

**MINUTES OF ORDINARY COUNCIL MEETING OF THE  
COUNCIL OF THE CITY OF RANDWICK  
HELD ON TUESDAY, 24<sup>TH</sup> JUNE, 2003 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 B. Notley-Smith and M. Matson
West Ward	-	Crs P. Schick, M. Whitehead and J.Procopiadis
Central Ward	-	Crs C. Bastic (from 7.51 p.m.), T. Seng and A. Andrews

**OFFICERS PRESENT:**

Acting General Manager	Mr. M. Savage.
Acting Director Asset & Infrastructure Services	Mr. F. Rotta.
Acting Director Planning & Community Development	Ms. R. Wereszczynski
Director Governance Management & Information Services	Mr. M. Hummerston.
Public Officer	Mr. P. Smith.
Communications Manager	Ms. D. Brien.
Policy, Planning & Performance Manager	Ms. K. Walshaw.

**1. COUNCIL PRAYER**

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

**2. APOLOGY.**

An apology was received from Cr Backes.

**RESOLVED: (Andrews/Procopiadis)** that the apology be received and accepted and leave of absence be granted to Cr Backes from the Ordinary Council Meeting held on Tuesday, 24<sup>th</sup> June, 2003.

**3. MINUTES**

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY, 27<sup>TH</sup> MAY, 2003.**

131 **RESOLUTION: (Procopiadis/White)** that the Minutes of the Ordinary Council Meeting held on Tuesday, 27<sup>th</sup> May, 2003 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

**RESOLVED: (Procopiadis/Andrews)** that the meeting be adjourned at 6.29 p.m. to permit members of the public entitled and wishing to address the assembled Councillors.

#### **4. ADDRESSES TO THE COUNCIL BY THE PUBLIC.**

1. Mr Andrew Tosti, 24 Daintrey Crescent, Randwick on Item 6.1, Acting General Manager's Report 14/2003 - 2003/06 Draft Management Plan & Budget.
2. Mr Leo Patterson, 17 Goorawahl Avenue, La Perouse on Item 9.1, Director Planning & Community Development's Report 42/2003 - 17 Goorawahl Avenue, La Perouse.
3. Mr Michael Hoskins, 38 Elaroo Avenue, Phillip Bay on Item 9.2, Director Planning & Community Development's Report 43/2003 - 38 Elaroo Avenue, Phillip Bay.
4. Mr Peter Sharp (on behalf of Objectors at 38 Park Avenue) on Item 9.3, Director Planning & Community Development's Report 44/2003 - 34-36 Park Avenue, Clovelly.
5. Ms Geneveive Slattery, 467-471 Elizabeth Street, Surry Hills on Item 9.3, Director Planning & Community Development's Report 44/2003 - 34-36 Park Avenue, Clovelly.
6. Mr Julius Bokor, 88 Fouveaux Street, Surry Hills on Item 9.4, Director Planning & Community Development's Report 45/2003 - Villa 3, 61 High Street, Prince Of Wales Hospital Randwick.
7. Mr Reg Smith, 2 Cunningham Street, Moorebank on Item 9.5, Director Planning & Community Development's Report 46/2003 - Master Plan For 495-503 Bunnerong Road, Matraville.
8. Mr Liam Horgan, 35 Moorina Avenue, Matraville on Item 11.1, N.O.M by Councillor Matthews – Proposed Kerb, Guttering and Footpath for Moorina Ave, Matraville.
9. Mr Sam Celli, 4/28 Judge Street, Randwick on Item 11.2, N.O.M by Councillor Matson – Incorporation of Judge Street into Randwick Parking Study Management Strategy Plan.
10. Mr Richard Walsh, c/- Walsh's Village Pharmacy, South Maroubra on Item 11.3, N.O.M by Councillor Matson – Refurbishment of South Maroubra Village Green.
11. Mr Phillip Duthie, 23 Meagher Avenue, Maroubra on Item 11.3, N.O.M by Councillor Matson – Refurbishment of South Maroubra Village Green.
12. Ms Jacqueline Crombie, 26 Pauling Avenue, Coogee on Item 11.5, N.O.M by Councillor Matson – Side Door at 22A Pauling Avenue, Coogee.

The meeting was further adjourned at 7.30 p.m.

The meeting was resumed by His Worship the Mayor, Cr D. Sullivan at 7.51 p.m. with Cr Bastic in attendance.

#### **5. MAYORAL MINUTES.**

##### **5.1 MAYOR'S MINUTE 33/2003 - TED NOFFS CORPORATE CHALLENGE FOR YOUTH. (98/S/0931)**

132 **RESOLUTION: (His Worship the Mayor, Cr D. Sullivan) that:**

- (a) Council support the sponsorship of the Ted Noffs Corporate Challenge for Youth and contribute \$2,500;
- (b) Council request 5 volunteers to participate in the fundraising event;

- (c) *Acknowledgement of Council's contribution to the event is appropriately publicised; and*
- (d) *the Ted Noffs Foundation also be invited to apply to Council for funding under its annual grants programme.*

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

**6. ACTING GENERAL MANAGERS' REPORTS.**

**6.1 ACTING GENERAL MANAGER'S REPORT 14/2003 - 2003/06 DRAFT MANAGEMENT PLAN & BUDGET. (98/S0555)**

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

- (a) *the Draft Fees and Charges be amended to allow for Registration of Certificates for Class 1 & 10 buildings of \$45.00 and Class 2 to 9 buildings of \$70.00, Section 603 certificates of \$50.00 and urgent Section 603 certificates of \$60.00, and Footpath Restoration – lost or damaged pavers of \$70.00 per sq metre;*
- (b) *the Fees and Charges be amended to include the new confidential fees of the Building Certification Services Unit;*
- (c) *the Draft Fees & Charges and the Confidential Fees and Charges, as amended, be adopted for 2003/04;*
- (d) *the permissible increase to General Income of 3.662% is adopted;*
- (e) *the increase in general income of \$144,608 is allocated to the Councils Online project and the Draft Budget 2003/04 be amended;*
- (f) *the additional Capital Works projects of the Bali Memorial project receive an additional \$35,000 and this be funded by reducing the Councillor Bid vote by this amount, and to allocate \$60,000 from Reserves to the Storey St Traffic Calming project, and that the Draft Budget be amended;*
- (g) *the Draft Budget 2003/04 as amended, be adopted as the Budget for 2003/04, and that funds be voted accordingly;*
- (h) *the interest rate on overdue rates be calculated at 9% per annum, and charged daily, in accordance with the determination under s566 (3) (Local Government Act 1993) by the Minister for Local Government;*
- (i) *the Draft Management Plan 2003/06 as amended, be adopted as the Management Plan for 2003/06 under s406 (1) of the Local Government Act 1993;*
- (j) *the Ordinary Residential Rate be made and levied by Council for 2003/04, under s494 and s498 (1)(a) and (2) of the Local Government Act 1993, as a rate of 0.28941 cents in the dollar on the land value of all rateable land within the City of Randwick being Residential land;*
- (k) *the Ordinary Business Rate be made and levied by Council for 2003/04, under s494 and s498 (1)(a) and (2) of the Local Government Act 1993, as a rate of*

*1.15077 cents in the dollar on the land value of all rateable land within the City of Randwick being Business land;*

- (l) the minimum ordinary Residential rate be made and levied in 2003/04 under s548 (1)(a), (2), (4) & (5) of the Local Government Act 1993, as \$451.00;*
- (m) the minimum ordinary Business rate be made and levied in 2003/04 under s548 (1)(a), (2), (4) & (5) of the Local Government Act 1993, as \$726.50; and*
- (n) a report be submitted by the Mayor on the rental of premises and insurance arrangements for Precinct Committees.*

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

**AMENDMENT: (Matson/Notley-Smith)** that the sum of \$200 per Precinct Committee be made available to cover postage, phone calls, photocopying, rental and incidental costs and this be funded from the Councillors' Bids Vote. **LOST.**

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

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

**FURTHER AMENDMENT: (Matson/Greenwood)** that a supplementary report be prepared on the concept of establishing a reserve internal fund in the next budget to facilitate the construction of such works as the Lexington Place Community Centre, R.I.C.C., etc. **LOST.**

**FURTHER AMENDMENT: (Greenwood/Matson)** that the provision of \$2.8 million for Clovelly Promenade be transferred to the provision of community facilities such as a permanent home for R.I.C.C. in Waratah Avenue, a community arts centre in Sandgate Cottage, implementation of more of the Bike Plan and disabled/pram access ramps on footpaths to roadways. **LOST.**

## **6.2 ACTING GENERAL MANAGER'S REPORT 15/2003 - ANNUAL REPORTING OF CONTRACTS FOR SENIOR STAFF (Personnel)**

- 134 **RESOLUTION: (Andrews/White)** that the Acting General Manager's Report 15/2003 entitled "Annual reporting of Contracts for Senior Staff" be received and noted.

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

**6.3 ACTING GENERAL MANAGER'S REPORT 16/2003 - BALI REPORT.  
(98/S/4889)**

135 **RESOLUTION:** (*Procopiadis/Daley*) that having regard to:

- a) *the sensitivities surrounding the project and the public expectation a memorial will be constructed in memory of those killed and injured by the first anniversary of the Bali terrorist attack;*
- b) *the severe time constraints , in that the project must be completed by 12th October 2003, the first anniversary of the Bali bombing;*
- c) *an independent art curator has been employed to select seven designers with appropriate experience in commissioning public art to ensure that the time constraints are met; and*
- d) *selection of the successful designer will be made by an independent selection panel containing representatives of the Bali victims' families.*

*a satisfactory result would not be achieved by inviting tenders for the commissioning of a memorial to the victims of the Bali bombings.*

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

**7. ACTING DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORTS.**

**7.1 ACTING DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT  
27/2003 - TREE PRESERVATION ORDER - VIOLATION AT INGLIS  
STABLES, RANDWICK. (P/002779)**

136 **RESOLUTION:** (*White/Andrews*) that:

- a) *the owners of the Newmarket Stables be advised that any trimming or removal of relevant trees is regarded as a serious breach of Council's Tree Preservation Order and any such action without Council approval will, in future, result in court action being taken against them; and*
- b) *the owners of Newmarket Stables shall replace the trees that have been removed with an appropriate number of super advanced native tree species - the number and species being determined by Council's Tree Management Officer.*

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

**7.2 ACTING DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT  
28/2003 - PROPOSED ALCOHOL FREE ZONE - SHORT STREET,  
RANDWICK. (98/S/1285)**

137 **RESOLUTION:** (*Tracey/Andrews*) that:

- a) *Council support Maroubra Police's application to create an Alcohol Free Zone in Short Street both sides, from Belmore Road to Avoca Street, and Avoca Street west side from the intersection of Belmore Road to pedestrian entrance to Randwick Village;*
- b) *the public consultation process be undertaken in order to properly establish the*

*Alcohol Free Zone in accordance with the requirements of the Local Government Act; and*

- (c) *Council write to the Commander at Maroubra Police Station seeking the enforcement of the Alcohol Free Zone in Anzac Parade, between Haig Street and Boyce Road.*

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

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

**8.1 DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES' REPORT 13/2003 - LOCAL GOVERNMENT REMUNERATION TRIBUNAL – DETERMINATIONS. (98/S/1092 xr 98/S/0090)**

- 138 **RESOLUTION: (Daley/Procopiadis)** *that a Councillor's Annual Fee of \$15,970 and a Mayor's Annual Fee of \$42,430 be set for the financial year July, 2003 to June, 2004 in accordance with the range stipulated by the Local Government Remuneration Tribunal.*

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

**9. DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORTS.**

**9.1 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 42/2003 - 17 GOORAWAHL AVENUE, LA PEROUSE. (D/0276/03)**

- 139 **RESOLUTION: (White/Daley)** *that Council as the responsible authority, grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No.276/2003 for permission to construct a new double garage with terrace above, new front fencing and stairs at 17 Goorawahl Avenue, La Perouse, subject to the following conditions:*

1. *The development must be implemented substantially in accordance with the plan numbered 11/13 of Job No.93 drawn by L.P and received by Council on 4 April 2003, the application form and 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:*
2. *The colours, materials and finishes of the external surfaces to the building are to be compatible with the existing building and adjacent development to maintain the integrity and amenity of the building and the street scape, to the satisfaction of Council's Director of Planning & Community Development.*
3. *Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.*
4. *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.***

5. *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.*
6. *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.*
7. *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.*
8. *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 \$5,000.*

*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.*

9. *The following conditions are applied to ensure that the development satisfies relevant standards of construction, and to maintain adequate levels of health, safety and amenity during construction:*
10. *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.*

11. *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.*
12. *The building works are to be inspected by the Principal Certifying Authority (or other suitably qualified person approved by the Principal Certifying Authority), to monitor compliance with the relevant standards of construction and Council's development consent.*

*The Principal Certifying Authority shall 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).*

*Documentary evidence of the building inspections carried out and details of compliance with Council's approval is to be maintained by the Principal Certifying Authority. Details of critical phase inspections carried out and copies of certification relied upon, shall be forwarded to Council with the occupation certificate or, upon finalisation of works if no occupation certificate is issued.*

13. *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.*
14. *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.*
15. *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.*
16. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*

*The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.*

17. *A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or footway for services or the like.*
18. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.*



19. *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.*
20. *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".*
21. *Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line or any public place and the stockpiles must be protected with adequate sediment control measures.*

*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.*

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

22. *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) \$700.00 - 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:***

23. *The applicant must meet the full cost for Council or a Council approved contractor to:*
  - a) *Construct concrete vehicular crossing between the existing roll top kerb and the property boundary of the vehicular entrance to the site. This shall include the removal of the existing brick paved vehicular crossing and construction of any retaining walls to Council's specification.*
24. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's kerb & gutter, nature strip etc that 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.*
25. *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.*

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

26. *The design alignment level at the property boundary for the driveway garage slab and pathway entrance is to be at RL 22.76 as shown on the submitted plans. The construction and materials of the proposed retaining wall is to be to the satisfaction of the Director of Asset and Infrastructure Services.*

*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:*

***Driveway Entrance – RL 22.76.***

***Pedestrian Gate Entrance – RL 22.92.***

***Top of Footings for New Front Fence – RL 22.76.***

*The abovementioned RL's relate to levels shown on the submitted plan for the development application.*

*Any enquiries regarding this matter should be directed to Council's Assets & Infrastructure Services Department on 9399 0923. The design alignment level at the property boundary must be strictly adhered to.*

27. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$68.20 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.*
28. *The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the alignment level as specified for the vehicular access. This condition has been attached to accommodate future footpath construction at this location.*

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

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, Energy Australia and Sydney Water to adjust/repair/relocate their services*

as required. The applicant must make the necessary arrangements with the service authority.

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

31. 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 'ANL Organic Garden Mix', and re-turfed with Kikuyu turf. Such works shall be completed at the applicants expense prior to the issue of the Occupation Certificate.

*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.*

**ADVISORY MATTERS:**

- A1 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: (White/Daley) SEE RESOLUTION.**

**9.2 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT  
43/2003 - 38 ELAROO AVENUE, PHILLIP BAY. (D/0151/2003)**

140 **RESOLUTION:** (Daley/Procopiadis) that Council as the responsible authority refuse development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 151/2003 for the erection of a garage (with storage space above) and a swimming pool at the front of the existing dwelling and for modifications to the existing front fence at 38 Elaroo Avenue, Phillip Bay, for the following reasons:-

1. The proposed swimming pool and garage/storage structure in the front yard would result in approximately only 7% of the site existing as soft landscaping, which does not comply with the Preferred Solution for 'Landscaping & Open Space' in Council's Dwelling Houses and Attached Dual Occupancies Development Control Plan that a minimum of 20% of the site has a permeable (soft landscaped) treatment. The proposed works would not meet the Performance Requirements in that unpaved or unsealed areas would not be maximised;
2. The proposed garage/storage structure would not meet the Performance Requirements for 'Building Setbacks' in Council's Dwelling Houses and Attached Dual Occupancies Development Control Plan in that the front building setback would not conform with the front setback of the adjoining development or with the dominant setback along the street;
3. The proposed garage/storage structure would not meet the Performance Requirements for 'Garages, Carports and Driveways' in Council's Dwelling Houses and Attached Dual Occupancies Development Control Plan in that the structure would detract from the appearance of the streetscape and would not be compatible in

*scale with the associated dwelling house;*

4. *The proposed garage/storage structure would not meet the Performance Requirements for 'Height, Form & Materials' in Council's Dwelling Houses and Attached Dual Occupancies Development Control Plan in that the structure would not enhance the existing desirable built form character of the street; and*
5. *The application proposes a solid 1.9m high front fence. The proposed front fence would not comply with the Preferred Solutions for 'Fences' in Council's Dwelling Houses and Attached Dual Occupancies Development Control Plan that solid front fences in front of the building line are no higher than 1.2m and that fences in front of the building line are no higher than 1.8m and are designed so that the upper two-thirds is at least 50% open. The proposed front fence would not meet the Performance Requirements in that the fencing would not be integrated with the streetscape and would not contribute positively to the street character.*

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

(Cr Matthews requested that his name be recorded as opposed to the resolution.)

**9.3 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT  
44/2003 - 34-36 PARK AVENUE, CLOVELLY. (D/670/2003)**

141 **RESOLUTION: (Andrews/Seng) that:**

- A. *Council as the responsible authority grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to Modify Development Consent No. 670/2002 on property 34-36 Park Avenue, Clovelly in the following manner:*

*Amend Condition No. 1 and 2 to read:*

- “ 1. The development must be implemented substantially in accordance with the amended plans comprising of two (2) sheets numbered 80803 DA01 A & 80803 DA02 A dated March 2003 prepared by Stanton Dahl Architects received by Council on 19 March 2003, 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:”*
- 2. The height of the building shall be reduced by 250mm. Details of compliance are to be provided on the construction certificate plans*

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

**AMENDMENT: (Tracey/Whitehead) that the application be refused for the following reasons:**

1. the proposed modification will result in significant additional view loss to the neighbouring properties to the north;
2. the proposed setback of the northern elevation of the upper level does not comply with the proposed solution in Council's DCP; and

3. the proposed increase in height will result in an unreasonable level of overshadowing to properties to the south. **LOST.**

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

**9.4 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT  
45/2003 - VILLA 3, 61 HIGH STREET, PRINCE OF WALES HOSPITAL  
RANDWICK. (D/040/03)**

142 **RESOLUTION:** (*Procopiadis/Andrews*) that:

- A. *the requirement for the submission of a Master Plan under Clause 40A of Randwick Local Environmental Plan 1998, as amended be waived on the grounds that the proposed development is minor and ancillary to the current use of the land.*
- B. *the New South Wales Department of Health be advised that any further development of the site which intensifies its use will not be determined until a Master plan has been prepared and approved for the Prince of Wales' Hospital site.*
- C. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 40/03 for alterations and additions to existing medical research institute including new first floor and signage at Villa 3, 61 High Street, Prince of Wales Hospital Randwick subject to the following conditions:-*

- 1 *The development must be implemented substantially in accordance with the plans numbered 0212 A-01-04 A and A-07, dated 26 November 2002 and received by Council on 20 January 2003, 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 colours, materials and finishes of the external surfaces to the building and signage are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.*
- 3 *The proposed plant room to the roof of the additional storey of villa 3 shall have sufficient noise attenuation measures undertaken to ensure no unreasonable noise level affects adjoining properties to Hall Street.*

***The following group of conditions have been applied to ensure that adequate drainage is provided from the premises and to maintain adequate levels of health and amenity in the locality:***

- 4 *Surface water/stormwater must be drained and discharged to the street gutter. Details to be provided prior to commencement of building works.*

*Details of any works proposed to be carried out in or on a public road/footway are to be submitted to and approved by Council's Director of Planning and Environment prior to commencement of works.*

***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:***

5. *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.*

*In this regard, 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 conditions are applied to satisfy the relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to the locality:***

6. *The use and operation of the premises shall not give rise to an environmental health or public nuisance.*
7. *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.*
8. *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.*

*The sediment and erosion control measures must be implemented prior to the commencement of any site works and a copy of the details be made available to Council officers upon request.*

*Details of the proposed sediment and erosion control measures shall include a site plan, indicating the slope of the land, access points and access control measures, location and type of sediment and erosion controls, location of existing vegetation to be retained, location of material stockpiles and storage areas, location of building operations and equipment.*

*Stockpiles of soil, sand aggregate or other materials must not be located on any drainage line, natural watercourse, footpath, roadway or 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 in footpaths, roadways, in any public place or any location, which may lead to the discharge of materials into the stormwater drainage system.*

9. *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 center for a nominal fee.*

10. *Public access to the site and building works, materials and equipment on the site is to be restricted when work is not in progress or the site is unoccupied.*
11. *A temporary safety fence is to be provided to protect the public located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1500mm). Temporary fences are to have a minimum height of 1800mm and be constructed of cyclone wire fencing with geotextile fabric attached to the inside of the fence to provide dust control, or another material approved by Council.*
12. *Hoarding or fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing not permissible. The public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation of building works and be maintained throughout construction.*

***The following conditions are applied to ensure adequate environmental protection:***

13. *All hazardous or intractable wastes (including asbestos) shall be removed and disposed of in accordance with the requirements of WorkCover and the Environmental Protection Authority, and with the provisions of:*
  - *Occupational health and Safety Act 1983 (NSW)*
  - *Construction Safety Act 1912; Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement 1983 (NSW)*
  - *Occupational Health and Safety (Hazardous Substances) Regulation 1996 (NSW).*
  - *Occupational Health and Safety (Asbestos Removal Work) Regulation 1996 (NSW); and*
  - *Waste Minimisation and Management Act 1995 and Regulations (NSW).*
14. *All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority. In this regard all contractors and employees shall adopt work practices in accordance with the requirements of WorkSafe's Control of Inorganic Lead at Work (NOHSC:102(1994) and NOHSC:2015(1994).*
15. *All site works shall comply with the occupational health and safety requirements of WorkCover NSW.*
16. *Hazardous dust must not be allowed to escape from the site. The use of fine mesh dust proof screens or other relevant measures is recommended. Any existing accumulations of dust (eg, ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during high winds, which may cause dust to spread beyond site boundaries.*

**WASTE MANAGEMENT:**

***The following conditions are applied to ensure that adequate provisions are made for the***

***management of waste from the development:***

17. *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.*
18. *Noise emissions during the construction of the building and associated site works must comply with the relevant provisions of the Protection of the Environment Operations Act 1997 & the Noise Control Manual published by the Environment Protection Authority, except as may be amended by the conditions of this approval.*
19. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*
20. *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 and debris at all times.*
21. *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.*
22. *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".*
23. *A Construction Site Management Plan is to be prepared 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.*

*There are no emissions or discharges from the premises which will give rise to an offence under the Protection of the Environment Operations Act 1997 and regulations.*



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

24. *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.*

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

25. *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. *stormwater drainage*
26. *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.*
27. *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.*

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

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

**9.5 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT  
46/2003 - MASTER PLAN FOR 495-503 BUNNERONG ROAD,  
MATRAVILLE. (98/S/4873)**

143 **RESOLUTION: (White/Bastic) that:**

- (A) 1. *Council Adopt the Master Plan for 495-503 Bunnerong Road, Matraville, subject to the variations and requirements outlined in Part A -Schedule of Variations of this report.*
2. *the applicant provide a revised Master Plan document, incorporating the variations in Part A - Schedule of Variations of this report, prior to the lodgement of any development application.*
3. *the applicant be advised that the issues specified in Part B – Matters to be addressed in Future Development Applications of this report be submitted with future development applications for the proposed development.*

4. *the Master Plan be adopted for 5 years from the date of its adoption being 24 June 2003.*

**Part A – Schedule of Variations**

1. *The relevant section of the Master Plan be amended to provide for a detailed list of design principles specifically addressing the proposed layout, orientation, building design envelope and amenity impacts of the proposed development including (but not limited to) the following:*
  - 1.1 *Buildings to be designed in accordance with the building principles contained in Residential Flat Design Pattern Book – PlanningNSW and NSW Department of Public Works and Services.*
  - 1.2 *Buildings are to be designed and aligned to reflect street corner conditions with appropriate architectural treatment and street hierarchy considerations.*
  - 1.3 *All dwellings are to be designed to achieve cross-ventilation.*
  - 1.4 *Building fronts and entries are to be readily apparent from the street and convey a sense of address. Building detailing and articulation must enable dwellings to be identified from the street.*
  - 1.5 *Buildings are to be aligned predominantly parallel to the street boundary.*
  - 1.6 *Building facades are to provide environmental amenity through sun shading devices, privacy screens and noise barriers combined with useable outdoor areas.*
  - 1.7 *Ensure a safe physical environment by promoting crime prevention through design.*
2. *The relevant section of the Master Plan be amended to state that*

*the Master Plan and future Development Applications for the site shall be substantially in accordance with the height, building envelope, footprint and setbacks shown in the plans No. MP-01 dated 12/5/03, MP-02 dated 13/5/03, MP-03 dated 13/5/03, and MP-04 dated 13/5/03, submitted with the Master Plan*

*the elevation and floorplans in the plans No. MP-01 dated 12/5/03, MP-02 dated 13/5/03, MP-03 dated 13/5/03, and MP-04 dated 13/5/03, submitted with the Master Plan shall be indicative only with details to be provided at the Development Application Stage.*
3. *The relevant section of the Master Plan be amended to show an appropriate redesign to the Daunt Street frontage including, but not limited to, the following*

*Provision of wrap-around retail uses on the Daunt Street frontage.*

*Introduction of an appropriate architectural treatment to the Daunt Avenue frontage consistent with the list of design principles in requirement No. 1 (Part A- Schedule of Variations) above.*

*Deletion of the vehicular access point in the Post Office site and consolidation into one.*

4. *The relevant section of the Master Plan be amended to show provision of public toilet facilities within the proposed development.*
5. *The relevant section of the Master Plan be amended to incorporate the provision of affordable housing in the proposed development in the form of one dwelling unit.*
6. *Section 5 (page 12 of the Bunnerong Road and Daunt Avenue Master Plan report) be amended to state that access to and through the central courtyard for all future residents of the proposed development will be provided to permit and facilitate circulation between the eastern building and Bunnerong Road and vice-versa.*
7. *Section 6 (page 13 of the Bunnerong Road and Daunt Avenue Master Plan report) be amended to state that the existing public reserve on Pillars Place is to be provided with appropriate landscaping works including, but not limited to, the provision of a pedestrian path through the reserve and the proposal's deep soil landscaped zone to provide a pedestrian link between Pillars Place and Daunt Avenue.*
8. *The Master Plan be amended to create a new section entitled Ecologically Sustainable Development to contain the following measures:*

#### ***Energy Efficiency***

*A study detailing the most appropriate hot water heating system for the proposed development having regard to maximum reduction in green house gases together with any options for renewable energy use.*

*Building materials, appliances and fuel sources are to be selected to minimise greenhouse gas emissions.*

*Buildings are to have an area of roof with appropriate orientation and pitch, suitable for installing solar collectors.*

*All developments shall have adequate insulation to the recommended level Australian Standard 2627 – 1993 “Thermal insulation of dwellings”.*

*Buildings are to be made of materials that have a higher thermal mass value such as bricks, concrete and stone. Where timber is used it is to be plantation, recycled or regrowth timber. No rainforest or old growth timber is to be used.*

*Three or more storey developments are to demonstrate energy efficient design achieving a NatHERS rating of not less than 4.5 stars. Any non-compliance with the rating nominated is to be justified in a report prepared by an expert in this area that comprehensively assesses the energy performance of the building and demonstrates compliance with the objectives of these controls.*

*Energy efficient lighting and control systems are to be provided in all common and outdoor areas including basement car parks in multi unit developments.*

*Gas is to be plumbed into the kitchen and living rooms and any other rooms as*

*desired.*

*Open fire places are not to be installed.*

*External drying areas are to be available and readily accessible to all dwellings and sited to receive good winter sun and breezes.*

*Water flow reducing fittings or flow reduction valves are to be installed to all service outlets.*

*Windows and building layout should facilitate summer cooling by cross ventilation. No dwelling is to rely solely on air-conditioning for thermal comfort.*

*At least 80% of dwelling units are to be cross ventilated and are to receive at least 3 hrs of direct solar access on 21 June.*

*A substantial part (at least 50%) of the principal open space area between the eastern and western buildings of the site is to receive at least 3 hours of direct solar access on 21 June.*

*Internal rooms reliant on artificial lighting and mechanical ventilation should be minimised.*

*Doors and windows and their openings are to have adequate means of draught control.*

*Where practical and appropriate, skylights and/or wind powered ventilators are installed to enhance natural light and ventilation.*

*Roof spaces are to be ventilated.*

*In all dwellings a maximum of 50% of lighting should be incandescent or low voltage.*

*As part of any future development application/construction certificate process for the site a public utility impact As part of any future development application/construction certificate process for the site a public utility impact Materials selection takes into account the life cycle effect of their manufacture, use and disposal.*

*The use of PVC is to be minimised.*

*The use of alternative energy sources such as rooftop photovoltaic cells to meet some of the dwellings' electricity demand and sell back to the grid.*

*The use of light fittings with high efficiency reflectors suitable for compact florescent lamps or tubes (these consume four times less electricity than standard incandescent light bulbs, last eight times longer and provide the same level of light).*

*The use of dimmers for all lighting, automatic turn-off switches for outdoor*

*lighting, motion-detectors for lighting external entrances and outdoor security, time switches for lighting in common areas, and solar powered lighting in common areas.*

*The use of energy efficient appliances.*

### ***Water Efficiency***

*A study for water efficiency will be prepared which demonstrates incorporation of water sensitive design measures including the use of water tanks for landscaping, toilet and laundry use, and grey water re-use.*

*Water efficient plumbing fixtures are to be integrated into the building design including, but not limited to dual flush toilets and low flow shower heads and tap roses (triple A rated).*

*In-sink food and waste disposal systems are not to be installed.*

### ***Environmental Education***

*An environmental education toolkit and resource package is to be provided for all residents detailing the design features and maintenance requirements for the sustainability features of the development, such as (but not limited to):*

*water conservation devices;  
solar powered devices;  
energy conservation devices;  
composting; etc*

*Where practical maintenance, instructions are also to be attached to the particular feature, such as a rainwater tank.*

### ***Waste Management***

*Facilities for storing and collecting waste and recycling materials shall be provided in accordance with the “Better Practice Guide for Waste Management in Multi-Unit Dwellings”, Resource NSW, February 2002.*

*Waste storage facilities for garbage and recycling containers in multi unit developments are to be provided either in a centralised garbage/recycling room accessible to garbage compactors or in a facility where bins can be easily wheeled to the street for collection. The facilities are of a sufficient size to meet the needs of the dwellings and the garbage/recycling collection service.*

*The location and design of waste collection facilities are to complement the design of the development and not be visually obtrusive in the streetscape or visible from any public places.*

*Each dwelling in a multi-unit development is to have a waste storage cupboard in the kitchen that facilitates the separation of recyclable materials. The cupboard is to be capable of holding at least a single day’s average waste*

*and allow for source separation of garbage, recyclable and compostable material.*

*The design of landscaped areas is to provide for on-site composting.*

*Waste facilities should not be located between the front alignment of a building and the road.*

### ***Utilities/Site Facilities***

*Mailboxes are to be provided in accordance with the delivery requirements of Australia Post. Mail boxes are to be integrated into the entrance way or entrance pathway to multi unit dwellings rather than along the fence facing the primary street frontage.*

*A suitably screened single common television/radio antenna (or other types of communication reception device) is to be provided to service all dwellings in a development.*

*Electricity services are to be provided in accordance with the requirements of Energy Australia. All electrical reticulation is to be underground. Meter boxes are to be placed in positions acceptable to the applicable energy service provider and screened from the street.*

*A reticulated gas supply to a meter for each dwelling and to optimum service points for cooking and space heating is to be provided.*

*Laundry and drying facilities shall include the following features :*

*A dedicated laundry is to be provided for each dwelling.*

*Outdoor clothes drying facilities are to be accessible to all residents and screened from the street and public places.*

*Alternatively, a retractable or demountable clothes line is to be provided in the courtyard or on a screened service balcony of each dwelling.*

*Communal secure bulk item storage facilities are to be provided in multi unit dwellings to store unwanted items that are awaiting clean up collection.*

### ***Storage***

*8% of the floor space of each dwelling is to be provided for storage. Half of the storage area can be in garages, semi-basement enclosures or located externally. Internal storage areas may include linen cupboards, laundry cupboards, under stair areas and built in wardrobes, but kitchen and bathroom storage is excluded from the 8% calculation.*

### ***Barrier Free Access***

*The design of all new development other than the design of single dwelling houses is to provide special needs access. This includes access to and from*

*public foyer areas, parking areas, and landscaped areas (including private open space for dwellings that have been nominated as adaptable dwellings).*

*Access for people with a disability is to be provided to and within dwellings of multi unit developments at the following minimum rates:*

<i>0 – 14 dwellings</i>	<i>0</i>
<i>15 – 29 dwellings</i>	<i>1</i>
<i>30 – 44 dwellings</i>	<i>2</i>
<i>45 – 60 dwellings</i>	<i>3 and so on.</i>

*The requirements of AS 1428.1 and AS 4299 are to be incorporated in special needs and adaptable dwelling designs.*

*Each dwelling that is designed to be accessible for people with a disability is to have a corresponding suitably located parking space designed for people with a disability.*

*All development that provides a passenger lift is to provide access for people with a disability to all common foyer and parking areas.*

*Publicly accessible areas within private developments are to be provided with facilities for access and mobility in accordance with the Building Code of Australia.*

*The above listed measures are to be incorporated in the design of any future development application for the site. The Master Plan will also be required to be amended such that the ESD principles of precautionary approach, intergenerational equity and conservation of biodiversity and ecological integrity are applied to each of the above-listed measures to further confirm their ecological value.*

9. *The Master Plan be amended to create a new section to state the following measures:*

*A preliminary site contamination investigation identifying any past or present potentially contaminating activities on the site, a detailed appraisal of the site history, and results of a visual site inspection and assessment of the site will be undertaken. Where information on site contamination is limited, some soil sampling may be warranted. To address the requirements of council's Contaminated Land Policy 1999.*

*Should the preliminary site contamination investigation reveal the existence of contamination, all works shall be carried out in accordance with the requirements of:*

*The Contaminated Land Management Act 1997 and Regulations;  
EPA guidelines made or approved under section 105 of the Contaminated Land Management Act 1997;  
The Protection of the Environment Operations Act 1997 and Regulations;  
Council's Contaminated Land Policy 1999;  
State Environmental Planning Policy 55 - Remediation of Land;*

*DUAP/EPA Planning Guidelines 1997 - Managing Contaminated Land;*

*Should contamination be revealed on the site, the site will be required to be remediated to current and safe standards appropriate to the future and on-going use of the land. In the case of asbestos, where no standard exists, Council will require that the site be asbestos free or be remediated to a level where no unacceptable health risk remains as confirmed by the relevant State and/or Commonwealth Government authority. Council will require the submission of a Site Audit Statement (SAS) and a Summary Site Audit Report for both land and ground water to certify that the site is suitable for unrestricted landuses as identified in the Master Plan.*

*Appropriate investigations shall be undertaken to determine if the land is affected by the presence of Acid Sulphate Soils (ASS) as outlined in Council's "Advice on Acid Sulphate Soil" leaflet. Should the proposed works for the development constitute works that present an environmental risk in relation to ASS, further investigations shall be undertaken to determine ASS impacts.*

*Part B – Matters to be addressed/submitted in Future Development Applications*

1. *Demonstrated consistency with all the requirements and variations of the approved Master Plan such that:*

*the Development Application proposal shall be substantially in accordance with the height, building envelope, footprint and setbacks shown in the plans No. MP-01 dated 12/5/03, MP-02 dated 13/5/03, MP-03 dated 13/5/03, and MP-04 dated 13/5/03, submitted with the Master Plan*

*the elevation and floorplans in the plans No. MP-01 dated 12/5/03, MP-02 dated 13/5/03, MP-03 dated 13/5/03, and MP-04 dated 13/5/03, submitted with the Master Plan shall be indicative only with details to be provided at the Development Application Stage.*

2. *The design of the proposal will be consistent with the list of design principles required under requirement No. 1 in Part A – Schedule of Variations of this report.*
3. *Design details to permit and facilitate access to and through the central courtyard for all residents of the proposal including, but not limited to, through site circulation for future residents from the eastern building to Bunnerong Road at the proposed arcade entrance point and vice-versa.*
4. *Details of the design of all footpaths showing that footpaths will be suitable for disabled and older persons to be submitted.*
5. *Details of appropriate landscaping works in the existing public reserve on Pillars Place including, but not limited to, the provision of a pedestrian path through the reserve to integrate with the proposal's deep soil landscaped zone to provide a pedestrian link between Pillars Place and Daunt Avenue.*
6. *Details of public toilet facilities within the proposed development.*



7. *Details of the provision of affordable housing in the proposed development in the form of one dwelling unit.*
8. *Details of privacy screens on all east-facing balconies in the eastern building.*
9. *Details indicating that at least 80% of dwelling units are to be cross-ventilated and are to receive at least 3 hrs of direct solar access on 21 June.*
10. *Details indicating that a substantial part (at least 50%) of the principal open space area between the eastern and western buildings of the site is to receive at least 3 hours of direct solar access on 21 June.*
11. *An acoustic report be prepared to address acoustic issues including, but not limited to, noise levels to residential units from traffic, acoustics between other sole occupancy residential and commercial units and noise from plant and equipment.*
12. *Demonstrated consistency with the principles of ecologically sustainable development as stated in the revised Master Plan.*
13. *A preliminary site contamination investigation identifying any past or present potentially contaminating activities on the site, a detailed appraisal of the site history, and results of a visual site inspection and assessment of the site will be undertaken. Where information on site contamination is limited, some soil sampling may be warranted to address the requirements of council's Contaminated Land Policy 1999. Should the preliminary site contamination investigation reveal the existence of contamination, all works shall be carried out in accordance with the requirements of:*

*The Contaminated Land Management Act 1997 and Regulations;  
EPA guidelines made or approved under section 105 of the Contaminated Land Management Act 1997;  
The Protection of the Environment Operations Act 1997 and Regulations;  
Council's Contaminated Land Policy 1999;  
State Environmental Planning Policy 55 - Remediation of Land;  
DUAP/EPA Planning Guidelines 1997 - Managing Contaminated Land;*
14. *Appropriate investigations to determine if the land is affected by the presence of Acid Sulphate Soils (ASS) as outlined in Council's "Advice on Acid Sulphate Soil" pamphlet. Should the proposed works for the development constitute works that present an environmental risk in relation to ASS, further investigations shall be undertaken to determine ASS impacts.*
15. *Demonstrated compliance with Council's DCP and AS 2890.1-1993 in relation to car parking numbers, layout, dimensions, internal circulation ramps, widths and grades, and bicycle facilities.*
16. *Details to demonstrate that any requirements of the Roads Traffic Authority/Sydney Regional Development Advisory Committee are met.*
17. *Details of measures to promote and achieve energy efficiency in the design, construction and use of housing; promote the use of re-usable, recyclable and*

*renewable resources in construction; promote reductions in energy costs in demolition and construction, promote the use of passive solar design; and protect solar access of each proposed dwelling.*

18. *Details of an environmental education toolkit and resource package is to be provided for all residents detailing the design features and maintenance requirements for the sustainability features of the development, such as (but not limited to):*

*rainwater tanks;*

*water conservation devices;*

*solar powered devices;*

*energy conservation devices;*

*composting; etc*

*Where practical maintenance instructions are also to be attached to the particular feature, such as a rainwater tank.*

19. *Details of landscaping and landscape design for the site which will include both deep planting zones and podium courtyards.*
20. *Details of the size of bays for trees in the eastern setback which shall be increased to adequately accommodate the proposed trees.*
21. *A public utility impact assessment for 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.*
22. *Details showing all public utility services located within the development site shall be suitably located underground and in compliance with the requirements/conditions imposed by the various service authorities.*
23. *Detailed waste management plan setting out the proposed method for collection of domestic waste for the development site. The applicant shall note that satisfactory collection of domestic waste may require minor alterations/modifications to the proposed road network and or travel lane/footpath/parking lane configuration of the road network.*
24. *Details of drainage incorporating the following:*
- a. *Onsite detention of stormwater showing that the maximum discharge from the subject 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 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 Asset and Infrastructure Services. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.*

- b. *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 the issuing of a construction certificate for the proposed development.*
- c. *Sufficient geotechnical investigation to determine if the proposed development would have any affect on, or be affected by, the existing groundwater conditions. As the above site may be present within a fluctuating water table and/or affected by the movement of seepage water any basement carpark or similar structure may need to be suitably tanked and waterproofed.*
- d. *Any proposed drainage easement should be of sufficient width to accommodate a pipeline capable of draining stormwater flows for up to the 1 in 20 year storm event and conveying overland flows for storms up to the 1 in 100 year event.*

25. *Details of traffic/civil works incorporating the following:*

- a. *The applicant shall be responsible for meeting the full cost for all civil works required in the streets fronting the development site, including but not limited to the following:*

*New vehicular crossings opposite the proposed vehicular entry/exit points.*

*Removal of any redundant vehicular crossings and reinstatement of the areas.*

*Footpath works along the Daunt Avenue and Bunnerong Road site frontages, such works to be in accordance with Council's Urban Design Guidelines for Matraville.*

- b. *All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level, splayed 1.5 metre by 1.5 metre or suitably setback 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.*
- c. *Consolidation of the two proposed vehicular entry/exit points for the site into a single entry/exit point, with such entry/exit point to be located a suitable distance from the signalised intersection at Daunt Avenue and Bunnerong Road.*
- d. *The existing dedicated splay corner at the intersection of Daunt Avenue and Bunnerong Road shall be increased to a minimum of 3 metres by 3 metres and any development application submission should be prepared on the basis of the larger splay.*

26. *Details of waste management incorporating the following:*

- a. *A detailed assessment of the waste management for the site.*
- b. *Provision of a minimum 55 x 240 litre recycle bins for the residential*

*component of the development. The residential component of the site would also need to provide for 55 x 240 litre garbage bins or an equivalent system, (eg a compactor unit/s may be incorporated in the waste management strategy).*

- c. The retail/commercial waste storage area should be suitably sized and separated from the residential bin storage area/s.*

27. *Details of landscaping incorporating the following:*

- a. Detailed landscape design plans for the site will need to be submitted and approved as part of the assessment of any future development application and/or construction certificate application for the site.*
- b. The Daunt Avenue and Bunnerong Road site frontages shall be the subject of street tree planting in accordance with Council's Street Tree Master Plan. The applicant should liaise with Council regarding openings within the awning/design of the awning prior to lodgement of a development application for the site. The street tree species for Bunnerong Road would be Eucalyptus robusta "Swamp Mahogany".*
- c. A landscape design for the Bunnerong Road and Daunt Avenue street frontage of the development in accordance with Council's Urban Design Guidelines for Matraville Commercial Centre shall be prepared. The landscape design shall include pavements, seat installations, bins and tree grates as required by Council's Landscape Architect.*
- d. Approved landscape works carried out on Council property, shall be in accordance with Council's requirements for Civil Works on Council property.*
- e. Any substation required shall be located within the site and screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*

28. *Details of landscaping incorporating the following:*

- a. 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 1. Master Report prepared by Smyth Planning, Allen Jack & Cottier Architects received by Council on 29 April 2003*
- b. 2. A4 Attachments include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.*
- c. 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.*
- d. 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 a development application to determine if an electricity substation will be required for the development, (the master plan submission makes provision for an electricity substation).*

- e. The applicant should be advised that as part of any development consent for the site Council may require the applicant to meet the cost for Energy Australia to either bundle all the overhead power lines fronting the site along Daunt Avenue or to underground the subject cables.*

*B. The Mayor write to Australia Post seeking it to take up a shopfront in the new development.*

(Cr Matson requested that his name be recorded as opposed to the resolution.)

## **10. PETITIONS.**

### **10.1 PETITION SUBMITTED BY CR MATTHEWS ON BEHALF OF THE RESIDENTS OF SOUTH MAROUBRA VILLAGE GREEN OPPOSING FURTHER TREE PLANTING. (98/S/1173 xr 98/S/1720)**

144 *RESOLUTION: (Andrews/White) that the petition be referred to the appropriate Committee and/or the Councillors' Bulletin with a report from the relevant officer.*

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

### **10.2 PETITION SUBMITTED BY CR MATTHEWS ON BEHALF OF THE RESIDENTS OF MOORINA AVENUE, MATRAVILLE REQUESTING THE COUNCIL TO CONSTRUCT A FOOTPATH. (98/S/1173 xr R/0542/01)**

145 *RESOLUTION: (Andrews/White) that the petition be referred to the appropriate Committee and/or the Councillors' Bulletin with a report from the relevant officer.*

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

### **10.3 PETITION SUBMITTED BY CR DALEY ON BEHALF OF THE RESIDENTS OF SOUTH MAROUBRA VILLAGE GREEN OPPOSING FURTHER TREE PLANTING. (98/S/1173 xr 98/S/1720)**

146 *RESOLUTION: (Andrews/White) that the petition be referred to the appropriate Committee and/or the Councillors' Bulletin with a report from the relevant officer.*

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

### **10.4 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR D. SULLIVAN REGARDING FRED HOLLOWS RESERVE REGENERATION. (98/S/1173 xr R/0091/03 xr 98/S/1187)**

147 *RESOLUTION: (Andrews/White) that the petition be referred to the appropriate Committee and/or the Councillors' Bulletin with a report from the relevant officer.*

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

**10.5 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR D. SULLIVAN ON BEHALF OF RESIDENTS REQUESTING ROSSITER AVENUE BE RESURFACED. (98/S/1173 xr R/0655/01)**

148 *RESOLUTION: (Andrews/White) that the petition be referred to the appropriate Committee and/or the Councillors' Bulletin with a report from the relevant officer.*

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

**10.6 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR D. SULLIVAN ON BEHALF OF RESIDENTS PROPOSING A PLAYGROUND IN PAINE RESERVE. (98/S/1173 xr 98/S/1125)**

149 *RESOLUTION: (Andrews/White) that the petition be referred to the appropriate Committee and/or the Councillors' Bulletin with a report from the relevant officer.*

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

**10.7 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR D. SULLIVAN REGARDING THE PROPOSED NEW MAROUBRA SEALS CAR PARK IN FENTON AVENUE. (98/S/1173 xr D/1105/02)**

150 *RESOLUTION: (Andrews/White) that the petition be referred to the appropriate Committee and/or the Councillors' Bulletin with a report from the relevant officer.*

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

**11. MOTIONS PURSUANT TO NOTICE.**

**11.1 By Councillor Matthews – Proposed Kerb, Guttering and Footpath for Moorina Ave, Matraville. (R/0542/01 xr 98/S/0178)**

(This motion was withdrawn by Cr Matthews with the consent of the Council.)

**11.2 By Councillor Matson – Incorporation of Judge Street into Randwick Parking Study Management Strategy Plan. (R/0423/02 xr 98/S/0178)**

151 *RESOLUTION: (Bastic/Andrews) that the matter of Council reconsidering the recently adopted Randwick Parking Study Management Strategy Plan with a view to providing either a resident preferred parking scheme or increased parking restrictions and/or fees to those remaining streets of the “Randwick Study Area” immediately to the east of the area identified as “area 7” be referred to the Randwick Traffic Committee.*

**MOTION: (Matson/Greenwood)** that Council reconsider the recently adopted Randwick Parking Study Management Strategy Plan with a view to providing either a resident preferred parking scheme or increased parking restrictions and/or fees to those remaining streets of the “Randwick Study Area” immediately to the east of the area identified as “area 7.”

**PROCEDURAL MOTION: (Bastic/Andrews) SEE RESOLUTION.**

**11.3 By Councillor Matson – Refurbishment of South Maroubra Village Green. (98/S/1720 xr 98/S/0178)**

**MOTION: (Matson/Greenwood)** that a report come back to the next Council meeting detailing why the original plans agreed on at the South Maroubra Green Consultation meeting on August 26<sup>th</sup> were changed and why these amended plans were not circulated to residents for further consideration. **LOST.**

**11.4 By Councillor Matson – Opposition to Federal Government Legislative Initiatives on UNSW Unionism. (D/1002/2002 xr 98/S/0178)**

(This motion was ruled out of order by the Mayor.)

**DISSENT MOTION: (Matson/Greenwood)** on the Ruling of the Chairperson. **LOST.**

**11.5 By Councillor Matson – Side Door at 22A Pauling Avenue, Coogee. (P/016545 xr 98/S/0178)**

**MOTION: (Matson/Greenwood)** that Council clarifies whether the side door presently being constructed to the carport at 22A Pauling Avenue, Coogee is a breach of Council's consent and whether it conflicts with the intent of the resolution of 11<sup>th</sup> February, 2003. **LOST.**

**11.6 By Councillor Matson – Deregulation of UNSW Student Fees. (98/S/0338 xr 98/S/0178)**

(This motion was ruled out of order by the Mayor.)

**DISSENT MOTION: (Matson/Greenwood)** on the Ruling of the Chairperson. **LOST.**

**12. URGENT BUSINESS.**

Nil.

**13. CONFIDENTIAL REPORTS.**

**13.1 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 47/2003 - 2-6 BREAM STREET, COOGEE - CALTEX SERVICE STATION TRADING AS FREEDOM FUEL. (P/004979)**

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

- (a) *Council endorse the proposed Deed of Agreement between Randwick City Council and Caltex Australia Petroleum Pty Limited (ABN 17 000 032 128) to restrict the current permitted 24 hour operation of the service station situated at 2 – 6 Bream Street, Coogee to 6.00am to 12.00 midnight, and*
- (b) *as Council resolved to agree to the terms of the Deed of Agreement between Randwick City Council and Caltex Australia Petroleum Pty Limited, the COMMON SEAL of the COUNCIL OF THE CITY OF RANDWICK, be affixed to the Deed of Agreement.*

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

**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 9.15 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 22ND JULY, 2003.

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CHAIRPERSON