions are applied to provide adequate provisions for access, transport and infrastructure:

43. *The applicant must meet the full cost for Council or a Council approved contractor to:*

- a) *Remove the existing vehicular crossing and to reconstruct a new heavy duty vehicular crossing and layback opposite the vehicular entrance point in Stanley Street*
- b) *Re-construct a kerb and gutter for the full Stanley Street site frontage except opposite the vehicular entrance and exit point.*
- c) *Carry out a full depth, 1.50 metre wide, road construction in front of the kerb and gutter along the full site frontage.*
- d) *Reconstruct a concrete footpath along the full site frontage of both Avoca St & Stanley St. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*

44. *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.*

45. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the*

lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.

46. *The internal driveway must be 5.00 metres wide for the first 5 metres inside the property, a minimum 3.5 metres wide at all other points and located at least 0.50 metres clear of the side boundary.*
47. *A work zone is to be provided to the development site and details of the work zone location and the prescribed fee for the installation of a "work zone" having a minimum length of 12 metres must be paid to Council at least four (4) weeks prior to the commencement of building works.*

The following conditions are applied to provide adequate provisions for access, transport and pedestrian safety.

48. *All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level or splayed 1.5 metre by 1.5 metre so that a driver of a stopped vehicle 2 metres behind the street boundary line can observe pedestrians up to 2 metres from the crossings. Details, showing compliance with this requirement, are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.*
49. *The applicant must, at no cost to Council dedicate a 3m x 3m splay corner for road widening purposes on the north/east corner of the site at the Avoca St and Stanley St intersection. There are to be no fences constructed within the splay corner area.*

The following conditions are applied to provide adequate provisions for future civil works in the road reserve:

50. *The Council's Department of Asset & Infrastructure Services has inspected the above site and have determined that the design alignment level at the property boundary for driveways, access ramps and pathways or the like, must be as follows:*

Avoca St Frontage ***- match the back of the existing footpath levels along the full site frontage.***

Stanley St Frontage ***- 150mm above the top of the kerb at all points opposite the kerb, along the full site frontage.***

Any enquiries regarding this matter should be directed to Council's Assets & Infrastructure Services Department on 9399 0923.

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

52. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$1,159.00 calculated at \$16.50 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*

The following conditions are applied to provide adequate consideration for service authority assets:

53. *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.*
54. *The applicant must meet the full cost for Telstra, Energy Australia, Sydney Water or Natural Gas Company to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*
55. *Any electricity substation required for the site is to be located within the site and is to be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant is to liaise with Sydney Electricity prior to lodging the construction certificate to see if a electricity substation will be required for the development.*

The following conditions are applied to provide adequate provisions for drainage and associated infrastructure:

56. *Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issue, if the Council is not the certifying authority. The drawings and details shall include the following information:*
- a) *A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.*
- b) *A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system. This may involve either connection to the Council's street gutter, or into a Council stormwater pit. Note: All proposals should indicate the location of the closest Council stormwater pit and line regardless of the point of discharge. This information can be obtained by a visual*

inspection of the area and perusing Council's drainage plans.

- c) *Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (ie. above the 1 in 20 year storm) to the proposed drainage system.*
 - d) *The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:*
 - i. *Roof areas*
 - ii. *Paved areas*
 - iii. *Grassed areas*
 - iv. *Garden areas*
 - e) *Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.*
 - f) *Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.*
 - g) *The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.*
 - h) *All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.*
57. *On-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a 1 in 5 year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by the Director of Assets and Infrastructure Services. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.*

For small areas up to 0.5 hectares, determination of the required cumulative storage must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.

Where possible the detention tank must have an open base to infiltrate stormwater to the groundwater. Note that the ground water and any rock stratum has to be a minimum of 2.0 metres below the base of the tank.

58. *All site stormwater leaving the site must be discharged by gravity to the kerb and gutter or drainage system at the front of the property.*
59. *The applicant must provide for a detention volume of up to the 1 in 100 year, plus an additional 50% of storage volume should no overland escape route be provided for storms greater than the design storm.*
60. *A "restriction as to user and positive covenant" must be placed on the title of the subject property in conjunction with the registration of any future plan of subdivision or strata subdivision for this property. Such restriction and positive covenant shall relate to the onsite stormwater detention system and shall not be released, varied or modified without the consent of the Council.*

Notes:

- a. *The "restriction as to user and positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Asset and Infrastructure Services Department.*
- b. *The linen plans shall indicate the location and dimensions of the detention/infiltration areas.*

This condition is to ensure that no works which could affect the design function of the detention system are undertaken without the prior consent (in writing) from Council.

61. *The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.*
62. *The stormwater detention area must be suitably signposted where required, warning people of the maximum flood level.*
63. *The floor level of all habitable and storage areas adjacent to the detention area must be a minimum of 300mm above the maximum water level for the design storm or alternately a permanent 300mm high water proof barrier is to be constructed.*

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

64. *Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump system must also be designed and installed strictly in accordance with "Section 8.4 PUMP SYSTEMS" as stipulated in Randwick City Council's Private Stormwater Code.*
65. *A work-as-executed plan prepared and signed by the hydraulic engineer or a registered surveyor, and approved by an accredited certifier, must be submitted*

to Council's Director of Asset and Infrastructure Services prior to the issuing of an occupation certificate, detailing the location of the detention basin with finished surface levels, contours at 0.2 metre intervals and volume of storage available. The outlet pipe from the detention basin to its connection with Council's drainage system, must be indicated on this plan in conjunction with the following information:

- a) location
- b) pipe diameter
- c) gradient
- d) pipe material ie PVC or EW etc
- e) orifice size (if applicable)

66. A sediment/silt arrester pit must be provided within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system/absorption system. The sediment/silt arrester pit shall be constructed with:-

- The base of the pit located a minimum 300mm under the invert level of the outlet pipe.
- The pit must be constructed from cast in-situ concrete, precast concrete or double brick.
- The grate is to be a galvanised heavy-duty grate that has a provision for a child proof fastening system.
- A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.
- A galvanised heavy-duty screen (Lysaght RH3030 Maximesh or similar) located over the outlet pipe. (Similar to a Mascot GRC stormwater discharge control pit, product code DS3SDC).
- A child proof and corrosion resistant fastening system for the access grate (e.g. similar to a Weldlock spring loaded jay-bolt).
- The inlet pipeline located on the side of the pit so that the stormwater will discharge across the face of the screen.
- A sign adjacent to this pit stating that:

"This sediment/silt arrester pit shall be regularly inspected and cleaned."

Note: Sketch details of a standard sediment/silt arrester pit can be obtained from Council's Drainage Engineer.

67. A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention area.

68. *Any Absorption Trenches/Pits must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.*
69. *One covered car washing bay shall be provided for this development.*
- a) *The car washing bay must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to a construction certificate being issued for the proposed development.*
 - b) *The car washing bay must be located outside any required/approved stormwater detention system and must be suitably signposted.*
 - c) *The car washing bay must be constructed with a minimum 20mm bund around the perimeter of the car washing bays (or equivalent)*
 - d) *A water tap shall be located adjacent to the car washing bay.*
70. *All drainage details for the site shall be prepared by a suitably qualified hydraulic consultant who shall, at the completion of the works, certify that the drainage works have been constructed in accordance with the approved drainage plans.*
71. *As the above site may be present within a fluctuating water table and/or be impacted on by seepage water the basement carpark or any similar structure is to be suitably tanked and waterproofed. A Structural Engineer/Geotechnical Engineer shall certify that the tanking & waterproofing has been carried out to an acceptable standard and a copy of the certification is to be forwarded to Council.*

Notes:-

- a) *Any subsoil drainage is to be disposed of within the site and is not to be charged to Council's kerb & gutter and/or underground drainage system.*
 - b) *Adequate provision is to be made for the ground water to drain around the basement carpark (to ensure that the basement will not dam or slow the movement of the ground water through the development site).*
72. *Any seepage water must be drained directly into an absorption pit within the site. Seepage water must **not** be drained from the site.*

The following conditions are applied to provide adequate provisions for waste management:

73. *The garbage storage area/washout area is to be provided with a tap and hose and the floor is to be graded and drained to an approved floor waste to the requirements of the Sydney Water Corporation.*

74. *The garbage room areas will have to be designed so as to be able to contain a total of 18 x 240 litre bins (9 garbage bins & 9 recycle bins) whilst providing satisfactory access to these bins. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.*
75. *Prior to the credited certifier issuing an occupation certificate for the proposed development the applicant is to contact Council's Manager of Waste in regards to meeting Council's requirements for waste services to the development*

The following conditions are applied to provide adequate provisions for landscaping and to maintain reasonable levels of environmental amenity:

76. *The landscaped areas shown on the landscape plan, dwg no. 01107 dated November 2001 shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by, a certifying authority, prior to the issue of a construction certificate. The landscape drawings and specifications are to be prepared by a suitably qualified landscape designer with relevant qualifications in landscape architecture or horticulture. The documentation is to include:*
- a. *A site plan at an appropriate scale showing existing site boundaries, existing trees within the property (clearly identified as being retained or removed), existing street trees (clearly identified as being retained or removed), features on adjoining sites (buildings, trees, other structures etc), council's footway, existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, and at the base of the tree/s to be retained, proposed building envelope, proposed areas of pavement, and proposed landscaped areas.*
- The plan shall clearly show the position, canopy spread (location of dripline), trunk diameter, height and names of all existing trees upon the site and adjoining sites which are likely to be affected by the development.*
- b. *A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.*
- c. *A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*
- d. *Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe*

the proposed landscape works.

- e. Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
- f. Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
- g. All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape elevations through the site showing the existing and proposed groundlines, building elevations and mature height of proposed planting.*
- h. Location of easements within the site and upon adjacent sites (if any).*

The landscaping shall be installed in accordance with the approved documentation prior to the issue of an occupation certificate and shall be maintained in accordance with those plans.

- 77. To ensure satisfactory maintenance of the landscaped areas, an automatic irrigation system shall be installed throughout all the landscaped areas. Such system shall provide full coverage to all the landscaped areas with no overspray onto driveways and pathways.*

Details of the automatic irrigation system shall be shown on the detailed landscape plans and specifications. The system shall comply with all Sydney Water requirements, and relevant Australian Standards.

- 78. The naturestrip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed. Such works shall be installed prior to the issue of the Occupation Certificate.*
- 79. The naturestrip upon Council's footway shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but not be limited to, watering, mowing, fertilising, and the removal of weeds.*
- 80. In order to visually 'soften' the expanses of hard pavement, brick unit pavers or similar shall be used throughout the driveway areas on the site. Such details shall be shown on the detailed engineering documentation and shall include all structural design details including pavement/subgrade thickness.*
- Such details shall be in accordance with the relevant Australian Standard and shall be submitted to, and approved by, an Accredited Principal Certifying Authority, prior to the issue of the Construction Certificate.*
- 81. Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*

82. *All detention tanks and stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping on top of these services as stipulated by these conditions of development consent.*

All stormwater documentation submitted for the construction certificate application shall show the top of the detention tanks and stormwater infiltration devices being 600mm below the finished ground level of the landscaped areas.

Tree Management

83. *The applicant shall submit payment of \$290.00 to Council,*
- a. *Being the cost for Council to supply and install 2 x 45 litre street trees at the completion of all works.*

The contribution shall be paid into Account Number 43450030 at the Cashier on the Ground Floor of the Administrative Centre prior to an occupation certificate being issued for the development.

The applicant shall present the receipt at the Asset and Infrastructure Services counter on the First Floor to organise for the works to be undertaken.

84. *Approval is granted for the removal of the following trees subject to the planting of 1 x 75 litre broad canopied replacement tree (not palm) within the site. The species selected shall be one that will attain a minimum height of 6 metres at maturity.*
- a) *One Eucalyptus cinerea (Blue Peppermint) located along the Stanley Street frontage of the site.*

Tree Protection Measures

85. *In order to ensure the retention of the two Araucaria heterophylla (Norfolk Island Pines) located along the Avoca Street frontage of the site in good health, the following measures are to be undertaken:*
- a. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing tree specimens with the position of the tree trunks and full diameter of the tree canopies clearly shown on all drawings.*
- b. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show no alteration in the existing soil levels or the location of any detention tanks, services, stormwater infiltration systems, basement carparks, pipes, cutting or battering of the existing soil profile, or any excavations within a radius of 4 metres from the*

outside edge of the tree trunks.

- c. *The trees are to be physically protected by the installation of protective fencing around the tree/s using 1.8 metre high steel mesh/chainwire fencing. This fencing shall be located to a minimum radius of 1.5 metres from the outside edge of the tree trunks.*

This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed.

- d. *Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of in the area, no stockpiling of soil or rubble, or any works listed in Point b.*

Any works required within this zone (only as approved on the construction certificate) shall be under the direction of, and to the satisfaction of, a suitably qualified Arborist.

- e. *Any excavations required for footings, structures, retaining walls, paving etc within 4 metres of the tree trunk shall be undertaken by hand and under the direction of, and to the satisfaction of, a suitably qualified Arborist with all roots being cleanly cut.*
- f. *The installation of woodchip mulch to a depth of 75mm within the fenced off protection area as described in Point c.*
- g. *Watering of the tree (within the fenced off area) three times a week for the duration of the period of the refundable deposit described in Point i.*
- h. *The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".*
- i. *A refundable deposit in the form of cash or cheque of \$11,000.00 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the preservation of the tree in accordance with the requirements described in this condition.*

| QUANTITY | SPECIES | AMOUNT |
|-----------------|--|---------------|
| 2 | <i>Araucaria heterophylla (Norfolk Island Pines)</i> | \$11,000.00 |
| | TOTAL | \$11,000.00 |

The refundable deposit is placed to ensure that the tree protection measures as described in this condition are undertaken throughout the demolition and construction period. The refundable deposit will be released twelve (12) months from the time of issue of a final occupation certificate by the certifying authority providing the tree protection measures (including amendments to the plans) have

been undertaken throughout the demolition and construction period and the trees have been retained in good health.

Any contravention of Council's conditions relating to the trees at any time during the demolition and construction period or prior to the issue of a final occupation certificate will result in the Council claiming all of the lodged security.

86. *A refundable deposit in the form of cash or cheque, or bank guarantee for the amount of \$18,000.00 shall be lodged with Council prior to a construction certificate being issued for the proposed development to ensure the implementation and maintenance of the landscape works in accordance with the approved landscape documentation.*
- a. The refundable deposit will be released twelve (12) months after the issue of a final occupation certificate by the principle certifying authority providing the landscape works have been successfully implemented and maintained in accordance with the approved landscape documentation. Throughout the maintenance/bond period, the applicant shall be responsible for all routine maintenance such as grass cutting, weeding, watering, fertilising, spraying, staking and replacement of all failed plant stock. There must be no alteration to the original design, including substitution of trees and shrubs, without the prior approval of Council.*
 - b. Any contravention of Council's landscape conditions at any time during the construction period or prior to the expiration of a period of twelve (12) months from the date a final occupation certificate is issued will result in the Council claiming all or part of the lodged security.*
 - c. In order to organise for a final inspection for the Occupation Certificate or for the release of the security deposit, the applicant shall contact the Town Planning Department to advise that the site is ready to be inspected. Town Planning will then organise for a final inspection to be carried out. Should the landscaping be found to be unsatisfactory, thus necessitating further inspections, the applicant is advised that each additional inspection will be charged at \$55.00 (incl.GST) and that this amount shall be paid into Account Number 41901939, Code RGJ at the Cashier on the Ground Floor of the Administrative Centre prior to any further inspection being carried out.*

The applicant shall present the receipt at the Asset and Infrastructure Services counter on the First Floor to organise for a further inspection to be undertaken.

Advisory Conditions

- A1 The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA).*

In this regard, the development consent plans do not show compliance with the deemed-to-satisfy provisions of the BCA, including:

- a) Part E2 - Smoke Hazard Management*
- b) Part E4 - Emergency lighting, exit signs and warning*

systems

- c) Part F4 - Light and ventilation
- d) Part F5 - Sound Transmission and Insulation

Details of compliance with the relevant provisions of the Building Code of Australia and conditions of development consent are to be provided in the plans and specifications for the construction certificate.

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

MOTION: (Andrews/Daley) SEE RESOLUTION.

PROCEDURAL MOTION: (Greenwood/Matson) that the application be deferred. LOST.

(Crs Greenwood and Matson requested that their names be recorded as opposed to the resolution.)

10. PETITIONS.

10.1 SUBMITTED BY CR SCHICK & HIS WORSHIP THE MAYOR, CR D. SULLIVAN ON BEHALF OF RESIDENTS OPPOSING THE PROPOSED DEVELOPMENT AT 126-130 BARKER STREET BY 7-11 STORES PTY LTD. (D/0473/2002)

151 **RESOLUTION:** *(Schick/Procopiadis) that the petition be referred to the appropriate Committee with a report from the relevant officer.*

10.2 SUBMITTED BY HIS WORSHIP THE MAYOR, CR D. SULLIVAN ON BEHALF OF RESIDENTS OPPOSING THE PROPOSED DEVELOPMENT AT 2 & 4 FRANCES STREET, RANDWICK. (D/1230/2001)

152 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan/Schick) that the petition be referred to the appropriate Committee with a report from the relevant officer.*

10.3 SUBMITTED BY HIS WORSHIP THE MAYOR, CR D. SULLIVAN ON BEHALF OF RESIDENTS SEEKING COMPLIANCE BY MOUNT SINAI COLLEGE WITH ITS CONDITIONS OF DEVELOPMENT CONSENT. (D/0122/2000)

153 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan/Schick) that the petition be referred to the appropriate Committee with a report from the relevant officer.*

10.4 SUBMITTED BY HIS WORSHIP THE MAYOR, CR D. SULLIVAN ON BEHALF OF RESIDENTS SEEKING FURTHER IMPROVEMENTS TO CROMWELL PARK FENCING & PARK FURNITURE, DACRE ST TRAFFIC AND MALABAR BEACH DRAIN PIPE. (98/S/1326 xr 98/S/1300 xr R0214/02 xr 98/S/1173)

154 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan/Schick) that the petition be referred to the appropriate Committee with a report from the relevant officer.*

10.5 SUBMITTED BY HIS WORSHIP THE MAYOR, CR D. SULLIVAN ON BEHALF OF RESIDENTS OPPOSING THE OPERATING HOURS OF CALTEX AT 2-6 BREAM STREET, COOGEE. (P/004979)

155 *RESOLUTION: (His Worship the Mayor, Cr D. Sullivan/Schick) that the petition be referred to the appropriate Committee with a report from the relevant officer.*

10.6 SUBMITTED BY HIS WORSHIP THE MAYOR, CR D. SULLIVAN ON BEHALF OF RESIDENTS REQUESTING A NO STOPPING ZONE OUTSIDE 1 & 3 DAINTRY CRESCENT. (R/0215/02)

156 *RESOLUTION: (His Worship the Mayor, Cr D. Sullivan/Schick) that the petition be referred to the appropriate Committee with a report from the relevant officer.*

11. MOTIONS PURSUANT TO NOTICE.

11.1 BY COUNCILLOR PROCOPIADIS - STABLES IN PROPERTIES WITHIN THE CITY. (98/S/2274 XR 98/S/0178)

157 *RESOLUTION: (Procopiadis/Andrews) that Council officers investigate and identify all properties within the City of Randwick which contain stables. This investigation is to establish as to whether they are being used as commercial enterprises and, if so, being rated accordingly as either business or mixed development.*

MOTION: (Procopiadis/Andrews) SEE RESOLUTION.

11.2 BY COUNCILLOR MATSON – FAILURE BY DEFENCE DEPARTMENT TO ADVISE RESIDENTS OF DATE OF DEMOLITION OF ASBESTOS SHEDS. (P/014113 XR 98/S/1648 XR 98/S/0178)

MOTION: (Matson/Greenwood) that Council fax an urgent letter to the appropriate Minister handling Defence matters informing him that it regards as unacceptable the failure by his Department’s consultants to publicly commit to a schedule of specific days on which asbestos demolition works will occur on the surplus Bundock Street site. **LOST.**

11.3 BY COUNCILLOR MATSON – RISK ASSESSMENT REPORT ON INDUSTRIAL HAZARDS. (98/S/0797 XR 98/S/0178)

MOTION: (Matson/Greenwood) that a report be brought back to the next Council meeting detailing whether Council was advised that a 1983 Risk Assessment Report by the State Government concluded that a primary and a secondary risk area of industrial hazards existed in Botany and Randwick. **LOST.**

11.4 BY COUNCILLOR MATSON – RESPONSE TO CMFEU REQUEST FOR TIGHTER COUNCIL APPROACH TO ASBESTOS CEMENT. (98/S/1648 XR 98/S/0178)

MOTION: (Matson/Greenwood) that Council notes the health risks to building workers and surrounding residents from demolition or renovation of structures containing asbestos products and resolves that:

1. In respect of the demolition of structures that contain or are likely to contain Asbestos products:

(a) Upon granting consent to demolish a building or structure that contains Asbestos, Council is to notify in writing the residents adjoining the demolition site of the following:

The conditions of Development Consent;

- Council's telephone number
- The Ordinance Inspector's phone number for after hours contact;
- The telephone number of the WorkCover Construction Team (02) 9370 5099
- The name and phone number of the contractor responsible for the demolition

A copy of WorkCover's "Short Guide to Working with Asbestos Cement" is to be sent with the Council notification to adjoining residents.

(b) The following Conditions of Development Consent are to be imposed:

- i. Five (5) working days (i.e. Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to Council for inspection prior to the commencement of any such works.
- ii. On the first day of demolition, work is not to commence until the Principal Certifying Authority (PCA) has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until the PCA is satisfied that all measures are in place so as to comply with WorkCover's "Short Guide to Working with Asbestos Cement", a copy of which accompanies the Development Consent.
- iii. All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a tip recommended by the NSW Environment Protection Authority (EPA). NOTE: The person responsible for disposing of the above asbestos waste is to telephone the EPA on (02) 9325 5709 to determine the location of a tip licensed to receive asbestos. Upon completion of tipping operations the applicant must lodge with Council, all receipts issued by the receiving tip as evidence of proper disposal.
- iv. Demolition works are restricted to Monday to Friday between the hours of 7am to 6pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
- v. The applicant is to notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note on note pad size paper giving the date demolition will commence and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.
- vi. The applicant agrees to an audit of the demolition work by an OH&S consultant nominated by Council. If the developer is in default of

OH&S requirements, the developer will pay for the audit and stop work. If the contractor does not accept the opinion of the audit company, work will stop until determined by WorkCover.

- vii. The developer will display agreed asbestos/demolition signage prior to and during demolition.
- viii. A portaloos with appropriate washing facilities will be required on site prior to commencement of demolition.

2. In respect of the Renovation or Brick Veneering or Cladding of Structures Containing Asbestos, the following development consent conditions are to be imposed:

Conditions of Development Consent

- (a) All asbestos cement sheeting must be removed by contractors with an appropriate license issued by WorkCover and who are familiar with asbestos removal prior to the commencement of:
 - i. Brick veneering or re-cladding of any building where the existing walls to be covered are currently clad with asbestos cement; OR
 - ii. Construction work where new work abuts existing asbestos cement sheeting and/or where parts of the existing building clad with asbestos cement sheeting are to be altered or demolished.
- (b) All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a tip recommended by the NSW Environment Protection Authority (EPA).
- (c) The developer agrees to an audit of the demolition work by an OH&S consultant nominated by Council. If the developer is in default of OH&S requirements, the developer will pay for the audit and stop work. If the contractor does not accept the opinion of the audit company, work will stop until determined by WorkCover.
- (d) The developer will display agreed asbestos/demolition signage prior to and during demolition.
- (e) A portaloos with appropriate washing facilities will be required on site prior to commencement of demolition.

NOTE: The person responsible for disposing of the above asbestos waste is to telephone the EPA on (02) 9325 5709 to determine the location of a tip licensed' to receive asbestos. Upon completion of tipping operations, the applicant shall lodge with Council all receipts issued by the receiving tip as evidence of proper disposal. **LOST.**

A division was called for by Crs Matson and Greenwood. Voting was as follows:-

| For | Against |
|--------------|----------------|
| Greenwood | Andrews |
| Matson | Backes |
| Notley-Smith | Daley |
| Seng | Matthews |

Whitehead

Procopiadis
Schick
His Worship the Mayor, Cr D. Sullivan
Tracey
White

12. URGENT BUSINESS.

Nil.

13. CONFIDENTIAL REPORTS.

Nil.

14. COMMITTEE-OF-THE-WHOLE.

Nil.

15. REPORT OF COMMITTEE-OF-THE-WHOLE.

Nil.

16. NOTICE OF RESCISSION MOTIONS.

Nil.

There being no further business, His Worship the Mayor, Cr D. Sullivan, declared the meeting closed at 9.25 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 23RD JULY, 2002.

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CHAIRPERSON