

**MINUTES OF ORDINARY COUNCIL MEETING OF THE
COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 28TH OCTOBER, 2003 AT 6:28 P.M.**

PRESENT:

Councillor M. Daley (South Ward) (Deputy Mayor – in the chair)

North Ward	-	Crs J. Greenwood and P. Tracey
South Ward	-	Crs C. Matthews and A. White
East Ward	-	Crs F. Backes (until 8.05 p.m.), B. Notley-Smith and M. Matson
West Ward	-	Crs P. Schick, M. Whitehead and J.Procopiadis (until 8.14 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. Truuvert.
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.
Manager Development Assessment	Mr. K. Kyriacou.

1. COUNCIL PRAYER

The Council Prayer was read by the Acting Mayor, Cr Michael Daley.

1a. MOTIONS PURSUANT TO NOTICE RULED OUT OF ORDER - BY COUNCILLOR MATTHEWS – POKER MACHINE TAX. (98/S/5279 xr 98/S/0178) AND BY COUNCILLOR MATSON – COUNCIL SUPPORTED REFORMS TO POKIE MACHINES. (98/S/5279 xr 98/S/0178)

The Acting Mayor ruled Items 11.1 & 11.8 out of order.

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

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

For	Against
Greenwood	Andrews

Matson	Backes
Matthews	Bastic
Notley-Smith	Acting Mayor, Cr Daley
Seng	Procopiadis
Whitehead	Schick
	Tracey
	White

2. APOLOGY.

An apology was received from His Worship the Mayor, Cr D. Sullivan.

RESOLVED: (White/Schick) that the apology be received and accepted and leave of absence be granted to His Worship the Mayor, Cr D. Sullivan from the Ordinary Council Meeting held on Tuesday, 28th October, 2003.

3. MINUTES

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY, 23RD SEPTEMBER, 2003.

242 **RESOLUTION: (Bastic/Notley-Smith)** that the Minutes of the Ordinary Council Meeting held on Tuesday, 23rd 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: (Daley/Procopiadis) that the meeting be adjourned at 6.40 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. Ms Jennifer Alexander, 53 Tunstall Avenue, Kensington on Item 7.2, Director Assets & Infrastructure Services' Report 61/2003 – Tunstall Avenue, Kensington – Introduction of Speed Control Measures.
2. Mr Andrew Wilkinson, 3 Gray Street, Randwick on Item 7.4, Director Assets & Infrastructure Services' Report 63/2003 – Establishment of Committee to Review the Traffic Management Plan for Claremont College.
3. Mr Scott Steiner, 217 Alexander Street, Coogee on Item 9.1, Director Planning & Community Development's Report 83/2003 – 11-15 Alexander Street, Coogee.
4. Mr Philip Thalys, Level 5, 68-72 Wentworth Avenue, Surry Hills, on Item 9.1, Director Planning & Community Development's Report 83/2003 – 11-15 Alexander Street, Coogee.
5. Andrews Morison, 4/54 Beach Street, Coogee, on Item 11.7, Motion Pursuant to Notice by Cr Matson – Review of Aggressive – Rooted Street Tree Strategy.

The meeting was further adjourned by the Acting Mayor at 6.58 p.m.

The meeting was resumed at 7.31 p.m.

5. ACTING MAYORAL MINUTES.

5.1 ACTING MAYOR'S MINUTE 62/2003 - WAIVING OF FEES - COOGEE FAMILY FUN DAY. (98/S/1148)

243 **RESOLUTION:** *(Daley) that:*

- a) *Council vote \$5,752.30 to cover the fees associated with the event and funds be charged to Councillors' Request Works Allocation; and*
- b) *The organisers of the Coogee Family Fun Day acknowledge Council's contribution to the event and co-ordinate appropriate publicity with Council's Communications Manager.*

MOTION: (Daley) SEE RESOLUTION.

5.2 ACTING MAYOR'S MINUTE 63/2003 - WAIVING OF FEES - 2003 SOUTH MAROUBRA VILLAGE GREEN ART SHOW. (98/S/1720)

244 **RESOLUTION:** *(Daley) that Council vote \$82.50 to cover the fees associated with the event and funds be charged to Councillors' Request Works Allocation and that the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event.*

MOTION: (Daley) SEE RESOLUTION.

6. GENERAL MANAGERS' REPORTS.

6.1 GENERAL MANAGER'S REPORT 24/2003 - DISCLOSURE OF INTEREST RETURNS. (98/S/0077)

245 **RESOLUTION:** *(Andrews/Notley-Smith) that:*

- a) *The contents of the General Manager's Report 24/2003 dated 30th September, 2003 be received and noted; and*
- b) *It be noted that the Disclosure of Interests Register has been tabled at the Ordinary Meeting of the Council held on 28th October, 2003.*

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

6.2 GENERAL MANAGER'S REPORT 26/2003 - 2003/04 BUDGET - REVIEW AS AT 30 SEPTEMBER 2003. (98/S/2627)

246 **RESOLUTION:** *(White/Procopiadis) that:*

- a) *The report in relation to the September 2003 budget review be received and noted; and*
- b) *The budget variations referred in paragraph (b) in the report be adopted.*

MOTION: (White/Procopiadis) SEE RESOLUTION.

6.3 GENERAL MANAGER'S REPORT 27/2003 - FINANCIAL REPORTS - 2002/2003. (98/S/0043 xr 98/S/3562)

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

- a) *The financial reports for the year ended 30 June 2003 be adopted;*
- b) *In relation to the statements required in accordance with Section 413(2)(c) of the Local Government Act 1993: -*
 - i) *Council resolves that in its opinion the general purpose financial report and the special purpose financial reports for the year ended 30 June 2003 and special schedules are properly drawn up in accordance with the provisions of the Local Government Act 1993 and the Regulations thereunder.*
 - ii) *That the statements be approved and signed by the Mayor, another Councillor, the General Manager and the Responsible Accounting Officer.*
- c) *Copies of the financial reports be referred to Council's Auditors for audit;*
- d) *The audited financial statements be presented at a meeting of Council to be held on 25 November 2003 in accordance with Section 418 of the Local Government Act, 1993;*
- e) *The Budget Result Statement (Attachment "1" for the year ended 30 June 2002) be noted;*
- f) *The items to be carried over from 2002/2003 to the 2003/2004 budget, referred to in Attachment "1", be approved and voted for expenditure in 2003/2004 in accordance with the Local Government (Financial Management) Regulation 1999;*
- g) *The transfer to the IT Replacement Reserves identified in Attachment "1" be endorsed; and*
- h) *It be noted that the unaudited financial statements 2002/03 were tabled at the meeting.*

MOTION: (White/Andrews) SEE RESOLUTION.

7. DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORTS.

7.1 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 60/2003 - LITTER PATROL. (98/S/3806)

248 **RESOLUTION: (Andrews/White) that Council note the report, including the shortcomings of the POEO Act in dealing with illegal dumping and the improvements to the Council's illegal dumping control procedures.**

MOTION: (Andrews/White) SEE RESOLUTION.

7.2 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 61/2003 - TUNSTALL AVENUE, KENSINGTON - INTRODUCTION OF SPEED CONTROL MEASURES. (98/S/4405 xr R/0733/02)

249 **RESOLUTION:** (*Procopiadis/Whitehead*) that:

- a) *The existing double centreline in Tunstall Avenue between premises No. 44 and No. 26 be relocated as shown on the plans attached to the Director Assets & Infrastructure Services' Report No. 61/2003;*
- b) *Double centreline be installed for a length of 50 metres between premises Nos. 44 and 38, and a length of 90 metres between Nos. 36 and 26 Tunstall Avenue, and that these lines be shifted east of the carriageway's true centreline as shown, in order to provide a parking lane on the western side of Tunstall Avenue;*
- c) *An edge line be painted on the western side of Tunstall Avenue between premises No. 44 and No. 26 to define the car parking lane;*
- d) *The existing 80 metre length of double centreline in Tunstall Avenue at its intersection with Addison Street be supplemented with rumble bars;*
- e) *A 'Crest' warning sign be installed on both approaches to the crest located in the vicinity of No. 20 – 36 Tunstall Avenue;*
- f) *Prior to implementation of the abovementioned measures, residents of premises numbers 20 to 44 and 1a to 1c Tunstall Avenue be advised of the above proposals;*
- g) *Authority be delegated to the Director Asset & Infrastructure Services to introduce minor amendments to the above proposed measures, prior to implementation, following consultation with the local residents and Ward Councillors; and*
- h) *A report also be submitted on traffic calming measures that could possibly be implemented in Tunstall Avenue to further reduce the speed of north bound vehicles in the block between Tedwin Avenue and Addison Street.*

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

7.3 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 62/2003 - GREEN WASTE AND CONCRETE RECYCLING SITE – LEASE. (98/S/3862(4))

250 **RESOLUTION:** (*White/Bastic*) that Council delegate authority to the Mayor and the General Manager to execute the Lease Agreement and affix Council's Seal if required, subject to final sign off by Council's solicitors being issued.

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

7.4 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 63/2003 - ESTABLISHMENT OF COMMITTEE TO REVIEW THE TRAFFIC MANAGEMENT PLAN FOR CLAREMONT COLLEGE (R/0424/02 D/1145/2002)

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

- a) *Authority be delegated to the Mayor, with a casting vote if necessary, and to the three Ward Councillors to select the resident representatives from the Dolphin, Heath & Gray Streets resident nominations to serve on the Committee;*
- b) *The committee to review Claremont College's Traffic Management Plan be made up of the following people:*
 - a. *2 School representatives being Ms Lesley May and Mrs McCulloch.*
 - b. *Ward Councillors and the Mayor.*
 - c. *Council's Traffic Engineer Mr Ken Kanagarajan.*
 - d. *Council selected resident representatives from Dolphin, Heath & Gray Streets.*
- c) *The Committee have the authority to co-opt any other person it sees fit to serve on the Committee.*

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

7.5 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 64/2003 - APPLICATION OF WORK ZONE FEES AND CHARGES ON BUILDING WORKS REQUIRING ROAD CLOSURES. (98/S/5002)

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

- a) *The report dated 21 October 2003 by the Director of Asset and Infrastructure Services in regard to the application of Work Zone fees and charges on building sites be noted;*
- b) *The imposition of Work Zone fees and charges, where appropriate, to include building activities requiring occupation of public ways as outlined in the report, be endorsed as a policy; and*
- c) *An appropriate policy be developed for inclusion in Council's Policy Register.*

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

7.6 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 65/2003 - EUCALYPTUS SALIGNA GROWING ON NATURE STRIP OUTSIDE 10 INGLETHORPE AVENUE, KENSINGTON. (R/0403/03)

(Cr Whitehead declared an interest in this item, as she was the applicant for the street tree removal, and she left the Chamber and took no part in the discussion or voting.)

253 **RESOLUTION:** (*White/Bastic*) that approval not be granted for the removal and replacement of the large, healthy Council-owned Eucalyptus species growing on the nature strip outside 10 Inglethorpe Avenue, Kensington.

Cr Backes left the Meeting at 8.05 p.m.

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

(Cr Whitehead returned to the Chamber at this stage of the meeting.)

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

8.1 DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES' REPORT 28/2003 - SECTION 12 LOCAL GOVERNMENT ACT - RESTRICTION OF ACCESS TO INFORMATION - 91 ST MARKS ROAD, RANDWICK. (98/S/2738 xr P/005440 xr 98/S/0150)

254 **RESOLUTION:** *(Andrews/Schick) that:*

- a) *The contents of the Director Governance, Management and Information Services Report 28/2003 be received and noted;*
- b) *The Council endorse the restriction placed by the Public Officer on access to parts of seven (7) documents which were the subject of the Section 12 application submitted by Mr C. Murtough relating to 91 St. Marks Road, Randwick for the reasons detailed in the Director's Report;*
- c) *It be noted that Mr C. Murtough can still exercise his right to request a review by Council on the restriction to access being lifted; and*
- d) *Council reconfirm its commitment to not releasing the names, addresses or identifying features of complainants, when those complaints have been made in good faith and they disclose a contravention or possible contravention of the law for the purpose of enabling or assisting the Council to enforce or administer the law.*

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

8.2 DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES' REPORT 29/2003 - ADDITIONAL INFORMATION - SSROC TENDER FOR HARDWARE. (98/S/4881 PT 1)

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

- a) *Council receive and accept the additional information attached to the report and accept the tender submitted by Bakers Construction for the supply of Hardware as recommended by SSROC SMG;*
- b) *The General Manager, or delegated representative, be authorised to enter into an agreement for a period of three years, with the option of extending the agreement period for a further two years in 12 month periods; and*
- c) *The unsuccessful tenderers be notified of the tender results.*

MOTION: *(Bastic/White) SEE RESOLUTION*

8.3 DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES' REPORT 30/2003 - RISK BUDGET. (98/S/5280)

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

- a) *Council supports the requirement to improve its Risk Management Practices to a level comparable with the region and statewide average and gain the advantages available from such constructive action; and*
- b) *Council allocates the amount of \$104,109 to risk management measures for this financial year 2003/2004.*

MOTION: (Bastic/White) SEE RESOLUTION.

9. DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORTS.

**9.1 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
83/2003 - 11-15 ALEXANDER STREET, COOGEE. (D/0541/2003)**

257 **RESOLUTION: (Bastic/Andrews) that Council assume the concurrence of the Director, Department of Infrastructure, Planning and Natural Resources to vary the provisions of Clauses 33(4), 33(4) and 33(4) of the Randwick Local Environmental Plan 1998 (as amended) relating to Demolition of 3 existing dwellings and construction of 3-4 storey residential flat building (19 dwellings) and basement carparking for 28 cars 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. 541/2003 for Demolition of 3 existing dwellings and construction of 3-4 storey residential flat building (19 dwellings) and basement carparking for 28 cars at 11-15 Alexander Street, Coogee subject to the following conditions:-**

1. *The development must be implemented substantially in accordance with Issue A of the plan DA 01, stamped received by Council on 30 June 2003 and Issue B of the plans numbered DA 02-DA 08, stamped received by Council on 7 October 2003, the landscape plan numbered project number 030005, and drawing number SK01B, dated 06/05/03 and stamped received by Council on 30/06/03, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*
2. *The roof terrace, planter boxes and pergola structures to the top floor of apartment 15 are to be deleted in favour of a non-trafficable roof. The laundry area to this apartment is to be moved so that it is accessed from within the apartment and any doorways from the top floor study area to the roof are to be deleted from the plans. This condition is imposed to minimise the potential for noise impacts as a result of the proposal. Details required by this condition are to be included with the Construction Certificate application.*
3. *Fences located on the side or rear boundaries of the premises shall not exceed a maximum height of 1.8m, measured from the existing ground level on the subject site, to maintain reasonable levels of amenity to the adjoining premises. Details of proposed fencing are to be included with the Construction Certificate application.*
4. *Details submitted with the Construction Certificate application are to include the external lighting scheme (designed to the appropriate Australian Standard) proposed*

for the development. This condition is imposed to ensure the safety and security of the development.

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

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

6. *There must be no encroachment of any part of the structure/s onto the adjoining premises or onto Council's road reserve, footway or public place.*
7. *Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.*
8. *Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.*

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

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

- | | |
|--|--------------------|
| a) <i>for the provision or improvement of open space</i> | <i>\$27,490.82</i> |
| b) <i>for the provision or improvement of community facilities</i> | <i>\$12,155.08</i> |

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

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

10. *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.*
11. *External timber or metal framed and brick veneer walls and 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.*

12. *Hot water service pipes are to be provided with insulation, in accordance with the relevant requirements of Building Code of Australia and AS 3500.*
13. *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.*

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

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

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

15. *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.*
16. *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.*
17. *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.*
18. *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.*
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 required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, in accordance with Section 109F of the Environmental Planning & Assessment Act 1979.*

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

21. *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.*
22. *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. The report, must demonstrate the suitability of the proposed methods of construction to overcome any potential damage to nearby land/premises and the report is to detail 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, must be fully complied with and incorporated into the documentation for the **construction certificate**.*

A copy of the engineers report is to be submitted to the Council, if the Council is not the certifying authority.

23. *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 demonstrates that damage should not occur to any adjoining premises and public place as a result of the works.*

*Any practices or recommendations specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises or land must be fully complied with and incorporated into the documentation for the **construction certificate**.*

24. *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, verandah's, fences, retaining walls, swimming pools and driveways etc.) located upon all of the premises adjoining the subject site.*

*The report is to be supported with photographic evidence of the status and condition 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**.*

25. *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**.*
26. *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:

27. *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**.*
28. *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.*
29. *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.

Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person approved by the Principal Certifying Authority) is also required to ensure that the relevant site management, public safety and sediment and erosion requirements specified in Council's consent are being satisfied.

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

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

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

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 and excavation 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. *In addition to the matters contained in the Environmental Planning and Assessment Regulation 2000, the following matters are to be completed in accordance with the terms and conditions of this development consent, **prior to the occupation** of the building:*

- a) *car parking and vehicular access*
- b) *landscaping*
- c) *stormwater drainage*
- d) *external finishes and materials*

33. *A coloured works-as-executed fire services plan is to be submitted to the Council **prior to occupation** of the development, detailing the location of the essential fire safety measures installed within the building premises.*
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 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.*
 - b) *On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.*
35. *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.*
36. *Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.*
37. *A report prepared by a suitably qualified and experienced consultant in acoustics/vibration shall be submitted to the Principal Certifying Authority and the Council **upon commencement of works**, certifying that noise and vibration emissions from the construction of the development complies with the provisions of the Protection of the Environment Operations Act 1997, the Noise Control Manual published by the Environment Protection Authority and relevant conditions of approval. In support of the above it is necessary to submit all relevant readings and calculations made.*

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

38. *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.

39. *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.*

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

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

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.

41. *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.*

42. *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.*

43. *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".*

44. *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.

45. *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.

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

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

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

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

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

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

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

48. *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.*
49. *Public safety must be maintained at all times and 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, safe and be constructed in a professional 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.*

50. *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.

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

51. *Access, facilities and car parking for people with disabilities must be provided in accordance with the relevant provisions of the Building Code of Australia and AS1428.1, AS4299 and 2890.1 and Council's development control plan for multi-unit housing. Details of the proposed access, facilities and car parking for people with disabilities are to be submitted to and approved by Council's Director of Planning & 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 reasonable levels of fire safety are provided in the building:

52. *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 smoke detectors located within the stairway, corridors or the like must be interconnected.*
53. *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:

- | | | | |
|-----------|--------------------|----------|---|
| <i>a)</i> | <i>Part C2</i> | <i>-</i> | <i>Compartmentation and separation</i> |
| <i>b)</i> | <i>Part D1</i> | <i>-</i> | <i>Provisions for escape</i> |
| <i>c)</i> | <i>Clause D1.4</i> | <i>-</i> | <i>Exit travel distances</i> |
| <i>d)</i> | <i>Part D2</i> | <i>-</i> | <i>Construction of exits</i> |
| <i>e)</i> | <i>Part D3</i> | <i>-</i> | <i>Access for people with disabilities</i> |
| <i>f)</i> | <i>Part E1</i> | <i>-</i> | <i>Fire fighting equipment</i> |
| <i>g)</i> | <i>Part E2</i> | <i>-</i> | <i>Smoke Hazard Management</i> |
| <i>h)</i> | <i>Part E4</i> | <i>-</i> | <i>Emergency lighting, exit signs & warning systems</i> |
| <i>i)</i> | <i>Part F1</i> | <i>-</i> | <i>Damp and weatherproofing</i> |
| <i>j)</i> | <i>Part F2</i> | <i>-</i> | <i>Sanitary and other facilities</i> |
| <i>k)</i> | <i>Part F5</i> | <i>-</i> | <i>Sound Transmission and Insulation</i> |

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

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

54. *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.*
- | | | | |
|-----------|-------------------|----------|-----------------------------------|
| <i>a)</i> | <i>\$9,000.00</i> | <i>-</i> | <i>Vehicular crossing deposit</i> |
|-----------|-------------------|----------|-----------------------------------|

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 and associated civil works by Council or a Council approved subcontractor.

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

55. *The applicant must meet the full cost for Council or a Council approved contractor to:*
- a) *Construct a concrete heavy-duty vehicular crossing and layback at kerb opposite the vehicular entrance to the site.*
 - b) *Remove the redundant concrete vehicular crossings and laybacks and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.*
 - c) *Re-construct a kerb and gutter for the full site frontage except opposite the vehicular entrance and exit points.*
 - d) *Carry out a full depth, minimum 2 metre wide, road construction in front of the kerb and gutter along the full site frontage.*
 - e) *Reconstruct a concrete footpath along the full site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*
 - f) *To either upgrade the inlet capacity of Council's stormwater gully pit at the intersection of Alexander Street and Dudley Street or extend Council's stormwater line from the Council stormwater gully pit at the intersection of Alexander Street and Dudley Street to the development site frontage. This depends on the stormwater discharge option taken by the applicant, see drainage conditions.*
56. *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.*
57. *An approval under the Roads Act 1993 is required to be obtained from Council in relation to all drainage and infrastructure works which are located within the roadway/public place. Details of the proposed works are to be submitted to and approved by the Director of Asset and Infrastructure Services prior to commencing such work. **Council is to be nominated as the principal certifying authority in respect of those works.***
58. *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.

59. *All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level or splayed 1.5 metre by 1.5 metre so that a driver of a stopped vehicle 2 metres behind the street boundary line can observe pedestrians up to 2 metres from the crossings. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.*
60. *The driveway opening at the Alexander Street frontage must be 5.5 metres wide and located at least 1.5 metres clear of the side property.*
61. *The internal driveway must be a minimum 5.50m wide (clear width) for the first 5 metres inside the property so as to allow entering & exiting vehicles to pass within the site. Should the driveway narrow after this point it is then to be designed with a minimum 1.5m x 1.5m splay to allow the passing to work.*
62. *A work zone is to be provided in Alexander Street for the duration of the construction works. The 'workzone' shall have a minimum length of 12 metres and the prescribed fee for the work zone must be paid to Council at least four (4) weeks prior to the commencement of building works.*

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

63. *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 Council footpath level at all points along the **Alexander Street** frontage.*

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

64. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to 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.*
65. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$963.00.00 calculated at \$17.60 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*

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

66. *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.

67. *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.*
68. *Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied, must be submitted to the certifying authority prior to a construction certificate being issued for the development.*
69. *Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant must liaise with Sydney Electricity prior to lodging the construction certificate whether or not an electricity substation is required for the development.*
70. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.*

Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges paid. Please make early contact with the Coordinator, since 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 the Construction Certificate being issued.

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

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

Note: All proposals should indicate the location of the closest Council stormwater pit and line regardless of the point of discharge. This information can be obtained by a visual inspection of the area and perusing Council's drainage plans.

- c) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (ie. above the 1 in 20 year storm) to the proposed drainage system.*
 - d) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
 - i. Roof areas*
 - ii. Paved areas*
 - iii. Grassed areas*
 - iv. Garden areas**
 - e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.*
 - f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.*
 - g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.*
 - h) All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.*
- 72. All site stormwater leaving the site must be discharged by gravity to the kerb and gutter or drainage system at the front of the property.*
- 73. The applicant will have the option of limiting the stormwater discharge from the site so it will not to exceed 25 litres per/second for the 1 in 20 year storm and upgrading the inlet capacity of Council's stormwater gully pit at the intersection of Alexander Street and Dudley Street.*

OR

Extending Council's stormwater line from the Council stormwater gully pit at the intersection of Alexander Street and Dudley Street to the development site frontage.

All future Council stormwater pipelines shall be constructed with a spigot and socket, rubber ringed steel reinforced concrete pipeline (RRRCP). Other pipelines maybe considered however the selected pipeline must have a minimum equivalent or superior qualities to that of the RRRCP. Such qualities shall include (but not limited to):-

- Life expectancy minimum 80 years (including abrasion wear)
- Vehicular loadings.
- resistance to chemical or biological attack.
- hydraulic capacity

Notes

- Prior to backfill, the pipeline shall be inspected and approved by the Director Asset and Infrastructure Services.
- The minimum internal diameter for a future Council stormwater pipeline shall be 375 mm.
- Generally backfill material for the pipeline trench shall be:-
 - clean sand.
 - watered in.
 - compacted in 150 mm layers with a minimum 97% relative compaction.

All standard extended kerb inlet pits shall be constructed in accordance with Council's standard drawing SD 3. Minimum concrete strength of 32 Mpa.

Prior to the issuing of a construction certificate the applicant is to advise Council's drainage engineer in writing of the chosen option of stormwater discharge as mentioned above.

The following 7 (seven) conditions shall only apply should the applicant choose to limiting the stormwater discharge from the site so it will not to exceed 25 litres per/second for the 1 in 20 year storm and upgrade the inlet capacity of Council's stormwater gully pit at the intersection of Alexander Street and Dudley Street.

74. The applicant must provide for a detention volume of up to the 1 in 100 year, plus an additional 50% of storage volume should no overland escape route be provided for storms greater than the design storm.
75. 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.

76. The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.

77. *The stormwater detention area must be suitably signposted where required, warning people of the maximum flood level.*
78. *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).

79. *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.

80. *A work-as-executed plan prepared and signed by the hydraulic engineer or a registered surveyor, and approved by an accredited certifier, must be submitted to Council's Director of Asset and Infrastructure Services prior to the issuing of an occupation certificate, detailing the location of the detention basin with finished surface levels, contours at 0.2 metre intervals and volume of storage available. The outlet pipe from the detention basin to its connection with Council's drainage system, must be indicated on this plan in conjunction with the following information:*

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

81. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*

82. *A sediment/silt arrester pit must be provided:-*

- 1 within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system; and*
- 2 prior to stormwater discharging into any absorption/infiltration system.*

The sediment/silt arrester pit shall be constructed with:-

- The base of the pit located a minimum 300mm under the invert level of the outlet pipe.*
- The pit must be constructed from cast in-situ concrete, precast concrete or double brick.*

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

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

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

83. *A ‘V’ drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention area.*
84. *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.*
85. **Two** *covered car-washing bays shall be provided for this development.*
- a) *The car washing bays must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to a construction certificate being issued for the proposed development.*
 - b) *The car washing bays must be located outside any required/approved stormwater detention system and must be suitably signposted.*
 - c) *The car washing bays must be constructed with a minimum 20mm bund around the perimeter of the car washing bay/s (or equivalent)*

A water tap shall be located adjacent to the car washing bays.

86. *All drainage details for the site shall be prepared by a suitably qualified hydraulic consultant who shall, at the completion of the works, certify that the drainage works have been constructed in accordance with the approved drainage plans.*
87. *As the above site may be present within a fluctuating water table the basement carpark or similar structures are to be suitably tanked and waterproofed. A Structural*

Engineer\Geotechnical Engineer shall certify the tanking & waterproofed has been carried out to an acceptable standard and a copy of the certification is to be forwarded to Council.

Notes:-

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

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

89. *The garbage storage areas are to be provided with a tap and hose and the floor is to be graded and drained to an approved floor waste to the requirements of the Sydney Water Corporation.*

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

90. *The landscaped areas shown on the landscape plan number SK01B, dated 06.05.03, shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by, the certifying authority prior to the issue of a construction certificate. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:*
- a. A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.*
 - b. A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*
 - c. Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
 - d. Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*

- e. *All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape plans.*
 - f. *The plan shall respect the prevailing coastal influences and the coast's special design considerations and requirements, and shall be designed accordingly. Generally, species selection shall be restricted to local indigenous coastal species, that require minimal watering once established or species with water needs that match rainfall and drainage conditions.*
 - g. *Landscaped areas must include an area dedicated to on - site composting.*
 - h. *Porous paving shall be used in all pathways. Details are to provided with the construction certificate application.*
91. *The landscaping shall be installed in accordance with the approved documentation prior to the issue of a final occupation certificate and shall be maintained in accordance with those plans.*

Documentary evidence is to be obtained from a suitably qualified Landscape Architect and submitted to the principal certifying authority (PCA) (and the Council, if the Council is not the PCA) prior to the issuing of a final occupation certificate which confirms that the landscaping works have been completed in accordance with the approved landscaping plans and relevant conditions of development consent, to the satisfaction of the PCA.

92. *To ensure satisfactory maintenance of the landscaped areas, an automatic irrigation system shall be installed throughout all the landscaped areas. Such system shall provide full coverage to all the landscaped areas with no overspray onto driveways and pathways.
Details of the automatic irrigation system shall be shown on the detailed landscape plans and specifications. The system shall comply with all Sydney Water requirements, and relevant Australian Standards.*
93. *The naturestrip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.*
94. *The naturestrip upon Council's footway shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but not be limited to, watering, mowing, fertilising, and the removal of weeds.*
95. *Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*
96. *All detention tanks and stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping on top of these services as stipulated by these conditions of development consent.*

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

97. *The applicant shall submit a total payment of \$283.80 to Council,*
- a. *Being the cost for Council to supply and install 3 x 25 litre street trees at the completion of all works (\$258.00 + GST), and*

*The contribution shall be paid into Fee Code 525 at the Cashier on the Ground Floor of the Administrative Centre **prior to an occupation certificate being issued for the development.***

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

98. *Approval is granted for the removal of the following trees subject to the planting of 3 x 75 litre broad canopied replacement trees (not palms) within the site and 5 x 100 litre broad canopied replacement trees (not palms) along the rear boundary of the site. The species selected shall be one/those that will attain a minimum height of 6 metres at maturity.*

- a) *Five (5) Ailanthus species (Tree of Heaven) located within the rear yard of No.15 Alexander Street, close to the rear boundary.*
- b) *One (1) Cupressus species (Cypress Pine) located within the front yard of No.15 Alexander Street.*
- c) *One (1) Chamaecyparis species (Cypress Pine) located within the rear yard of No.15 Alexander Street, close to the southern boundary.*
- d) *One (1) Cupressus species (Cypress Pine) located within the rear yard of No.11 Alexander Street, close to the rear boundary.*
- e) *One (1) Cupressus species (Cypress Pine) located within the rear yard of No.11 Alexander Street, close to the southern boundary.*
- f) *Two (2) Morus species (Mulberry Trees) located within the front yard of No.11 Alexander Street, close to the northern boundary.*

99. *The applicant shall be required to ensure the retention and long term health of all trees located on adjoining properties adjacent to the proposed development. As a general guide there shall be minimal excavation or root pruning within the dripline/s of the subject tree/s.*

100. *In order to ensure the retention of the one (1) Araucaria heterophylla (Norfolk Island Pine) located within the adjoining property to the rear of No.11 Alexander Street, the one (1) Eucalyptus maculata (Spotted Gum) and the (1) Banksia serrata (Old Man Banksia) located within Council's nature strip, in front of No.11 Alexander Street 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. *Detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show no alteration in the existing soil levels or cutting or battering of the existing soil profile, or any excavations within a radius of 4.5 metres from the rear boundary of No.11 Alexander Street.*
- c. *The Spotted Gum and Old Man Banksia trees are to be physically protected by the installation of protective fencing around the trees using 1.8 metre high steel mesh/chainwire fencing. This fencing shall be located to a minimum radius of 1 metre from the outside edge of the tree trunks.*

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

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

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

- e. *Watering of the trees (within the fenced off areas) three times a week for the duration of the construction period.*
- f. *The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".*
- g. *A refundable deposit in the form of cash or cheque of \$9,260.00 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the preservation of the tree in accordance with the requirements described in this condition.*

QUANTITY	SPECIES	AMOUNT
1	<i>Araucaria heterophylla</i> (Norfolk Island Pine)	\$6,730.00
1	<i>Eucalyptus maculata</i> (Spotted Gum)	\$2,530.00

QUANTITY	SPECIES	AMOUNT
	TOTAL	\$9,260.00

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

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

101. *A refundable deposit in the form of cash, cheque, or bank guarantee for the amount of \$10,000.00 shall be lodged with Council prior to a construction certificate being issued for the proposed development to ensure the implementation and maintenance of the landscape works in accordance with the approved landscape documentation.*
- a. *The refundable deposit will be released twelve (12) months after the issue of a final occupation certificate by the principle certifying authority providing the landscape works have been successfully implemented and maintained in accordance with the approved landscape documentation. Throughout the maintenance/bond period, the applicant shall be responsible for all routine maintenance such as grass cutting, weeding, watering, fertilising, spraying, staking and replacement of all failed plant stock. There must be no alteration to the original design, including substitution of trees and shrubs, without the prior approval of the Principal Certifying Authority.*
 - b. *Any contravention of Council's landscape conditions at any time during the construction period or prior to the expiration of a period of twelve (12) months from the date a final occupation certificate is issued will result in the Council claiming all or part of the lodged security.*

Advisory Conditions

- A1 *In order to organise for an inspection for the release of the security deposit, the applicant shall contact the Principal Certifying Authority for the development to liaise with Council's Asset & Infrastructure Department to arrange for an inspection of the landscaping to be carried out. Should the landscaping be found to be unsatisfactory, thus necessitating further inspections, the applicant is advised that each additional inspection will be charged at \$55.00 (incl.GST) and that this amount shall be paid into Account Number 41901939, Code RGJ at the Cashier on the Ground Floor of the Administrative Centre prior to any further inspection being carried out.*

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

- 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.*

MOTION: (Bastic/Andrews) SEE RESOLUTION.

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

**9.2 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
84/2003 - NEW COLLEGE, 330 ANZAC PARADE KENSINGTON.
(D/0708/2003)**

258 **RESOLUTION: (Whitehead/Tracey) that:**

- A. *Council advise the University of NSW in writing that revisions to the approved Master Plan should be received prior to any more Development Applications being lodged for the Kensington Campus.*

AND

- B. *THAT Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 708/2003 for Refurbishment, alterations and additions to the existing residential college, including an additional accommodation level, student resource and recreation rooms and BCA upgrade at New College, 330 Anzac Parade Kensington subject to the following conditions:-*

1. *The development must be implemented substantially in accordance with the plans drawn by PMDL Architecture + Design numbered project number 973 and drawing numbers DA111-DA116, DA201-203 and DA301, and stamped received by Council on 11 August 2003, sample board numbered DA – 100 of project number 973 dated 08/08/03, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*
2. *Twenty-Five (25) bicycle parking spaces are to be provided in a secure and convenient location, nearby the entry to the building for the use of building occupants and visitors. Clear signage is to be provided indicating the location of the spaces from the front entry.*

The bicycle parking is to be provided in accordance with the guidelines in Council's DCP – Parking. Details of the bicycle parking are to be included in the Construction Certificate application.

3. *Metal roof sheeting is to be painted or colour bonded to minimise reflection and to be sympathetic and compatible with the building and surrounding environment.*
4. *Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of the certifying authority.*
5. *There must be no encroachment of any part of the structure/s onto the adjoining*

premises or onto Council's road reserve, footway or public place.

6. *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 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 should be obtained.

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

7. *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.*
8. *External timber or metal framed and brick veneer walls and 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.*
9. *Hot water service pipes are to be provided with insulation, in accordance with the relevant requirements of Building Code of Australia and AS 3500.*
10. *Any electric clothes dryers to be provided in the development must have a minimum 2 star energy rating.*

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

11. *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 ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulations:

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

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

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

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

14. *A Certificate of Adequacy prepared by a professional engineer, certifying the structural adequacy of the building and that the building works satisfy the relevant structural design requirements of the Building Code of Australia.*
15. *A Certificate of Adequacy supplied by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) **prior to a construction certificate being issued** for the development, certifying the structural adequacy of the existing structure to support the additional storey.*

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:

16. *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.*
17. *The building works are to be inspected by a suitably qualified person, 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 are to be maintained. Details of critical phase inspections carried out and copies of certification relied upon shall be forwarded to Council

Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person approved by the Principal Certifying Authority) is also required to ensure that the relevant site management, public safety and sediment and erosion requirements specified in Council's consent are being satisfied.

18. *A works-as-executed fire services plan is to be submitted to the Council **prior to occupation** of the development, detailing the location of the essential fire safety measures installed within the building premises.*
19. *A Registered Surveyor's check survey certificate is to be forwarded to Council, detailing compliance with Council's approval at the **following stage/s of***

construction:

On completion of the erection of the building verifying the building has been constructed at the approved levels.

20. *Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.*
21. *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.*
22. *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.

23. *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.*
24. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*

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

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.

25. *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.*
26. *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.

27. *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".*
28. *Construction Site Management Plan is to be submitted to and approved by Council 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.

29. *During demolition excavation and construction works, dust emissions must be minimised, so as not to result in a nuisance to nearby residents or result in a potential pollution incident.*

Adequate dust control measures must be provided to the site prior to the works commencing and the measures and practices must be maintained throughout the demolition, excavation and construction process, to the satisfaction of Council.

Dust control measures and practices may include:-

- *Provision of geotextile fabric to all perimeter site fencing (attached on the prevailing wind side of the site fencing).*
- *Covering of stockpiles of sand, soil and excavated material with adequately secured tarpaulins or plastic sheeting.*
- *Installation of a water sprinkling system or provision hoses or the like.*
- *Regular watering-down of all loose materials and stockpiles of sand, soil and excavated material.*
- *Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds.*
- *Revegetation of disturbed areas.*

30. *Public safety must be maintained at all times and 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.

31. *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.*

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

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

33. *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.*

34. *A 'B Class' overhead type hoarding is required is be provided to protect the public, located adjacent to the development, prior to the commencement of any works on the site which comprise:-*

- any works or hoisting of materials over a public footway or adjoining premises, or*

- any building or demolition works on buildings which are over 7.5m in height and located within 3.6 metres of the street alignment.

Details of the proposed fences or hoardings 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.

35. *The applicant/builder is required to hold Public Liability Insurance, with a minimum liability of \$5 million and a copy of the Insurance cover is to be provided to Council prior to commencement of works.*

The following condition is applied to provide access and facilities for people with disabilities:

36. *Access and sanitary facilities for persons with disabilities being provided to the building in accordance with Parts D3 and F2 of the Building Code of Australia and relevant Australian Standards. Details of compliance is required to be provided in the relevant plans/specifications for the **construction certification**.*

ADVISORY MATTERS:

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

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

- a) Part B1 - Structural provisions
- b) Part D1 - Provisions for escape
- c) Part D3 - Access for people with disabilities
- d) Part E1 - Fire fighting equipment
- e) Part E2 - Smoke Hazard Management
- f) Part E4 - Emergency lighting, exit signs and warning systems

*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**.*

- 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.*

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: (Whitehead/Tracey) SEE RESOLUTION.

(Cr Procopiadis left the meeting at this stage the time being 8.14 p.m.)

**9.3 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
85/2003 - LA PEROUSE KOORI PROJECT. (98/S/5129)**

259 **RESOLUTION: (White/Notley-Smith) that:**

- a) *Council vote \$1,500 to cover the rental fee for Woomera Reserve, Little Bay, and it be allocated from the Councillors' Donation Vote for 2003/2004; and*
- b) *Council's contribution to the La Perouse Koori Cricket Project be appropriately publicised.*

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

**9.4 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
86/2003 - MOVERLY CHILDREN'S CENTRE FEE INCREASE. (98/S/0085
PART 3)**

260 **RESOLUTION: (White/Matson) that:**

- a) *Council place the proposed 2004 fee structure on Public Exhibition for a period of 28 days and consider any submissions prior to implementation of the proposed new fees;*
- b) *In the event that no public submissions are received, the fees at the Moverly Children's Centre increase to \$49 per day for children in the Pre-School Room and to \$52 per day for children in the Nursery;*
- c) *It be noted that families will no longer be required to pay for public holidays;*
- d) *The refundable enrolment bond be increased to \$200; and*
- e) *All increases take effect from the Centre's re-opening on 8th January 2004.*

MOTION: (White/Matson) SEE RESOLUTION.

10. PETITIONS.

**10.1 SUBMITTED BY CR MATTHEWS ON BEHALF OF THE RESIDENTS
OPPOSING THE DEVELOPMENT APPLICATION FOR 495-503
BUNNERONG ROAD, MATRAVILLE. (D/0800/003 xr 98/S/1173)**

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

MOTION: (Matthews/Schick) SEE RESOLUTION.

11. MOTIONS PURSUANT TO NOTICE.

11.1 BY COUNCILLOR MATTHEWS – POKER MACHINE TAX. (98/S/5279 xr 98/S/0178)

(Note: This motion had been ruled out of order earlier in the meeting – See Item 1a.)

11.2 BY COUNCILLOR MATTHEWS – SAFETY ON BUSES. (98/S/0959 xr 98/S/0178)

MOTION: (Matthews/Schick) that due to the continued bad publicity on Government buses operating in the South Maroubra and La Perouse areas, that this Council write to the Premier and Member for Maroubra, Bob Carr, to ask for his support from his Government to have guards on buses for the safety of passengers and bus drivers in these areas. **LOST**

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

For	Against
Matthews	Andrews
Notley-Smith	Bastic
Schick	Acting Mayor, Cr Daley
Seng	Greenwood
	Matson
	Tracey
	White
	Whitehead

11.3 BY COUNCILLOR SCHICK – PRIVATE ACCREDITED CERTIFYERS. (98/S/0369 xr 98/S/0178)

262 **RESOLUTION: (Matson/White)** that, as a matter of urgency, the Director Planning & Community Development prepare a briefing for interested Councillors outlining the responsibilities of Private Accredited Certifiers and whether inspections are carried out in accordance with State Government regulations, and to Council's satisfaction as per approved D.A. conditions and Councillors submit any examples they are aware of where breaches have taken place.

MOTION: (Schick/Whitehead) that, as a matter of urgency, a report be prepared for Council outlining the responsibility of Private Accredited Certifiers (PAC) and whether inspections are carried out in accordance with State Government regulations, and to Council's satisfaction, as per approved D.A. conditions.

AMENDMENT: (Matson/White) SEE RESOLUTION.

(Cr Matthews left the Chamber at this stage, the time being 8.35 p.m.)

11.4 BY COUNCILLOR WHITEHEAD – LIQUOR ACCORD. (98/S/0854 xr 98/S/0178)

MOTION: (Whitehead/Schick) that Randwick City Council responds to the applauded Alcohol Summit initiated by the N.S.W. State Government in August 2003 by:-

- a) Reviewing the Liquor Accord with the purpose of evaluating its success in minimising alcohol abuse and the problems that flow from it;
- b) Undertaking a comprehensive community consultation as part of this process to determine positive and negative aspects of its implementation and to reveal possible areas where improvements can be made; and
- c) Reporting its findings to the community by the end of February 2004. **LOST.**

AMENDMENT: (Matson/Seng) that:

- a) Reviewing our involvement in the Liquor Accord with the purpose of evaluating its success in minimising alcohol abuse and the problems that flow from it;
- b) Undertaking a comprehensive community consultation as part of this process to determine positive and negative aspects of its implementation and to reveal possible areas where improvements can be made; and
- c) Reporting its findings to the community by the end of February 2004. **LOST.**

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

For	Against
Greenwood	Andrews
Matson	Bastic
Notley-Smith	Acting Mayor, Cr Daley
Seng	Schick
Whitehead	Tracey
	White

11.5 BY COUNCILLOR MATSON – CLAIMS OF BUSSING OF CLOVELLY HOTEL PATRONS TO THE BEACH PALACE. (D/0539/2001 xr D/0785/1998 xr 98/S/0178)

This motion was ruled out of order by the Acting Mayor.

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

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

For	Against
Greenwood	Andrews
Matson	Bastic
Whitehead	Acting Mayor, Cr Daley
	Notley-Smith
	Schick
	Seng
	Tracey
	White

11.6 BY COUNCILLOR MATSON – VERIFICATION OF CLAIMS ON ASBESTOS SOIL SAMPLING AT BUNDOCK STREET. (98/S/1648 xr D/0063/2003 xr 98/S/0178)

MOTION: (Matson/Greenwood) that the General Manager contact the Department of Defence over the Southern Courier article of the 21st October titled “Defence Dept under attack” and request:

- a) An explanation of the methodology used to take the “600 soil samples and 1100 air-monitoring samples” referred to in the article;
- b) The results of the 600 soil samples and the number of “hot spots” of buried asbestos or other contamination detected and removed;
- c) That detected hot spots be specifically differentiated as to whether they contained asbestos fragments or respirable asbestos fibres; and
- d) An assurance that the methodology used is sufficient for the site auditor to verify in a site audit certificate that no hot spots of buried asbestos or other contamination now remain. **LOST.**

11.7 BY COUNCILLOR MATSON – REVIEW OF AGGRESSIVE – ROOTED STREET TREE STRATEGY. (98/S/4689 xr 98/S/0178)

MOTION: (Matson/Greenwood) that Council notes the degree of concern that the Aggressive – Rooted Street Tree Strategy is causing in those streets characterised by extensive canopy coverage. That, further, Council will suspend all removals planned under its resolution of the 26th November, 2002 in order to undertake a re-assessment of the objectives of the removal program and the 10 year time in which it is to be implemented. **LOST.**

(Cr Matthews returned to the Chamber at this stage.)

AMENDMENT: (Notley-Smith/Seng) that a report be prepared for Council outlining how other Councils deal with the issue of aggressive-rooted street trees. **LOST.**

11.8 BY COUNCILLOR MATSON – COUNCIL SUPPORTED REFORMS TO POKIE MACHINES. (98/S/5279 xr 98/S/0178)

(Note: This motion had been ruled out of order earlier in the meeting – see Item 1a.)

(Cr Matthews left the Chamber at this stage of the meeting.)

11.9 BY COUNCILLOR MATSON – MR ALEX BURAK’S COMPLAINTS RE: THE RICE NOODLE AND OTHER RESTAURANTS. (SH/0704 xr 98/S/0178)

MOTION: (Matson/Notley-Smith) that the General Manager will bring a report to the next Council Meeting detailing Council’s responses to complaints by Alex Burak concerning the Rice Noodle and other Restaurants. **LOST.**

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

For	Against
Greenwood	Andrews
Matson	Bastic
Notley-Smith	Acting Mayor, Cr Daley
Seng	Schick
Whitehead	Tracey

12. URGENT BUSINESS.

Nil.

(Cr Matthews returned to the Chamber at this stage of the meeting.)

13. CONFIDENTIAL REPORTS.

13.1 GENERAL MANAGER'S REPORT 25/2003 - TENDER 04/03 - MANAGEMENT AND OPERATION OF LATHAM PARK and/or SNAPE PARK TENNIS CENTRES. (98/S/5088)

13.2 GENERAL MANAGER'S REPORT 28/2003 - POSITION OF DIRECTOR GOVERNANCE, MANAGEMENT AND INFORMATION SERVICES. (PERSONNEL)

14. COMMITTEE-OF-THE-WHOLE.

The Acting Mayor invited members of the Public Gallery to address the Council on the proposal by the Council to proceed into a closed Committee-of-the-Whole. No persons indicated they wished to avail themselves of this opportunity.

RESOLVED: (Bastic/Andrews) that the Ordinary Council Meeting be adjourned at 9.15 p.m. and that the Council meet and sit as a Committee-of-the-Whole.

The Acting Mayor declared the Ordinary Council Meeting resumed at 9.33 p.m.

15. REPORT OF THE GENERAL MANAGER, TO THE ORDINARY MEETING OF THE COUNCIL, RELATING TO THE COUNCIL MEETING AS A COMMITTEE-OF-THE-WHOLE ON TUESDAY, 28TH OCTOBER, 2003.

The General Manager reported that the following matters had been considered and the following recommendations to the Council had been formulated by the Committee-of-the-Whole.

1. EXCLUSION OF PRESS AND PUBLIC.

At the commencement of the meeting, the Committee-of-the-Whole **RESOLVED**, pursuant to Section 10 A(2) (c) and 10 (A) 2 (a) of the Local Government Act, 1993, that the press and public be excluded from the whole of this meeting of the Committee as the matters under consideration concerned respectively, information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and which deals with personnel matters concerning particular individuals (other than Councillors), on which publicity or disclosure of the proceedings of the Committee would, in the opinion of the Committee, be prejudicial and on balance would be contrary to the public interest.

2. RECOMMENDATIONS.

15.1 GENERAL MANAGER'S REPORT 25/2003 - TENDER 04/03 - MANAGEMENT AND OPERATION OF LATHAM PARK and/or SNAPE PARK TENNIS CENTRES. (98/S/5088)

That in accordance with Section 19 of the Local Government (Tendering) Regulation 1999, that:

- a) The tender from Daniel and Michelle Toomey, trading as the Sydney Racquet Centre, for the operation of Latham Park Tennis Centre (Option 1) be accepted and that Council enter into a lease for five years under s19 (1)(a) of the Local Government (Tendering) Regulation 1999;
- b) That authority is granted for Council's Common Seal to be affixed to the Lease Agreement for the property known as the Latham Park Tennis Centre between the Latham Park (R.72933) Reserve Trust, dedicated on 26 June 1959 for public recreation and Council as the trustee, and D&M Toomey (ABN 82794019617 and trading as the Sydney Racquet Centre) for a period of five years;
- c) All tenders for Option 2 - Snape Park, and Option 3 - Latham & Snape Park be rejected under s19 (1) (b) of the Local Government (Tendering) Regulation 1999;
- d) The General Manager is authorised, under s 19(3)(e) of the Local Government (Tendering) Regulation 1999, to negotiate with D&M Toomey to prepare a proposal for the operation of Snape Park Tennis Centre, since it is not viable to issue a new tender because of the poor level of response and unacceptable proposals received for the current Snape Park Tender; and
- e) A Report is brought to Council at the earliest possible meeting, regarding the outcomes of negotiations for the Snape Park lease, and proposed recommendations to finalise the Snape Park Tender.

15.2 GENERAL MANAGER'S REPORT 28/2003 - POSITION OF DIRECTOR GOVERNANCE, MANAGEMENT AND INFORMATION SERVICES. (PERSONNEL)

That the General Manager be authorised to negotiate with Mr Hummerston for a further performance based contract of a one (1) year duration for the position of Director, Governance, Management and Information Services.

15.3 ADOPTION OF THE REPORT OF THE COMMITTEE-OF-THE-WHOLE.

263 **RESOLUTION:** *(Bastic/Andrews) that the recommendations made by the Committee-of-the-Whole at its meeting held on 28th October, 2003 be adopted.*

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

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

16. NOTICE OF RESCISSION MOTIONS.

Nil.

There being no further business, the Acting Mayor, Cr M. Daley, declared the meeting closed at 9.35 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 25th November, 2003.

.....
CHAIRPERSON