

**MINUTES OF ORDINARY COUNCIL MEETING OF THE  
COUNCIL OF THE CITY OF RANDWICK  
HELD ON TUESDAY, 23<sup>RD</sup> SEPTEMBER, 2003 AT 6:25 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 (until 10.15 p.m.) and A. White
East Ward	-	Crs F. Backes, B. Notley-Smith and M. Matson
West Ward	-	Crs P. Schick, M. Whitehead and J.Procopiadis (until 10.55 p.m.)
Central Ward	-	Crs C. Bastic, T. Seng and A. Andrews

**OFFICERS PRESENT:**

General Manager	Mr. G. Messiter.
Director Asset & Infrastructure Services	Mr. M. Savage.
Director Planning & Community Development	Ms. S. Truvert.
Director Governance Management & Information Services	Mr. M. Hummerston.
Public Officer	Mr. P. Smith.
Communications Manager	Ms. D. Brien.
Manager, Policy, Planning & Performance	Ms. K. Walshaw.
Acting Manager, Development Assessment	Mr. I. Burke.

**1. COUNCIL PRAYER**

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

**2. APOLOGIES.**

Nil.

**3. MINUTES**

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING  
HELD ON TUESDAY, 26<sup>TH</sup> AUGUST, 2003.**

213 **RESOLUTION:** *(Tracey/Procopiadis) that the Minutes of the Ordinary Council Meeting held on Tuesday, 26<sup>th</sup> August, 2003 (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, 9<sup>th</sup> SEPTEMBER, 2003.**

214 **RESOLUTION:** (*Andrews/White*) that the Minutes of the Extraordinary Council Meeting held on Tuesday, 9<sup>th</sup> September, 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: (His Worship the Mayor, Cr D. Sullivan)** that the meeting be adjourned at 6.26 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 Matthew Lawrance, 79 Denning Street, Coogee, on Item 9.1, Director Planning & Community Development's Report No. 72/2003, 199-203A Malabar Road, Coogee.
2. Mr Chris Godfrey, 149 Dolphin Street, Coogee, on Item 9.1, Director Planning & Community Development's Report No. 72/2003, 199-203A Malabar Road, Coogee.
3. Mr Kim Burrell, 48 Victoria Road, Rozelle, on Item 9.2, Director Planning & Community Development's Report No. 73/2003, 19 Chatham Street, Randwick.
4. Ms Genevieve Slattery, Level 5, 110-114 Kippax Street, on Item 9.2, Director Planning & Community Development's Report No. 73/2003, 19 Chatham Street, Randwick.
5. Ms Kim Dalton, 41 Dans Avenue, Coogee, on Item 9.3, Director Planning & Community Development's Report No. 74/2003, 266-270 Clovelly Road, Clovelly.
6. Mr Graeme Anderson, 266-270 Clovelly Road, Clovelly, on Item 9.3, Director Planning & Community Development's Report No. 74/2003, 266-270 Clovelly Road, Clovelly.
7. Mrs Barbara Dougan, 10 Heath Street, Randwick, on Item 9.4, Director Planning & Community Development's Report No. 75/2003, 23 Judge Street, Randwick.
8. Mr David Cook, 605 King Street, Newtown, Director Planning & Community Development's Report No. 75/2003, 23 Judge Street, Randwick.
9. Ms Susan Kaine, 14 Abbott Street, Coogee, on Item 11.6, Motion Pursuant to Notice by Cr Matson, Apology for failing to meet Council resolution on street trees in Abbott Street, Coogee.
10. Ms Sandra Nash, 112 Holmes Street, Kingsford, on Item 11.7, Motion Pursuant to Notice by Cr Matson, Abidance by NOI recommendations on Bundock Street site.

**RESOLVED: (Notley-Smith/Daley)** that the meeting be further adjourned at 7.54 p.m. and be resumed at 8.34 p.m.

**PROCEDURAL MOTION: (Daley/Bastic)** that Items 9.1 to 9.4 inclusive be brought forward and dealt with at this stage of the meeting.

**5. MAYORAL MINUTES.**

**5.1 MAYOR'S MINUTE 54/2003 - SURFING NSW - WAIVING OF FEES. (98/S/1411)**

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

- a) *Council vote \$220.00 to cover the fees associated with the surfing event and funds be allocated from the Councillors' Bids Vote for 2003/2004; and*
- b) *The event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event.*

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

**5.2 MAYOR'S MINUTE 55/2003 - WAIVING OF FEES - CAROLS BY THE SEA 2003. (98/S/1219)**

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

- a) *Council vote \$1,828.80 to cover the fees associated with the event and funds be allocated from the Councillors' Donations Vote for 2003/04; and*
- b) *The event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event.*

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

**5.3 MAYORAL MINUTE 56/2003 – COMMUNITY FACILITIES PLAN. (98/S/5136)**

217 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan) that a Community Facilities Plan be prepared and tabled at the November Council meeting.*

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

**5.4 MAYORAL MINUTE 57/2003 – CITIES FOR CLIMATE PROTECTION PROGRAM. (98/S/5117)**

218 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan) that Council join the Cities for Climate Protection Program and undertake work to achieve the 5 milestones.*

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

**6. GENERAL MANAGERS' REPORTS.**

**6.1 GENERAL MANAGER'S REPORT 22/2003 - AFFIXING OF THE COUNCIL SEAL (98/S/2388 xr 98/S/2737 xr P/003590 xr R/0500/00 xr P/011566 xr P/004581 xr P/006518)**

219 **RESOLUTION:** *(Whitehead/White) that authority be granted for the Council's Common Seal to be affixed to the agreements between Council and:*

- a) *Nick Kypreos (T/As Poppy's Place) in relation to a licence for the purpose of outdoor dining at 532 Bunnerong Road, Matraville;*
- b) *Randwick Netball Association Incorporated in relation to a licence for Part of Crown Reserve No. 8174 known as Heffron Park, more particularly described as the Netball Control Centre;*
- c) *Larry & Lorraine Williams (T/As Lazza's Place) in relation to a licence for the purpose of outdoor dining at 331 Clovelly Road, Clovelly;*
- d) *Robert Wallace (T/As Ummarin Thai Restaurant) in relation to a licence for the purpose of outdoor dining at 66 Perouse Road, Randwick;*
- e) *Malabar Boat Owners & Sea Rescue Club and Malabar RSL Sub-Branch Club Limited in relation to a licence for Part of Reserve No. 81544, more particularly described as a parcel of land including a boat ramp and storage shed, located at the southern foreshore opposite Bay Parade, Malabar;*
- f) *Malabar Occasional Child Care Centre in relation to a lease for Lots 4087 & 4536, DP 752015 more particularly described as the ground floor of 1B Prince Edward Street, Malabar; and*
- g) *Multiplex Constructions Pty Ltd in relation to a licence for an area of the footpath, being part of Marine Parade public road, situated north of Lots 4-5, DP 5760, adjacent to its development site at 182 Marine Parade, Maroubra Beach.*

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

**6.2 GENERAL MANAGER'S REPORT 23/2003 - EAST TIMOR PROJECT. (98/S/2604)**

220 **RESOLUTION: (Backes/Whitehead) that:**

- a) *Council endorse the participation of the Mayor in the delegation to East Timor to establish the friendship region relationship with Iliomar and Uato Carabau and councils in the southern Sydney region, scheduled for October 2003; and*
- b) *Council covers the reasonable expenses of the Mayor's participation in the delegation.*

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

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

**7.1 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 47/2003 - 2003-2004 ROAD FUNDING. (98/S/1171)**

221 **RESOLUTION: (Daley/White) that:**

- a) *Council accept the proposed RTA grants for 2003-2004; and*
- b) *Council defer consideration of the works listed on page 10 of the Director Asset & Infrastructure Services' Report No. 47/2003 and a report on this matter be submitted to the appropriate meeting.*

**MOTION: (Andrews/Schick) that:**

- a) Council accept the proposed RTA grants for 2003-2004; and
- b) Council re-allocate the \$237,500 allocated for projects which did not receive Roads & Traffic Authority funding in 2003-2004, to the projects listed in Director Asset and Infrastructure Services' Report dated 10 September 2003.

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

**7.2 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 48/2003 - UNDERGROUND CABLING MARINE PARADE BETWEEN UNDINE STREET AND WILSON STREET, MAROUBRA. (98/S/1719 xr R/0500/01)**

222 **RESOLUTION: (Bastic/Matthews)** *that this item be deferred to a future meeting for a report on previous and current arrangements for funding of undergrounding or bundling power cables in coastal locations.*

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

**7.3 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 49/2003 - MAROUBRA JUNCTION TRAFFIC MANAGEMENT SCHEME, MAROUBRA. (98/S/1654 xr 98/S/0959)**

223 **RESOLUTION: (Andrews/Bastic)** *that:*

- a) *Council adopt in principle strategies and programme outlined in the report dated 18 September 2003 by the Director Assets and Infrastructure Services for the purpose of finalising the implementation of the Maroubra Junction Traffic Management Scheme;*
- b) *The plans for the traffic calming of Storey Street, illustrated on the plans attached to the Director's Report and numbered A1, A2 and A3, be approved and the works constructed as soon as practical from the funds allocated in the current budget;*
- c) *The plans for the traffic calming of Snape Street, illustrated on the plans attached to the Director's Report and numbered B1, B2, B3 and B4, be approved and the works constructed as soon as practical; Funding for these works be made available from the residual funds allocated for traffic facilities in the current budget, but which have not attracted the required funding from the RTA in order for these projects to proceed;*
- d) *The design plans for traffic calming measures at the following locations:*
  - 1. *Maroubra Road / Royal Street intersection;*
  - 2. *Storey Street / Flower Street intersection;*
  - 3. *Holmes Street / Garden Street intersection;*
  - 4. *Boyce Road / Royal Street intersection;*
  - 5. *Boyce Road / Hannan Street intersection;*
  - 6. *Boyce Road / Cooper Street intersection;*

7. *Gale Road / Royal Street intersection;*
8. *Gale Road / Flower Street intersection;*

*be finalised as proposed in the report and funding for these works be included in the next year's (2004-2005) budget;*

- e) *The Pedestrian Safety Study for the Maroubra Road and Anzac Parade Commercial District be deferred until the completion of major developments in the area, viz. Pacific Square Development and Dudley's Emporium Development (north east corner of Anzac Parade and Maroubra Road);*
- f) *A sum of \$20,000.00 (twenty thousand dollars) for engaging traffic consultants to carry out the Pedestrian Study, be allocated from Section 94 contributions received from developments in the Maroubra Junction area;*
- g) *No action be taken in regard to the introduction of a 'No Right Turn' restriction at the intersection of Bunnerong Road and Glanfield Street;*
- h) *No action be taken to close Smith Street at Snape Street; and*
- i) *Council expedite the finalisation of design plans in respect to part (d) of this resolution for completion by November, 2003, and such design plans be submitted to Council in November, 2003.*

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

**7.4 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 50/2003 - STREET TREES - SOUTHERN SIDE OF BUNDOCK STREET, RANDWICK. (R/0128/03)**

- 224 **RESOLUTION:** *(Andrews/Backes) that this item be deferred pending resolution of the retention of the trees.*

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

**7.5 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 51/2003 - TENDER 08/03 - CIVIL CONSTRUCTION AND MAINTENANCE WORKS. (98/S/5135)**

- 225 **RESOLUTION:** *(Tracey/Procopiadis) that:*

- a) *Council accepts the tenders submitted by the following tenderers for the services as nominated below:*

*Stormwater Drainage - Sydney Civil Pty Ltd  
K.K. Civil Engineering*

*Asphalt Minor Works - Sydney Civil Pty Ltd  
- K.K. Civil Engineering*

*Concrete Works & Restorations*

- Sydney Civil Pty Ltd
- K.K. Civil Engineering

*Nature Strip Restorations (Turfing)*

- Sydney Civil Pty Ltd
- K.K. Civil Engineering

- b) *The unsuccessful tenderers be notified of the tender result;*
- c) *The Mayor and General Manager or their delegated representative be authorised to enter into agreements for preferred supplier status with the successful tenderers for a period of 3-years; and*
- d) *If necessary, the Mayor and General Manager or their representatives be delegated authority to affix Council's Common Seal to any and all documents resulting from this tender.*

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

**7.6 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 52/2003 - GRAFFITI CONTROL OPTIONS. (98/S/2143)**

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

- a) *Council Note the report including the programs used in the City of Casey, City of Sydney, City of Gosnells and Auburn City for graffiti control;*
- b) *Council authorise Council officers to develop and implement a Council funded multi-faceted program including outsourcing of graffiti spotting, removal and database development services;*
- c) *Council Officers identify funding for implementation of the program within the existing budget through reprioritisation of other activities; and*
- d) *A report be submitted to Council in December, 2003 outlining the progress of developing and implementing a Council funded multi-faceted programme;*
- e) *A report be submitted to the relevant Council Meeting outlining what procedural arrangements have been made to date with the Police in order to carry out point (g) of the Council's resolution of 12<sup>th</sup> November, 2002, and, also, the report canvas the issue of the preparation of an information sheet for residents on how to discourage graffiti occurring on their properties, as detailed in part (i) of Council's resolution of 12<sup>th</sup> November, 2002.*

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

**7.7 DIRECTOR ASSET & INFRASTRUCTURE SERVICES'REPORT 53/2003 - PACIFIC SQUARE PROJECT, MAROUBRA CONSTRUCTION HOURS AT ANZAC PARADE CAR PARK. (98/S/5002)**

227 **RESOLUTION: (Tracey/Andrews) that Condition B of Council's consent dated 22 July 2003 concerning the stormwater and sewer mains diversion works being carried out by**

*Abigroup Contractors Pty. Ltd. for the Pacific Square Development Project be amended to:*

*“Council impose a penalty of \$5000.00 per week for every week or part thereof exceeding nine-week duration of the closure of the Anzac Parade central island car park”.*

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

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

**8.1 DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES' REPORT 25/2003 - SECTION 12 LOCAL GOVERNMENT ACT - RESTRICTION OF ACCESS TO INFORMATION - 40 COOGEE BAY ROAD, RANDWICK AND 56 CARR STREET, COOGEE. (98/S/2738 xr P/003225 xr P/002127)**

228 **RESOLUTION: (Tracey/Backes) that:**

- a) *The contents of the Director Governance, Management and Information Services Report 25/2003 be received and noted;*
- b) *The Council endorse the restrictions placed by the Public Officer on access to documents which were the subject of the Section 12 applications submitted by Mr P. Athens relating to 40 Coogee Bay Road, Randwick and Mr C. Kotis regarding 56 Carr Street, Coogee for the reasons detailed in the Director's Report;*
- c) *It be noted that both Mr P. Athens and Mr C. Kotis can still exercise their rights to request reviews by Council on the restriction to access being lifted; and*
- d) *The Director Planning & Community Development submit a status report on 40 Coogee Bay Road, Randwick in the Councillors' Bulletin.*

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

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

**(Note: Items 9.1 to 9.4 were dealt with prior to Item 5.1, Mayor's Minute No.54/2003.)**

**9.1 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 72/2003 - 199-203A MALABAR ROAD, COOGEE. (D/0370/2003)**

229 **RESOLUTION: (White/Daley) that Council 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.370/03 for permission to change the use of the existing shop and dwelling at 203A Malabar Road South Coogee into a Veterinary Surgery subject to the following conditions: -**

1. *The development must be implemented substantially in accordance with the plans numbered DA01B to DA05B inclusive, dated April 2003 and received by Council on the 31<sup>st</sup> July 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 maintain reasonable levels of environmental amenity and public health safety.***

2. *The hours of the operation of the business are restricted to:-  
  
Monday to Friday 8am to 7:30pm  
Saturday 9am to 2pm  
Sunday 9am to 12pm*
3. *The storage of boxes, cartons, pallets, goods or any other material relating to the operation of the business must be wholly contained within the premises.*
4. *Entry to the premises by patients and for the delivery of any goods is to be from the Malabar Road alignment of the premises only, no access is to be obtained from the existing southern door of the premises (eastern end) and no animals are to be exercised in the adjoining open space area.*
5. *There is to be no commercial boarding of animals on the premises. All accommodation of animals on the premises must be necessarily incidental to the veterinary treatment of those animals and all animals accommodated must be accommodated wholly within the building premises.*
6. *In relation to any areas where animals are accommodated, any openings be appropriately sound proofed. A solid core self closing door is also to be installed to the upper level rear balcony to minimise any noise nuisance to the adjoining and surrounding premises.*

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

7. *Medical wastes must be disposed of by an authorised waste disposal contract and all wastes are to be stored within the confines of the building (excluding external courtyard areas). Contractor details are to be submitted to the Principal Certifying Authority before the issue of an occupation certificate.*
8. *The applicant is advised that it is prohibited to dispose of waste materials in the domestic garbage service. All waste materials must be collected by Council's Trade Waste Service or waste contractor authorised by the Waste Service of New South Wales and details of the proposed service to serve the development are to be submitted to Council **prior to occupation** of the building.*
9. *Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council, and have approved by Council's Manager of Waste, a Waste Management Plan detailing waste and recycling storage and disposal for the development site, post construction. This plan will include a waste receptacle which is to be constructed in the courtyard for the holding of general waste containers, so that those containers are not visible from the street and any odours arising will be diminished.*

***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:***

10. *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.*
11. *In this regard, the operation of any plant or equipment on the site shall not give rise to an  $L_{10}$  sound pressure level which is 5dB(A) greater than the A-weighted  $L_{90}$  background sound pressure level, measured at any point on a residential boundary or within any residential dwelling.*
12. *The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance.*

***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:***

13. *The use and operation of the premises shall not give rise to an environmental health or public nuisance.*
14. *There are to be 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.*
15. *Pollution control devices shall be installed and maintained to ensure there will be no water borne pollutants discharging or are likely to discharge into any natural water course or the stormwater or sewerage drainage systems.*
16. *Full details of the proposed pollution control devices to be installed are to be submitted to and approved by Council's Director of Planning and Community Development in accordance with Section 80 A(2) of the Environmental Planning and Assessment Act 1979, **prior to a construction certificate being issued for the development.***

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

17. *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.*
18. *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.*
19. *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.*

20. *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.*

***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:***

21. *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.*
22. *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.*

23. *All building, demolition and associated site 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.*
24. *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.*
25. *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.*

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

26. *The applicant shall meet the full cost, (including signposting), for short term parking restrictions to be installed along the eastern side of Malabar Road, north of Cuzco Street, as determined by the Randwick Traffic Committee.*
27. *The applicant shall meet the full cost, (including associated signposting), for installation of a pedestrian refuge on Malabar Road, south of Nymboida Street, the final design and location of the pedestrian island to be subject to the approval of the Randwick Traffic Committee.*

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

28. *The Council's Department of Asset & Infrastructure Services has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage.*

*Any enquiries regarding this matter should be directed to Council's Assets & Infrastructure Services Department on 9399 0924.*

29. *The design alignment level at the property boundary must be strictly adhered to.*

*The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway/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.*

30. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$ 88.00 (inclusive of GST). 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:***

31. *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 drainage and associated infrastructure:***

32. *All site stormwater shall be discharged to the kerb and gutter/ Council's underground drainage system fronting the development site.*

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

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

## **9.2 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 73/2003 - 19 CHATHAM STREET, RANDWICK. (D/0228/2003)**

230 **RESOLUTION: (Daley/Seng) that:**

A. Council assume the concurrence of the Director of Infrastructure Planning and Natural Resources to vary the provisions of Clause 31(2) Landscaping, Clause 32(1) Floor space ratios, 33(2) Building heights of the Randwick Local Environmental Plan 1998 (as amended) relating to Alterations and additions to an existing multi-unit housing building 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. 03/00228 for Alterations and additions to an existing multi-unit housing building at 19 Chatham Street, Randwick,

AND

B. 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 03/00228 for alterations and additions to an existing multi-unit housing building at 19 Chatham Street, Randwick subject to the following conditions:-

1. The development must be implemented substantially in accordance with the plans numbered A:001 B, A:003 C, A:004 B, A:005 C, A:200 C, A:201 C, A:202 C, A300 B, dated 21.01.03 and received by Council on 22 July 2003, and A:002 B and the Landscape Plan and received by Council 21 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:

**ENVIRONMENTAL AMENITY:**

**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. Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of Planning & Community Development, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 **prior to:**

a) **a construction certificate being issued for the proposed development.**

3. The enclosure of balconies is prohibited by this consent.

4. 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.

5. Internal or external clothes drying facilities are to be provided in accordance with the provisions of the Building Code of Australia.

*Should external clothes drying facilities be provided, the facilities must be adequately screened by vegetation and details are to be incorporated into the landscaping plans, to the satisfaction of the certifying authority.*

6. *The provisions of Councils tree preservation order are strictly to be observed and it is a requirement that the applicant or their representative obtain any necessary consent required under the tree preservation order.*

*Should compliance require amendment to the plan an amended development application is required to be submitted for consideration and approval **prior to work commencing**.*

7. *Upon completion of the development and **prior to the issuing of the strata subdivision**, documentary evidence is to be submitted to the Council by the Principal Certifying Authority (or other suitably qualified person on behalf of the owner of the premises, to the satisfaction of Council) which confirms that the development has been carried out in accordance with the relevant development consent conditions.*

*Details of critical phase inspections carried out by or on behalf of the principal certifying authority together with any certification relied upon and the occupation certificate for the building must also be provided to Council prior to approval of the strata subdivision plans.*

8. *The relevant requirements of the Sydney Water Act 1994 must be complied with and a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. Application must be made through an authorised Water Servicing Co-ordinator. For details, please refer to the “Your Business” section of Sydney Water’s web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then the “e-developer” icon or telephone 13 20 92.*

*Following application, a “Notice of Requirements” will be provided, detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Water Servicing Co-ordinator, as building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.*

*The Section 73 Certificate must be submitted to the Principal Certifying Authority **prior to issuing an occupation certificate** or release of the subdivision linen plan, as applicable.*

9. *At least one of the proposed car parking spaces within the proposed development is to be made available for use as visitor parking.*
10. *Public access to the visitor’s carparking space is to be maintained at all times and an intercom system is to be provided adjacent to the vehicular entrance to the carpark, together with appropriate signage providing instructions for use.*

#### ***ECOLOGICALLY SUSTAINABLE DEVELOPMENT & ENERGY EFFICIENCY:***

***The following conditions are imposed to promote ecologically sustainable development and energy efficiency.***

11. *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 noted in the **construction certificate** plans or specifications.*
12. *The hot water system installed in the development must achieve a minimum greenhouse score of 3.5 as detailed SEDA's Energy Smart Homes Policy. Any electric clothes dryers to be provided in the development must also have a minimum 2 star energy rating.*
13. *Landscaped areas must contain a predominance of species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.*

*Landscaped areas must include an area and facilities dedicated for onsite composting and porous paving should also be used in all pathways, wherever practicable, to maximize on-site absorption of rainwater and details are to be provided on the landscape plans. Details of the proposed landscaping, including plant species and paved areas are to be included with the **construction certificate** application.*

14. *All new external timber or metal framed and brick veneer walls to the roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturers details.*

*Details of compliance with the requirements for insulation are to be included in the construction certificate application.*

***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:***

15. *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  $L_{10}$  sound pressure level which is 5dB(A) greater than the A-weighted  $L_{90}$  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:***

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

17. *There are to be 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:***

18. *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.*
19. *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.*

20. *The existing levels of fire safety within the premises are to be upgraded to achieve an adequate level of fire safety in accordance with the provisions of clause 94 of the Environmental Planning and Assessment Regulation 2000 and a report prepared by a suitably qualified person or accredited certifier is to be submitted to and approved by Council's Manager of Environmental Health and Building Services, **prior to the issuing of a construction certificate**, in accordance with section 80A(2) of the Environmental Planning and Assessment Act 1979.*

*The fire safety report must detail the measures considered appropriate to satisfy the relevant performance requirements of the Building Code of Australia, to protect persons using the building, and to facilitate their egress from the building in the event of fire and to restrict the spread of fire.*

***The fire safety upgrading works are to be included in the construction certificate and be implemented prior to occupation of the new building or part.***



***The following group of conditions have been applied to ensure the structural adequacy and integrity of the proposed building and adjacent premises:***

21. *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**.*

*A copy of the engineer's report is to be submitted to the Council, if the Council is not the certifying authority.*

22. *A dilapidation report prepared by a professional engineer or suitably qualified and experienced building surveyor shall be submitted to the certifying authority **prior to the commencement of demolition, excavation or building works** detailing the current condition and status of all buildings, 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:*

- a) *all of the premises adjoining the subject site*

23. *A Certificate of Adequacy supplied by a professional engineer shall be submitted to the certifying authority (and the Council is not the certifying authority) **prior to a construction certificate being issued** for the development, certifying the structural adequacy of the existing structure to support the:*

- a) *proposed building works*

24. *A Certificate of Adequacy prepared by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) **prior to occupation of the building**, certifying the structural adequacy of the building and that the building works satisfy the relevant structural design requirements of the Building Code of Australia.*

***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. *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**.*

26. *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.*
27. *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.*
28. *The building works are to be inspected by the Principal Certifying Authority (or other suitably qualified person, to the satisfaction of 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 compliance with Council's approval 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, to the satisfaction of the Principal Certifying Authority) 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 consent:*

- *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, sand, soil, debris, waste containers or other obstructions.*

29. *All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and protected to prevent them from being dangerous to life or property.*
30. *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.*

31. *If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:*

- *preserve and protect the building /s on the adjoining land from damage; and*
  - *if necessary, underpin and support the building in an approved manner; and*
  - *at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land (including a public road or public place), give notice of the intention to do so to the owner of the adjoining land. Particulars of the excavation are to be provided to the owner of the adjoining land and also the owner of the land where the building is being erected or demolished.*
32. *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.*
33. *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.*
34. *A Registered Surveyor's check survey certificate or compliance certificate is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the **following stage/s of construction:***
- a) *Prior to construction of the footings or first completed floor slab (prior to the pouring of concrete), showing the area of the land, building and boundary setbacks.*
- b) *On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks.*
35. *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.*
36. *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 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.*

37. *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.*
38. *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.*
39. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*

*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.*

*Any damage caused to the road or footway must be repaired immediately, to the satisfaction of Council.*

40. *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.*
41. *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.*
42. *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".*
43. *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.*

44. *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.*

45. *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.*

46. *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.*

47. *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.*

*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 1.5 metres). Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.*

*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 is not permissible.*

*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.*

48. *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.*

*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 1.5 metres). Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.*

*Fences or hoardings 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 is not permissible.*

*Details of the proposed temporary fences located upon the site are to be submitted to the principal certifying authority and 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.*

49. *Any part of Council's nature strip which is damaged as a result of the work must be back-filled, top-soiled and re-turfed with kikuyu turf prior to occupation or finalisation of the development, to Council's satisfaction.*

***The following conditions are applied to provide access and facilities for people with disabilities:***

50. *Access and facilities for people with disabilities must (as a minimum) be provided in accordance with the relevant provisions of the Building Code of Australia.*

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

51. *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 ensure adequate environmental protection.***

51. *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).*

- A7 *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 D3 - Access for people with disabilities*
- b) *Part E1 - Fire fighting equipment*
- c) *Part E4 - Emergency lighting, exit signs and warning systems*
- d) *Part F1 - Damp and weatherproofing*

*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.*

### ***SECURITY DEPOSIT CONDITIONS***

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

52. *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) *\$1000.00 - 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.***

### **TRAFFIC CONDITIONS/CIVIL WORKS CONDITIONS**

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

53. *The applicant must meet the full cost for Council or a Council approved contractor to:
  - \* *Reconstruct the concrete footpath along the full site frontage.*
  - \* *Reconstruct the concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.**
54. *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.*
55. *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.*

### **ALIGNMENT LEVEL CONDITIONS**

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

56. *The Council's Department of Asset & Infrastructure Services has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage.*
57. *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.*

### **Service Authority Conditions**

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

58. *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.*

59. *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.*

### ***Drainage Conditions***

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

60. *The site stormwater runoff from the internal driveway, which drains to the rear, shall be piped to a 3-metre square base infiltration area.*

*Notes:*

*The infiltration/rubble pit shall:-*

- i. have a minimum 300 mm of soil cover (600 mm where the pit is located under a garden/landscaping area).*
- ii. be located a minimum of 3.0 metres from the dwelling or other structure (closer if a structural engineer certifies that the infiltration area will not adversely affect the structure) and 2.1 metres from the adjacent side or rear boundaries.*
- iii. be constructed with a minimum 200 mm thick layer of 20 mm basalt/blue metal (or similar) that is wrapped in a suitable geotextile material covering with a high filtration rating (Geofabrics Bidim "A" range of filtration fabrics or equivalent). A suitable means of dispersing the stormwater over the area of infiltration is to be constructed.*  
*Note: other equivalent methods of infiltration may be adopted.*
- iv. have a minimum base area of 5.0 square metres (m<sup>2</sup>).*

*The outlet from the silt arrestor pit to the infiltration area shall be located at least 50 mm below the outlet from the silt arrestor pit to the kerb and gutter.*

*The requirement for an infiltration/rubble pit will not be enforced should the underground soil conditions preclude the construction of the infiltration pit (eg rock is located within 300 mm of the base of the infiltration area). If the infiltration/rubble pit is not constructed then all site stormwater shall be discharged to the kerb and gutter via a sediment/silt arrestor pit (as detailed in note a. above).*

*All works shall be to the satisfaction of the certifying authority.*

### ***Landscape Conditions***

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

61. *That part of the nature strip 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 nature strip 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 Conditions

*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.*

**PROCEDURAL MOTION: (Matson/Greenwood)** that this application be deferred to allow for mediation with neighbours and also for the applicant to present his design in a better format. **LOST.**

**MOTION (Further): (Daley/Seng) SEE RESOLUTION**

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

### **9.3 DIRECTOR COMMUNITY DEVELOPMENT'S REPORT 74/2003 - 266-270 CLOVELLY ROAD, COOGEE (D/0287/2002)**

231 **RESOLUTION: (Tracey/Daley)** that Council as the consent authority grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to vary condition 2 of Development Consent No. D/287/2002 in relation to hours of operation, the use of the premises for auctions and new signage and alterations to the internal layout at 266-270 Clovelly Road, Clovelly as follows:

*Condition 1 and 2 are modified to read as follows:*

- 1. The development must be implemented substantially in accordance with the plans numbered 3-2077-T1, dated 7/11/00 and received by Council on 4<sup>th</sup> April 2002, the application form and on any supporting information received with the application, as amended by the Section 96 plans numbered EN-1 dated, 26 June 2002 and received by Council on 12 December 2002, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*
- 2. The hours of operation for business excluding auctions are from 8:30am - 6:00pm Monday to Friday and 8:30am – 1pm Saturday.*

*Auctions are to be limited to one Wednesday evenings, once every 3 weeks, between the hours of 6:00pm and 8:30pm, with a maximum of 8 auctions to be held each auction evening and a maximum of 17 auction evenings per year.*

*Consent for auctions shall be subject to a twelve-month trial period, with Council undertaking a review of that operation 9 months after the date of its commencement. The Acting Director of Planning & Community Development is to be notified in writing of the date of commencement of the operation for auctions. A further Section*

96 application to modify condition No.2 to allow permanent operation of the auctions on site is to be submitted before the end of the trial period for Council's consideration. Such consideration will be based on, but not limited to, the performance of the operator in relation to compliance with the development consent conditions, and any complaints received and the reasons given, in respect to traffic and parking.

Add the following conditions:

15. The minimum clear distance from the existing footpath in Clovelly Road to the underside of the proposed under-awning advertising sign, (i.e. the sign to be installed above the footpath in Clovelly Road), shall be 2.6 metres.
16. Light overspill from advertising and signage shall not cause a nuisance to adjoining properties.
17. A sign be displayed in the office window giving 7 days notice in advance of auctions taking place.

**ADVISORY MATTERS:**

- A1. The applicant shall be advised that Council may, in the future, be implementing a new policy (under Section 611 of the Local Government Act) wherein fees may apply for advertising in public airspace.
- A2. 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.
- A3. 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.

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

**9.4 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT  
75/2003 - 23 JUDGE STREET, RANDWICK. (D/1145/2002)**

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

- A. Council as the responsible authority grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 1145/02 for the renovation of the existing dwelling and additions to the rear and the buildings subsequent use for school purposes at 23 Judge Street, Randwick subject to the following conditions:-

**Deferred Commencement Conditions**

**The applicant shall comply with the following deferred commencement conditions prior to the development consent becoming operational:**

1. *The applicant shall submit to council plans for the construction of a shared zone in Judge Lane. The plans shall be prepared by a suitably qualified Traffic Engineer in accordance with the relevant Austroads and RTA guidelines.*

**The shared zone plans shall be approved by the Local Traffic Committee and the Speed Management Branch of the RTA prior to the development consent becoming operational.**

**The applicant is advised to Contact Council's Traffic Engineer on 9399 0914 or 9399 0927 in relation to this matter.**

2. *The colours, materials and finishes of the external surfaces to the building are to be compatible with the existing building. Details of the proposed colours, materials and textures (ie- a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of Planning and Community Development.*
3. *Details of the proposed paint scheme are to be submitted to and approved by Council's Director of Planning and Community Development. Unpainted surfaces, eg- brickwork/stonework are to remain unpainted.*

*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:*

**REFERENCED PLANS:**

1. *The development must be implemented substantially in accordance with the plans numbered DA-01A, DA-02A, DA-04A, DA-05A, DA-06A, dated 23/6/03 and received by Council on 23/6/03, and DA-03A dated 11/09/03 and received on 12/09/03 the application form and on any supporting information received with the application (including the A4 plan dated as received on the 12/9/2003 which show the setback of Classroom 2 a distance of 1.1 metres from the northern boundary), except as may be amended by the following conditions:*

**GENERAL CONDITIONS:**

2. *This consent does not extend student and staff numbers beyond those allowed in Development Consent No 157/98.*
3. *The existing leadlight window to the stairway landing is to be retained in its current location, whether or not the opening in the wall remains. Amended drawings are to be submitted to and approved by Council's Director of Planning and Community Development, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.*
4. *The proposed first floor layout is to incorporate nib walls and beams as evidence of the original layout of the building and to facilitate patching of plasterwork. Amended drawings are to be submitted to and approved by Council's Director of Planning and Community Development, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.*

5. *A Schedule of Conservation Works for the existing building shall be prepared in accordance with the principles embodied in the Australia ICOMOS Burra Charter and the methodology outlined in J.S. Kerr's The Conservation Plan. This Plan shall be prepared by an architect suitably qualified and experienced in heritage conservation, and shall be to be submitted to and approved by Council's Director of Planning and Community Development, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.*
6. *The conservation policies and maintenance program outlined in the Schedule of Conservation Works are to be implemented in conjunction with the proposed development. An architect suitably qualified and experienced in heritage conservation shall be engaged to oversee the implementation of the endorsed Conservation Plan to ensure the use of technically sound and appropriate techniques.*
7. *An archival recording of the property shall be prepared and submitted to and approved by Council's Director of Planning and Community Development, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. This recording shall be in accordance with the Guidelines for the preparation of archival recordings set out by the NSW Heritage Office. Three copies of the endorsed archival recording shall be presented to Council, one of which shall be placed in the Local History Collection of Randwick City Library.*

***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:***

8. *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  $L_{10}$  sound pressure level which is 5dB(A) greater than the A-weighted  $L_{90}$  background sound pressure level, measured at any point on a residential boundary or within any residential dwelling.*

9. *The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance.*
10. *A report prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council **prior to***

*a. the commencement of works*

*certifying that noise and vibration emissions from the development will comply with the provisions of the Protection of the Environment Operations Act 1997 and relevant conditions of approval.*

***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:***

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

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

12. *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.*
13. *Buildings in which there is a change of building use must comply with the category 1 fire safety provisions applicable to the proposed new use, in accordance with clause 93 of the Environmental Planning and Assessment Regulation 2000, unless an exemption is in force under clause 187 or 188 of the Regulation.*
14. *The existing levels of fire safety within the premises are to be upgraded to achieve an adequate level of fire safety in accordance with the provisions of clause 94 of the Environmental Planning & Assessment Regulation 2000 and a report prepared by a suitably qualified person or accredited certifier is to be submitted to and approved by Council's Manager of Environmental Health & Building Services, prior to the issuing of a construction certificate, in accordance with section 80A(2) of the Environmental Planning & Assessment Act 1979.*

*The fire safety report must detail the measures considered appropriate to satisfy the relevant performance requirements of the Building Code of Australia, to protect persons using the building, and to facilitate their egress from the building in the event of fire and to restrict the spread of fire.*

*The fire safety upgrading works are to be included in **the construction certificate** and be implemented prior to occupation of the new building or part.*

*The fire safety report is specifically required to address the following provisions of the Building Code of Australia, as applicable:*

- a. EP1.1 - hose reel systems
- b. EP1.2 - fire extinguishers
- c. EP4.1 & EP 4.2 - emergency lighting and exit signs
- d. DP1 to DP6 - access and egress
- e. DP7 to DP9 - access for people with disabilities

15. *Documentary evidence prepared by a suitably qualified professional geotechnical engineer shall be submitted to the certifying authority **prior to the issuing of a construction certificate**, certifying the suitability and stability of the site for the proposed building and certifying the suitability and adequacy of the proposed design and construction of the building for the site.*
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**.*

*A copy of the engineer's report is to be submitted to the Council, if the Council is not the certifying authority.*

17. *Driven type piles/shoring must not be provided unless a geotechnical engineer's report is submitted to the certifying authority, **prior to the issuing of a construction certificate**, which states that damage should not occur to any adjoining premises and public place as a result of the works.*
18. *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:
  - a. *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**.*

19. *The installation of ground or rock anchors underneath any adjoining premises including (a public roadway or public place) must not be carried out without specific written consent of the owners of the affected adjoining premises and (where applicable) details of compliance must be provided to the certifying authority **prior to the commencement of any excavation or building works**.*
20. *A Certificate of Adequacy prepared by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) **prior to occupation of the building**, certifying the structural adequacy of the building and that the building works satisfy the relevant structural design requirements of the Building Code of Australia.*

*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:*

21. *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**.*
22. *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.*

23. *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.*
24. *The building works are to be inspected by the Principal Certifying Authority (or other suitably qualified person, to the satisfaction of 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 compliance with Council's approval 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, to the satisfaction of the Principal Certifying Authority) 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 consent:*

- *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, sand, soil, debris, waste containers or other obstructions.*

25. *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.*
26. *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.*
27. *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.*
28. *A Registered Surveyor's check survey certificate or compliance certificate is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the **following stage/s of construction:***



*b. Prior to construction of the footings or first completed floor slab (prior to the pouring of concrete), showing the area of the land, building and boundary setbacks.*

*b. Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being construction at the approved levels.*

29. *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.*

30. *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 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.*

31. *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.*

32. *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.*

33. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*

*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.*

*Any damage caused to the road or footway must be repaired immediately, to the satisfaction of Council.*

34. *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.*

35. *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.*
36. *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.*

37. *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*

*Details of the proposed sediment control measures must be submitted to and approved by the principal certifying authority **prior to the commencement of any site works**. The sediment and erosion control measures must be implemented prior to the commencement of any site works and a copy of the approved details must be made available to Council officers upon request.*

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

38. *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.*

39. *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.*
40. *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.*

41. *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.*

*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 1.5 metres). Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.*

*Fences or hoardings 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 is not permissible.*

*Details of the proposed temporary fences located upon the site are to be submitted to the principal certifying authority and 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.*

42. *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.*

***The following conditions are applied to provide access and facilities for people with disabilities:***

43. *Access, facilities and car parking for people with disabilities must be provided in accordance with Council's development control plan for multi-unit housing and in accordance with the relevant provisions of Part D3 of the Building Code of Australia and AS1428.1, AS4299 and 2890.1. Details of the proposed access, facilities and carparking for people with disabilities are to be included in the plans / specifications for the **construction certificate**.*

### **SERVICE AUTHORITY CONDITIONS**

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

44. *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.*
- a. *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.*

### **TRAFFIC CONDITIONS/CIVIL WORKS CONDITIONS**

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

- 45A *The applicant shall meet all costs associated with design and construction of a shared zone in Judge Lane to the satisfaction of the Local Traffic Committee, the RTA and Council's Design manager.*

*It is noted that installation of the approved shared zone in Judge Lane shall be undertaken by a Council approved contractor in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". These works shall be completed prior to the issuing of an occupation certificate.*

- 45B. *The proposed fence at the south-eastern corner of the development site shall be constructed with a minimum 1m by 1m splay and using materials that maximise the*

*sight distance available for both the drivers of vehicles exiting the garage on the northern side of Judge Lane, east of the development site, and pedestrians entering Judge Lane from the pathway immediately east of the development site. Details of the fence shall be submitted for approval, and be approved by the Certifying Authority, prior to the issuing of a Construction Certificate for the development.*

46. *The applicant shall meet the full cost for Council or a Council approved contractor to remove the redundant vehicular crossing located adjacent to the eastern property boundary and to reinstate the area with turf and integral kerb and gutter to Council's specification.*
47. *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.*
48. *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.*

#### **DRAINAGE CONDITIONS**

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

49. *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:*
50. *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.*
51. *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.*

52. *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.*
53. *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*
54. *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.*
55. *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.*
56. *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.*
57. *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.*
58. *On-site detention must be provided to ensure that the maximum discharge from the redeveloped portion of the site does 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 redeveloped portion of the site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the 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.***

59. *All site stormwater leaving the site must be discharged by gravity either:*
60. *To the kerb and gutter or drainage system in either Judge Street or Judge Lane; or*
61. *Via a private drainage easement through an adjoining private property (or properties) to Council's kerb and gutter or drainage system.*
62. *The applicant must provide for a detention volume of up to the 1 in 100 year storm event should no formal overland escape route be provided for storms greater than the design storm.*

63. A "restriction as to user and positive covenant" shall be placed on the title of the subject property prior to the issuing of a final occupation certificate. 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.***

64. The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.
65. The stormwater detention area must be suitably signposted where required, warning people of the maximum flood level.
66. 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).*

67. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
68. Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.

*The pump system must also be designed and installed strictly in accordance with "Section 8.4 PUMP SYSTEMS" as stipulated in Randwick City Council's Private Stormwater Code.*

69. 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; and*
- prior to stormwater discharging into any absorption/infiltration system.*

70. *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.*

71. *A ‘V’ drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention area.*

72. *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.*

73. *Prior to the issuing of an occupation certificate, the applicant shall submit to Council's Director of Asset and Infrastructure Services, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:*

- *The location of the detention basin with finished surface levels;*
- *Finished site contours at 0.2 metre intervals;*
- *Volume of storage available in the detention areas;*
- *The location, diameter, gradient and material (i.e PVC, RC etc) of all stormwater pipes;*



- *The orifice size(s) (if applicable); and*
  - *Details of any pumping systems installed (including wet well volumes).*
74. *Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council's Director of Asset and Infrastructure Services, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with the conditions of development consent. The certification must be provided to the satisfaction of the PCA.*
75. *Seepage water must **not** be collected and drained from the site.*

## **LANDSCAPE CONDITIONS**

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

### *Tree Management*

76. *The following trees are to be either transplanted to suitable locations within the site or alternatively, (should the site not be capable of accommodating their relocation), transferred to Council, such transfer being required to facilitate relocation of the palms offsite in a location to be determined by Council.*
- a) *Two (2) *Howea forsteriana* (Kentia Palms), one being the northern most palm of those located immediately east of the existing dwelling and other being the eastern most palm of those located along the southern property boundary.*
  - b) *Five (5) *Howea forsteriana* (Kentia Palms), located within the centre of the site, within the building footprint.*
  - c) *Four small palms located where the proposed pedestrian refuge is shown on the plans.*

*Prior to the relocation/removal of any of the above palms the applicant must liaise with Council's Tree Management Officer to obtain Council's requirements for the transfer to Council of those palms that are to be transplanted offsite by Council.*

### ***Tree Protection Measures***

77. *In order to ensure the retention of the five (5) *Howea forsteriana* (Kentia Palms) located immediately east of the existing dwelling and the seven (7) *Howea forsteriana* (Kentia Palms) located along the southern property boundary, and the three (3) *Howea forsteriana* (Kentia Palms) located along the northern property boundary 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. *The trees are to be physically protected by the installation of protective fencing around the trees to prevent damage to the tree trunks.*

*Details of the proposed fencing are required to be provided to Council prior to the issue of a construction certificate. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed.*

- c. *Any excavations required for footings, structures, retaining walls, services, pipes, stormwater infiltration systems, paving etc within 1.5 metres of the tree trunks shall be undertaken by hand and under the direction of, and to the satisfaction of, a suitably qualified Arborist and Council's Landscape technician 9399 0613, with all roots being cleanly cut.*
- d. *In order to avoid damage to the palm trees, the footings to be used adjacent to the three (3) Kentia Palms located along the northern property boundary are to be of a suspended slab construction, with no change to the existing soil levels. Details showing the exact locations of proposed piers and slab levels are to be provided to Council prior to the issue of a construction certificate.*
- e. *The installation of woodchip mulch to a depth of 75mm within a radius of 1.5 metres from the tree trunks.*
- f. *Watering of the trees three times a week for the duration of the demolition and construction periods.*

### **Tree Protection Bond**

- 78. *A refundable deposit in the form of cash or cheque or bank guarantee for the amount of \$10,000 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the preservation of the 15 *Howea forsteriana* (Kentia Palms) that are to be retained in conjunction with the proposed development.*

*The refundable deposit or bank guarantee is placed to ensure that the tree protection measures as described in the previous condition are undertaken throughout the 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 tree/s have been retained in good health.*

*Any contravention of Council's conditions relating to tree protection measures 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.*

### **ADVISINGS**

- a. *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.*

- b. *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 D1 - Provisions for escape*
- b. *Clause D2.4 - Separation of rising and descending stair flights*
- c. *Part D3 - Access for people with disabilities*
- d. *Part E1 - Fire fighting equipment*
- e. *Part E4 - Emergency lighting, exit signs and warning systems*
- f. *Part F5 - Sound Transmission and Insulation*

- B. *Council establish a Committee of 2 resident representatives, 2 school representatives, Ward Councillors and Council's Traffic Engineer to review the traffic management plan for the school.*

## **10. PETITIONS.**

Nil.

## **11. MOTIONS PURSUANT TO NOTICE.**

### **11.1 BY COUNCILLOR MATTHEWS – SCHEDULE FOR FOOTPATH CONSTRUCTION IN 2003/2004. (R/0639/01 XR 98/S/0178)**

(Crs Bastic and Greenwood left the Chamber at this stage of the meeting.)

**MOTION: (Matthews/Schick)** that the General Manager provide to all Councillors a list which outlines the schedule for new footpath construction in 2003/2004 in all Wards within the City of Randwick within (7) days. **LOST.**

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

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

(Crs Bastic and Greenwood returned to the Chamber at this stage of the meeting.)

### **11.2 BY COUNCILLOR MATTHEWS – INSTALLATION OF SPEED HUMPS AT THE LOOP AT LA PEROUSE. (98/S/0974 xr 98/S/0178)**

**MOTION: (Matthews/Schick)** that due to excessive speed by car drivers that a report be prepared for Council to consider the installation of speed humps in the Loop at La Perouse. **LOST.**

**AMENDMENT: (Matson/Greenwood)** that this matter be referred to the Traffic Committee for consideration. **LOST.**

A division was called for by Crs Matthews and Schick. Voting was as follows:-

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

**11.3 BY COUNCILLOR TRACEY – TRAFFIC CALMING DEVICES IN DANGAR, WENTWORTH AND KING STREETS, RANDWICK. (R/0217/02 xr R/0765/01 xr R/0765/02 xr R/0442/02 xr 98/S/0178)**

233 **RESOLUTION:** *(Tracey/Backes)* that a report be prepared detailing Council's plans and approved development obligations for traffic calming devices, traffic and pedestrian safety and other general traffic management issues in the Dangar, Wentworth and King St, Randwick vicinities.

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

(Cr Matthews left the meeting at this stage the time being 10.15 p.m.)

**11.4 BY COUNCILLOR ANDREWS – JACK VANNY MEMORIAL RESERVE, MARINE PARADE, MAROUBRA. (98/S/2754 xr 98/S/0178)**

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

a) Council investigate the installation of outdoor exercise equipment (similar to that located at Bondi Beach) at Jack Vanny Memorial Reserve, Marine Parade, Maroubra (between Bond and Sackville Street) and at any other suitable locations appropriate for the installation of such exercise equipment; and

b) A report be submitted to the Council as to the cost of such projects.

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

**11.5 BY COUNCILLOR ANDREWS – REPLACEMENT OF FENCE BETWEEN 2 MACLEAY STREET, SOUTH COOGEE AND GOLLAN PARK. (98/S/1027 xr 98/S/0178)**

This motion was withdrawn by Cr Andrews with the consent of the Council.

**11.6 BY COUNCILLOR MATSON – APOLOGY FOR FAILING TO MEET COUNCIL RESOLUTION ON STREET TREES IN ABBOTT STREET COOGEE. (R/0004/03 xr 98/S/0178)**

235 **RESOLUTION:** (*Tracey/White*) that Council accepts the explanation provided by the Mayor and Director Asset & Infrastructure Services on the issue as being satisfactory.

**MOTION:** (**Matson/Greenwood**) that Council letter boxes Abbott Street, Coogee apologising for failing to meet the spirit of its 1998 resolution and that it would adopt a policy of consistent consultation prior to commencing significant streetscape works and reiterates its recognition that street trees are a sensitive issue in the street.

**AMENDMENT:** (*Tracey/White*) SEE RESOLUTION.

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

**11.7 BY COUNCILLOR MATSON – ABIDANCE BY NOI RECOMMENDATIONS ON BUNDOCK ST SITE. (D/0709/2003 xr 98/S/0178)**

236 **RESOLUTION:** (*Daley/White*) that:

- a) *As a response to residents' complaints on dust and vibration problems affecting residences adjoining the Bundock Street site Council will:*
  - i) *Delegate authority to the Mayor to determine if all conditions of the Notice of Intent are being enforced by the Commonwealth Government and its agents; and*
  - ii) *Further delegate to the Mayor authority to pursue any measures he considers fit, including legal options.*
- b) *The Mayor also be delegated authority to liaise with Ms Sandra Nash of 112 Holmes Street, Kingsford to take delivery of the dust sample she possesses and that Council meet the cost of analysis to determine whether this sample contains any elements of asbestos; and*
- c) *Any work practices of an unacceptable nature be referred for investigation by Comcare.*

**MOTION:** (**Matson/Greenwood**) that as a response to recent complaints of dust and vibration problems in residences around the Department of Defence's Bundock Street site Council will:

- a) Determine if all conditions of the Notice of Intent (NOI) are being enforced by Defence contractors; and
- b) If not, will delegate authority to the General Manager to pursue any legal options and other avenues of appeal available to enforce these conditions.

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

**11.8 BY COUNCILLOR MATSON – CONCERN OVER ASBESTOS AMELIORATION AT PRINCE HENRY SITE. (98/S/1648 xr D/043/2003 xr 98/S/0178)**

237 **RESOLUTION:** (*Daley/White*) that the Mayor be delegated authority to determine whether all conditions of consent are being enforced and to pursue any measures he considers fit,

*including legal options and the Mayor report back to Councillors on the issue.*

**MOTION: (Matson/Greenwood)** that Council will as a priority:

- a) Take measures to assure itself that appropriate asbestos decontamination procedures sufficient to protect local residents are being implemented on the Prince Henry Hospital site; and
- b) Contact the director of the demolition operations to urge the convening of information nights for local residents and interested Councillors to disseminate greater community understanding of these decontamination measures.

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

Cr Seng left the Chamber at this stage of the meeting.

**11.9 BY COUNCILLOR MATSON – PARTNERSHIPS REGISTER. (98/S/5137 xr 98/S/0178)**

**MOTION: (Matson/Greenwood)** that Council:

- a) Congratulates South Sydney City Council on their Partnerships Register initiative;
- b) Supports in principal the establishment of a Randwick Partnerships Register; and
- c) Officers investigate and develop this proposal, reporting back after South Sydney has conducted its community consultation and made a final decision on the implementation of their Register.

This Motion was Ruled out of Order by the Mayor.

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

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

<b>For</b>	<b>Against</b>
Backes	Andrews
Greenwood	Bastic
Matson	Daley
Notley-Smith	Procopiadis
	Schick
	His Worship the Mayor, Cr D. Sullivan
	Tracey
	White
	Whitehead

**11.10 BY COUNCILLOR MATSON – MOTION ON THE AUSTRALIA US FREE TRADE AGREEMENT FOR LOCAL COUNCILS. (98/S/4726 xr 98/S/0178)**

238 **RESOLUTION: (Daley/White)** that this matter be deferred to determine whether the Local Government Association has a view or position on this issue relating to its relevance to Councils and a report be furnished on the outcome of this investigation.

**MOTION: (Matson/Greenwood)** that Council:

- a) Believes public policy regarding the regulation, funding and provision of essential services should be made democratically by governments at the national, state and local level and should not be subject to a trade agreement;
- b) Calls on the Federal Government to fully consult with state and local government about the implications of the AUSFTA negotiations for local government services and regulation;
- c) Calls on the Federal Government to support the clear exclusion of public services from the AUSFTA, including local government services;
- d) Calls on the Federal Government to oppose any proposals which would allow corporations to challenge regulation or sue governments; and
- e) Writes to the Minister for Trade concerning the above and submits the above motions for adoption by the Australian Local Government Association.

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

**11.11 BY COUNCILLOR PROCOPIADIS – WOMEN’S ATHLETIC FIELD.  
(98/S/1275 xr 98/S/0178)**

239 **RESOLUTION: (Daley/White) that:**

- a) *The Mayor meets with the Minister of Lands with the view of having the Government decontaminate the land known as the Women’s Athletic Fields and restore the playing area for the use of various sports; and*
- b) *The Government appropriately fund and resource the Trust to enable it to meet its responsibilities to maintain the Fields and meet its obligations under the conditions of consent.*

**MOTION: (Procopiadis/Schick)** that the Mayor meet with the Minister of Lands with the view of having the Government decontaminate the land known as the Women’s Athletic Fields and restore the playing area for the use of various sports, remove the Trust and give the fields to Council to maintain and hire.

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

Cr Procopiadis left the meeting at this stage the time being 10.55 p.m.

**11.12 BY COUNCILLOR WHITEHEAD – 9 RON FILBEE PLACE, MAROUBRA.  
(D/1136/2001 xr 98/S/0178)**

240 **RESOLUTION: (Whitehead/Greenwood)** that a confidential report be provided to Council regarding Council’s resolution 340 of Tuesday, 10 December, 2002 in relation to the Development Application No. D/1136/01 “A” Section 96 for the property at 9 Ron Filbee Place, Maroubra, with specific reference to the deletion of the parapet walls along the perimeter of the building, set-backs of guard rails and increased depth of stair entry to deck and, also, on the matters arising from that resolution, including the issues of orders and supplementary action.

**MOTION: (Whitehead/Greenwood) SEE RESOLUTION.**

**12. URGENT BUSINESS.**

Nil.

**13. CONFIDENTIAL REPORT.**

**13.1 CONFIDENTIAL DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 76/2003 - 95-97 MASON STREET AND 106 BOYCE ROAD, MAROUBRA. (D/0827/2002)**

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

- a) *The Council note Stuart Harding's report; and*
- b) *Council agree in principle to enter into consent orders in respect of the proceedings before the Land and Environment Court subject to those orders being satisfactory to the Court.*

**MOTION: (Daley/Andrews) 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 11.05 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 28<sup>th</sup> OCTOBER, 2003.

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CHAIRPERSON