

**MINUTES OF ORDINARY COUNCIL MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 23RD NOVEMBER, 2004 AT 6:09 P.M.**

PRESENT:

His Worship the Mayor, Cr. M. Matson (East Ward) (Chairperson)

Councillor B. Notley-Smith (East Ward) (Deputy Mayor)

North Ward	-	Crs J. Kenny, P. Tracey & M. Woodsmith
South Ward	-	Crs R. Belleli, M. Daley & A. White
East Ward	-	Cr D. Sullivan
West Ward	-	Crs B. Hughes, S. Nash & J. Procopiadis
Central Ward	-	Crs A. Andrews, C. Bastic (until 7.00 p.m.) & T. Seng

OFFICERS PRESENT:

General Manager	Mr. R. Brownlee.
Acting Director Asset & Infrastructure Services	Mr. P. Stone.
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, Environmental Planning	Ms. K. Armstrong.
Traffic Engineer – Parking	Mr. A. Opera.
Tree Management Officer	Mr. B. Bourke.
Manager, Development Assessment	Mr. K. Kyriacou.

1. COUNCIL PRAYER

The Council Prayer was read by Cr Notley-Smith.

2. APOLOGY/IES.

Nil.

PROCEDURAL MOTION: (Daley/Andrews) that the Notice of Motion Item 13.4 by Cr Daley be dealt with at this stage of this meeting. **LOST.**

A division was called for by Crs Daley and White. Voting was as follows:-

For

Against

Cr Andrews
Cr Bastic
Cr Daley
Cr Procopiadis
Cr Sullivan
Cr Tracey
Cr White

Cr Belleli
Cr Hughes
Cr Kenny
Cr Matson
Cr Notley-Smith
Cr Nash
Cr Seng
Cr Woodsmith

3. MINUTES

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY, 19TH OCTOBER, 2004.

279 **RESOLUTION:** *(Nash/Kenny) that the Minutes of the Ordinary Council Meeting held on Tuesday, 19th October, 2004 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.*

4. DECLARATION OF PECUNIARY & NON-PECUNIARY INTERESTS.

- (a) Cr Belleli declared a Non-Pecuniary interest in Item 6.6, Mayor's Minute 93/20004 – Coogee Family Fun Day – Waiving of Fees – as students from his dance school will be performing at the Coogee Family Fun Day.
- (b) Cr Daley declared a Non-Pecuniary interest in Item 13.6, Motion by Councillors Sullivan, Tracey, Bastic, Andrews & White – Civic Reception for Randwick Rugby Union Football Club – as he is a Director of the Randwick Rugby Club.

5. ADDRESSES TO THE COUNCIL BY THE PUBLIC.

RESOLVED: (His Worship the Mayor, Cr M. Matson/Notley-Smith) that the meeting be adjourned at 6.24 p.m. to permit members of the public entitled and wishing to address the assembled Councillors and was further adjourned at 7.00 p.m.

1. Mr John Deegan, 15 Mermaid Avenue, Maroubra on Item 9.3, Acting Director Asset & Infrastructure Services' Report 90/2004 – Parking Scheme – The Spot.
2. Mr Andrew Tosti, 24 Daintrey Crescent, Randwick on Item 9.3, Acting Director Asset & Infrastructure Services' Report 90/2004 - Parking Scheme – The Spot.
3. Dr Tass James, Secretary Safe Tunstall Action Group, 81 Tunstall Avenue, Randwick on Item 9.4, Acting Director Asset & Infrastructure Services' Report 91/2004 – New Access Ramps at Southern Cross Drive and Gardeners Road.
4. Dr Terry Lustig, 15 Cottenham Avenue, Kensington on Item 9.4, Acting Director Asset & Infrastructure Services' Report 91/2004 – New Access Ramps at Southern Cross Drive and Gardeners Road.
5. Mr Anthony Betros, 108 Bronte Road, Bondi Junction on Item 11.4, Director Planning & Community Development's Report 93/2004 – 1A Thomas Street, Coogee.
6. Mr Michael Richards, 88 Dudley Street, Coogee on Item 11.5, Director Planning & Community Development's Report 94/2004 – 45-53 Dudley Street, Coogee.
7. Mr Anthony Betros, 108 Bronte Road, Bondi Junction on Item 11.5, Director Planning & Community Development's Report 94/2004 – 45-53 Dudley Street, Coogee.

8. Mr John Martin, 5 Arundel Street, West Pymble on Item 11.7, Director Planning & Community Development's Report 96/2004 – Application to the Licensing Court of NSW – 2-4 Perouse Road, Randwick (Royal Hotel).
9. Mr Brad Parkes, 8 Fenton Avenue, Maroubra on Item 11.6, Director Planning & Community Development's Report 95/2004 – 8 Fenton Avenue, Maroubra.

The meeting was resumed at 7.29 p.m. with Cr Bastic not in attendance.

6.1 MAYOR'S MINUTE 88/2004 - WAIVING OF FEES - RANDWICK CITY TOURISM VIDEO FOR VISITORS. (F2004/07550 xr 98/S/1044)

280 **RESOLUTION:** *(Hughes/Notley-Smith) that:*

- (a) *Council vote the sum of \$1,625.00 to cover the fees associated with the filming of the visitor video and funds be allocated from the Contingency Fund in the 2004/05 budget;*
- (b) *Randwick City Tourism Inc. undertake to appropriately acknowledge Council's contribution in the credits of the film; and*
- (c) *five (5) copies of the video be requested to be supplied to Council for its use.*

MOTION: **(His Worship the Mayor, Cr M. Matson)** that:

- (a) Council vote the sum of \$1,625.00 to cover the fees associated with the filming of the visitor video and funds be allocated from the Contingency Fund in the 2004/05 budget; and
- (b) Randwick City Tourism Inc. undertake to appropriately acknowledge Council's contribution in the credits of the film.

AMENDMENT: **(Hughes/Notley-Smith)** SEE RESOLUTION.

6.2 MAYOR'S MINUTE 89/2004 - CONTRIBUTION TO WORKS - COOGEE CROQUET CLUB. (98/S/1331)

281 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson) that Council contribute the requested amount of \$5,500 from the Contingency Fund to the Coogee Croquet Club to be used for the renovation and levelling of the number two croquet green on the following conditions:*

- (a) *that the General Manager is satisfied that all covenants obliged on the licensee have been or will be met; and*
- (b) *the issue of the open membership of the Club being clarified and the General Manager being satisfied also in this respect.*

MOTION: **(His Worship the Mayor, Cr M. Matson)** SEE RESOLUTION.

6.3 MAYOR'S MINUTE 90/2004 - USE OF RANDWICK CITY LOGO BY 324 SQUADRON AUSTRALIAN AIR FORCE CADETS. (F2004/06574 xr F2004/06333)

282 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson) that:*

- (a) the request by the 324 Squadron Australian Air Force Cadets to utilise Council's logo on its equipment and Randwick City in its name be agreed to; and*
- (b) the General Manager be given the delegated authority to make the necessary arrangements and finalise the matter.*

MOTION: (His Worship the Mayor, Cr M. Matson) SEE RESOLUTION.

6.4 MAYOR'S MINUTE 91/2004 - MAROUBRA BEACH AREA - REQUEST FOR EXTENSION TO ALCOHOL FREE ZONE. (98/S/1285)

283 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson) that:*

- a) Council support the request by the Maroubra Beach Precinct Committee to extend the Maroubra Beach Alcohol Free Zone into Fenton Avenue from McKeon Street to Mons Avenue;*
- b) Council support the extension of the Alcohol Free Zone at Maroubra Beach to include Mons Avenue between Marine Parade and Fenton Avenue;*
- c) The proposal be advertised and appropriate parties be consulted in accordance with the requirements of the Local Government Act;*
- d) the Mayor or the General Manager write to the Local Area Police Commander requesting that the area be regularly patrolled and to enforce*

MOTION: (His Worship the Mayor, Cr M. Matson) SEE RESOLUTION.

6.5 MAYOR'S MINUTE 92/2004 - WAIVING OF FEES - COOGEE SURF LIFE SAVING CLUB. (98/S/1318)

284 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson) that:*

- (a) Council vote \$640.00 to cover the fees associated with the Express Glass Island Challenge and funds be charged to the Contingency Fund 2004/05;*
- (b) The event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and*
- (c) The Mayor or representative be given the opportunity to address the event on behalf of Council.*

MOTION: (His Worship the Mayor, Cr M. Matson) SEE RESOLUTION.

6.6 MAYOR'S MINUTE 93/2004 - COOGEE FAMILY FUN DAY - WAIVING OF FEES. (98/S/1148)

(Cr Belleli had previously declared a non-pecuniary interest in this item – see Agenda Item 4 of these minutes)

285 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson) that:*

- (a) Council vote \$5,305.30 to cover the fees associated with the event and funds be allocated from the Contingency Fund 2004/05;*
- (b) The event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and*
- (c) The Mayor's representative be given the opportunity to address the event on behalf of Council.*

MOTION: **(His Worship the Mayor, Cr M. Matson) SEE RESOLUTION.**

6.7 MAYOR'S MINUTE 94/2004 - WAIVING OF FEES - MUSICAL PERFORMANCES IN GRANT RESERVE. (98/S/1219)

286 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson) that:*

- (a) Council vote \$798.80 to cover the fees associated with the 2005 musical event in Grant Reserve and funds be allocated from the Contingency Fund 2004/05;*
- (b) the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and*
- (c) the Mayor or representative shall be given the opportunity to address the event on behalf of Council.*

MOTION: **(His Worship the Mayor, Cr M. Matson) SEE RESOLUTION.**

6.8 MAYOR'S MINUTE 95/2004 - WHITE RIBBON DAY. (F2004/07396)

287 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson) that Council:*

- (a) notes its support for the United Nations designated "International Day for the Elimination of Violence Against Women" to be held on the 25 November 2004 and will purchase a reasonable quantity of white ribbons to be available to Council staff and Councillors who wish to wear them at no cost on the day;*
- (b) funds for this purpose be allocated from the Councillors' Contingency Fund 2004/05; and*
- (c) will notify UNIFEM of Randwick City Council's support for the day.*

MOTION: **(His Worship the Mayor, Cr M. Matson) SEE RESOLUTION.**

6.9 MAYOR'S MINUTE 97/2004 - SSROC AUSTRALIA DAY BOTANY BAY REGATTA COMMITTEE (ADBBRC). (F2004/07076)

288 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson) that:*

- (a) Council vote \$500.00 to cover the fees associated with the promotional activity for the Australia Day Botany Bay Regatta;*
- (b) the events organisers undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the events; and*
- (c) Council nominate Cr Hughes and Cr Belleli as Council's representatives for the "Councils' Challenge" event to be held on Australia Day.*

MOTION: **(His Worship the Mayor, Cr M. Matson) SEE RESOLUTION.**

7. REPORT OF THE GREENING RANDWICK COMMITTEE.

7.1 ESTABLISHMENT OF DEPUTY CHAIR FOR GREENING RANDWICK COMMITTEE. (F2004/07359)

289 **RESOLUTION:** *(Notley-Smith/Woodsmith) that the Deputy Mayor be appointed Deputy Chair of the Greening Randwick Committee.*

MOTION: **(Notley-Smith/Woodsmith) SEE RESOLUTION.**

7.2 ACTING DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 75/2004 - AGGRESSIVE-ROOTED STREET TREE STRATEGY REVIEW - SEPTEMBER, 2004. (F2004/07359 xr 98/S/4689)

(At this stage of the meeting the Mayor vacated the Chair and the Deputy Mayor assumed the Chair.)

290 **RESOLUTION:** *(Woodsmith/Notley-Smith) that:*

- (a) no more than five percent of 'Ficus Hillii' (Hill's Weeping fig) street trees be removed in any twelve-month period from streets where there are designated significant plantings of this species;*
- (b) the criteria used for nominating significant street tree plantings be confined to streets containing predominantly Ficus 'Hillii' - where that species represents at least fifty percent of total vegetative canopy cover within that street;*
- (c) Council provides at least two month's written notification and consultation to residents and property owners directly affected by the proposed removal of any Council-owned Ficus 'Hillii' street tree within streets of significant plantings.*

MOTION: **(Woodsmith/Notley-Smith) SEE RESOLUTION.**

7.3 ACTING DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 76/2004 - FICUS 'HILLII' OUTSIDE 1 DUKE STREET, KENSINGTON. (R/0250/03)

291 **RESOLUTION:** *(Sullivan/Daley)* that the Ficus 'Hillii' outside No. 1 Duke Street, Kensington be removed.

MOTION: (Sullivan/Daley) SEE RESOLUTION.

**7.4 ACTING DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT
77/2004 - COUNCIL OWNED FICUS HILLII GROWING OUTSIDE 2
GREVILLE STREET, CLOVELLY. (R/0346/03)**

(Note: This matter had already been dealt with as Item 8.1 at the Ordinary Council Meeting held on 19th October, 2004 – See Minute No. 270/2004.)

**7.5 ACTING DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT
78/2004 - COUNCIL OWNED FICUS 'HILLII' GROWING OUTSIDE 42
MAITLAND AVENUE, KINGSFORD. (R/0493/03)**

292 **RESOLUTION:** *(Sullivan/Daley)* that the Ficus 'Hillii' growing outside 42 Maitland Avenue, Kingsford, be removed and replaced with a more appropriate tree species - in line with Council's proposed removal and replacement program for the entire street.

MOTION: (Sullivan/Daley) SEE RESOLUTION.

**7.6 ACTING DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT
79/2004 - COUNCIL OWNED FICUS 'HILLII' GROWING OUTSIDE 19
MAITLAND AVENUE, KINGSFORD. (R/0493/03)**

293 **RESOLUTION:** *(Sullivan/Daley)* that the Council-owned Ficus 'Hillii' (Hill's Weeping fig) growing on the nature strip outside 19 Maitland Avenue, Kingsford, be removed and replaced with an advanced Magnolia grandiflora (Bull Bay Magnolia), as per Council's Street Tree Masterplan.

MOTION: (Sullivan/Daley) SEE RESOLUTION.

(The Mayor again resumed the Chair.)

PROCEDURAL MOTION: (Sullivan/Daley) that the balance of items on the agenda be dealt with seriatim. **LOST.**

8. GENERAL MANAGERS' REPORTS.

**8.1 GENERAL MANAGER'S REPORT 35/2004 - SEPTEMBER 2004
QUARTERLY PROGRESS REPORT - 2004/07 MANAGEMENT PLAN.
(98/S/0555)**

294 **RESOLUTION:** *(Notley-Smith/Andrews)* that the information contained in the Report on the September Quarterly Review – 2004/07 Management Plan be received and noted.

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

8.2 GENERAL MANAGER'S REPORT 36/2004 - TREE PRESERVATION/TREE MANAGEMENT POLICIES AND PROCEDURES REVIEW. (98/S/2004)

295

RESOLUTION: (Nash/Woodsmith)

a) *that in the short term:*

1. *Council amend its 'Application for permit to prune/remove tree/s' to make it clear that it is an application for a **permit** under Clause 28 (Sub-clause 6) of the Randwick LEP and not for **development consent** under Clause 28 (Sub-clause 5);*
2. *Council incorporates a more comprehensive evaluation checklist into its tree assessment procedures that includes not only the health, safety and appropriateness of the subject tree/s but also its scenic/environmental amenity and its significance within the surrounding vegetation system and natural wildlife habitats;*
3. *Council amends the existing Development Application form to cater for tree specific issues and to incorporate a comprehensive tree-related assessment checklist;*
4. *Council amends its Tree Preservation Order to include a number of Exempt Activities where consent is not required for specific tree works as well as an expanded Schedule of exempt species;*
5. *the Greening Randwick Committee only deal with policy issues relating to the management and/or removal of significant tree assets;*
6. *any reports that are considered at the Greening Randwick Committee shall be referred in their entirety together with any recommendations of the Greening Randwick Committee to the Works Committee; and*
7. *any TPO applications and or request for the removal of significant trees be considered at a meeting of either a Committee or Council that has full delegations to determine the matter. The Works committee shall consider and determine any TPO applications (not subject to delegated authority) and the Health Building & Planning Committee shall consider and determine any development applications (not subject to delegated authority) associated with the removal of significant trees.*

b) *that in the long term:*

1. *Council amends its Randwick Local Environmental Plan 1998 to only refer to trees of significance under Clause 43 and 49;*
2. *in conjunction with the above recommendation Council commissions a Significant Tree Register to include all trees of designated significance on both private and public land funded under the Environmental Levy Program;*
3. *Council investigates the proposal to apply the same development control regime as applies to other forms of development under the NSW EPA Act 1979 to its*

trees; and

4. *in conjunction with this resolution, Council investigates the drafting of a Tree Technical Manual that will clearly establish and define the specific technical regulations, standards and specifications necessary to fulfil its tree preservation obligations and achieve its long term tree management goals.*

- (c) *it be noted that the General Manager had circularised a memorandum to the Councillors dated 23rd November, 2004 indicating that, owing to a technical error the following paragraph had been omitted from page 8 of this report dated 17th November, 2004.*

“Further it is proposed that at the next Greening Randwick Committee meeting a new policy will be put to Council on Urban Forest and Street Trees. It is envisaged that this document will assist Council in determining the policy direction of the community’s street trees.”

MOTION: (Nash/Woodsmith) SEE RESOLUTION.

8.3 GENERAL MANAGER'S REPORT 37/2004 - ACQUISITION OF LAND - 31R PRINCE STREET, RANDWICK. (98/S/2498)

- 296 **RESOLUTION: (Andrews/Notley-Smith)** *that Council accept the proposal to purchase the said parcel of land (Volume 4987 Folio 156) for \$5,000.00 from the State Transit Authority of New South Wales and this expenditure be funded from funds reserved for carparking purposes.*

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

8.4 GENERAL MANAGER'S REPORT 38/2004 - 2004/2005 BUDGET - REVIEW AS AT 30 SEPTEMBER 2004. (98/S/4403)

- 297 **RESOLUTION: (Nash/Kenny)** *that:*

- a) *the report in relation to the September 2004 budget review be received and noted; and*
- b) *additional funds amounting to \$1,104,995 be allocated to the cost of construction of the Recycling Facility.*

MOTION: (Nash/Kenny) SEE RESOLUTION.

8.5 GENERAL MANAGER'S REPORT 39/2004 - ENVIRONMENTAL LEVY - PARTNERSHIP AGREEMENT WITH THE UNIVERSITY OF NSW FOR SUSTAINABILITY INITIATIVES, RESEARCH AND PROJECTS. (F2004/08350)

- 298 **RESOLUTION: (Procopiadis/Tracey)** *that Council enter into a partnership agreement with the UNSW Faculty of Built Environment to share the outcomes of various initiatives, research and projects.*

MOTION: (Procopiadis/Tracey) SEE RESOLUTION.

8.6 GENERAL MANAGER'S REPORT 40/2004 - AFFIXING OF THE COUNCIL SEAL. (98/S/1110-01 xr 98/S/1165-01 xr 98/S/1178-02, 98/S/0810, 98/S/0885-2, P/05884, P/001524, P/013183, P/003353, P/006634, P/004317, 98/S/5549, 98/S/4262, 98/S/0018-3)

299 **RESOLUTION: (Andrews/Notley-Smith)** that authority be granted for the Council's Common Seal to be affixed to the agreements between Council and –

1. *Randwick Petersham Cricket Club Inc. in relation to a maintenance agreement over Kensington, Snape & Coogee Ovals;*
2. *Coogee Fishing Club & Volunteer Sea Rescue Inc. in relation to a licence for part of the land known as Reserve No. 82505 located at the North of Coogee Beach adjacent to Dunningham Park, more particularly described as the Boat storage area and Club house;*
3. *Coogee Bay Kiosk Pty Limited in relation to a deed of agreement to lease for part of Lot 7087 in DP 93755, known as the Coogee Kiosk located in Goldstein Reserve;*
4. *Bana B Kamila (T/As Radha's Tandoor) in relation to a licence for the purpose of outdoor dining at 130 Anzac Parade, Kensington;*
5. *Antonio DeSalvo (T/As Renato's Italian Restaurant) in relation to a licence for the purpose of outdoor dining at 235 Coogee Bay Road, Coogee;*
6. *Tony Mircevski (T/As Oporto's Coogee) in relation to a licence for the purpose of outdoor dining at 135-137 Dolphin Street, Coogee;*
7. *Shahin Saracoglu (T/As Pide Hutt) in relation to a licence for the purpose of outdoor dining at 26 Perouse Road, Randwick;*
8. *Samih Rizkalla (T/As MacSam's Takeaway) in relation to a licence for the purpose of outdoor dining at 608 Bunnerong Road, Matraville;*
9. *Peter Comonos (T/As Fish 'N' Flicks) in relation to a licence for the purpose of outdoor dining at 36 St Pauls Street, Randwick;*
10. *Options Youth Housing Association Inc. in relation to a licence for Part of the HACC facility, situated at Office 1, Level 3, Bowen Library, 669-673 Anzac Parade, Maroubra Junction;*
11. *Bunnerong Gymnastics Association Inc. in relation to a licence for part of the Heffron Park, more particularly described as comprising the Gymnastics building and the grassed area immediately adjacent to the building; and*
12. *Department of Community Services in relation to a service agreement certificate.*

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

8.7 GENERAL MANAGER'S REPORT 41/2004 - RANDWICK SPORTS' ADVISORY COMMITTEE - REVIEW OF MEMBERSHIP. (98/S/0799)

300 **RESOLUTION: (Notley-Smith/Belleli)** that the Councillors to be appointed as the members of the Randwick City Council Sports' Advisory Committee be the Mayor as ex-officio, and three (3) other Councillors being one representative from the Liberal, Labor and Greens Parties and the names of those nominees be provided to the General Manager by the relevant party representatives.

MOTION: (Daley/Sullivan) that Cr Procopiadis be appointed as a member of the Randwick City Council Sports Advisory Committee.

AMENDMENT: (Notley-Smith/Belleli) SEE RESOLUTION.

9. ACTING DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORTS.

9.1 ACTING DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 88/2004 - TREE PLANTING AND MAINTENANCE TENDER - TENDER NO. T025/04 (T025/04)

301 **RESOLUTION:** *(Tracey/Belleli) that:*

- a) *the Tender (T025/04) for Tree Planting and Maintenance be awarded to Plateau Tree Service Pty Ltd and that Council enter into a contract under Clause 19 of the Local Government (Tendering) Regulation 1999;*
- b) *authority be granted for the General Manager in conjunction with the Mayor to sign and affix Council's Common Seal to the Contract on behalf of Council with the recommended Tenderer for Tree Planting and Maintenance as listed in the Tender Evaluation Report; and*
- c) *the unsuccessful Tenderers be notified of the Tender result.*

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

9.2 ACTING DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 89/2004 - BUSH REGENERATION WORKS - TENDER NO T024/04. (F2004/08129)

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

- a) *the tenderers, Bush Habitat Restoration Cooperative Ltd, Toolijooa Environmental Restoration Pty Ltd, The National Trust of Australia (NSW) and Sydney Bush Regeneration Pty Ltd be awarded contracts for a 3 year term with 2 options to extend for a further term of 12 months each for the supply of Bush Regeneration Works, and that Council enter into Contracts under Clause 19 of the Local Government Tendering Regulation 1999;*
- b) *that authority be granted for the General Manager, in conjunction with the Mayor, to sign and affix Council's Common Seal to contracts on behalf of Council with the recommended tenderers for Bush Regeneration Works; and*
- c) *the unsuccessful tenderers be notified of the Tender result.*

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

9.3 ACTING DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 90/2004 - PARKING SCHEME - THE SPOT. (98/S/2714)

303 **RESOLUTION:** *(Sullivan/Daley) that:*

- a) *the Spot Precinct Resident Parking Scheme, Visitor Parking Scheme and General Parking Scheme be adopted for introduction on 1 March 2005;*
- b) *all traffic facilities and signposting as detailed in Plans 1-14 of the final report, as amended, be implemented, subject to those restricted parking spaces in the Scheme that*

are suggested to be limited to 2 and 2½ hours being changed to 3 hours for a trial of 24 months and, following that period, a further report be submitted to Council; and

- c) *Council develop a Communication and Implementation Strategy that will be presented to the December Council Meeting*

MOTION: (Sullivan/Daley) SEE RESOLUTION.

A division was called for Cr Daley and White. Voting was as follows:-

For

Cr Andrews
Cr Belleli
Cr Daley
Cr Kenny
Cr Procopiadis
Cr Seng
Cr Sullivan
Cr Tracey
Cr White

Against

Cr Hughes
His Worship the Mayor, Cr M. Matson
Cr Nash
Cr Notley-Smith
Cr Woodsmith

AMENDMENT: (Hughes/Woodsmith) that:

- a) the Spot Precinct Resident Parking Scheme, Visitor Parking Scheme and General Parking Scheme be adopted for introduction on 1 March 2005;
- b) all traffic facilities and signposting as detailed in Plans 1-14 of the final report, as amended, be implemented and, subject to the concurrence of the Traffic Committee, 24 spaces on the north side of St Pauls Street, east of Perouse Road, be 3 hour time limited in lieu of the suggested 2½ hours in the Scheme and the remainder of spaces be time limited as detailed in the Scheme; and
- c) Council will develop a Communication and Implementation Strategy that will be presented to the December Council Meeting.

(Cr Hughes requested that his name be recorded as opposed to the amendment which was lost.)

9.4 ACTING DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 91/2004 - NEW ACCESS RAMPS AT SOUTHERN CROSS DRIVE AND GARDENERS ROAD. (98/S/4405)

304 **RESOLUTION: (Hughes/Procopiadis) that:**

- (a) *Council support the concept of the Gardeners Road access ramps with Southern Cross Drive, and encourage the early implementation of this initiative by the New South Wales State Government subject to the following conditions, namely that:*
- i. *the RTA be responsible for the funding and prior implementation of traffic calming measures in the West Kingsford Precinct with a new Local Area Traffic Management Scheme, to discourage cross traffic movements taking shortcuts*

through these local residential streets;

- ii. the RTA implement appropriate noise mitigation measures, as identified in the environmental assessment, prior to the completion of the ramps, subject to Council being satisfied with these measures;*
 - iii. the provisions for pedestrian movements and local traffic arrangements on Gardeners Road shall be to the satisfaction of the Randwick Traffic Committee.*
 - iv. prior to the completion of the access ramps and six months after completion of the access ramps, the RTA shall undertake a full comprehensive traffic assessment of the operation of the Kingsford Roundabout to assess the impact of the ramps, and implement appropriate measures in consultation with Randwick City Council, to improve the traffic flows through Gardeners Road/the roundabout/Anzac Parade corridor;*
 - v. the RTA, in conjunction with Council, Council officers and interested Councillors shall undertake appropriate community consultation, which shall include but not be limited to monthly public meetings with key stakeholders and community groups, letter box drops, newspaper advertisements, etc, to allow residents of West Kingsford and Kensington every opportunity to be informed of the details of the Ramps project and associated mitigation measures, and ensure that their concerns are addressed adequately prior to the commencement of construction of these facilities; such consultation shall be conducted and concluded to Council's satisfaction prior to the nomination of the successful contractor for the construction of these facilities;*
- (b) a brief statement be included in the Mayor's column in the Southern Courier to state Council's position on the proposed ramps;*
 - (c) the City of Sydney be urged to consult Randwick City Council to discuss and implement suitable measures which will mitigate further traffic increases along Lenthall Street as a result of the proposed development on the "Dolina" site at 87-103 Epsom Road, Rosebery, prior to granting approval to this development, and as required by the RTA in its letter dated 19 October 2004 to the City of Sydney;*
 - (d) the City of Sydney be requested to investigate and undertake Community Consultation in relation to residents' requests for the reopening of Dalmeny Avenue, Rosebery, at Kimberley Grove;*
 - (e) the RTA be urged to formalise the design for the provision of a grade separated interchange at the intersection of Epsom Road and Southern Cross Drive and prioritise it as the next to go ahead as part of the 10 year \$80 million Roads Boost for South Sydney program;*
 - (f) the RTA be requested to provide an update of its investigations and traffic modelling of the various measures proposed by Randwick City Council for inclusion in the \$80 million program;*
 - (g) the Member for Heffron, Ms Kristina Kenneally, be advised that while Randwick City Council acknowledges, in principle, the wider benefits of the proposed ramps in improving overall transport efficiency, by contributing greatly to the movement of*

people and goods across South Sydney region, Council cannot unconditionally support any proposals that would be detrimental to the local residential amenity in its local government area, and would, therefore seek her support in achieving appropriate Community Consultation, acceptance and installation of the proposed mitigation works by the R.T.A. prior to the implementation of the ramps by the RTA;

- (h) the Member for Heffron be requested to liaise with the Council of the City of Sydney in support of residents' requests for the reopening of Dalmeny Avenue, Rosebery, at Kimberley Grove; and*
- (i) the R.T.A. be urged to consider the provision of on and off ramps on the northern side of Gardeners Road to cater to the needs of Sydney City bound motorists and, further, to cater to the needs of motorists residing in the City of Randwick; and*
- (j) Council's Senior Traffic Engineer write to the R.T.A. as to the benefits of the above northern on and off ramp arrangements to the City of Randwick.*

MOTION: (Hughes/Procopiadis) SEE RESOLUTION.

9.5 ACTING DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 92/2004 - OFF - STREET PARKING FOR MCDONALDS AT KINGSFORD - PROPOSED ENFORCEMENT BY COUNCIL'S RANGERS. (R/0060/02)

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

- (a) Council undertake enforcement of parking within McDonalds car park at Kingsford with appropriate time limits to be negotiated between the General Manager and the relevant staff member of McDonalds; and*
- (b) the General Manager be granted delegated authority to finalise the matter following him being satisfied with the result of those negotiations.*

MOTION: (Notley-Smith/Andrews) that:

- (a) Council undertake enforcement of parking within McDonalds car park at Kingsford;
- (b) a Deed be prepared by McDonalds Australia Limited, and vetted by Council's Legal Officer, for such an arrangement;
- (c) all costs associated with the signposting and line marking of the parking spaces be borne by McDonalds; and
- (d) all revenue raised through the parking enforcement be retained by Council.

PROCEDURAL MOTION: (Hughes/Nash) that this matter be deferred to the next Council meeting to clarify the issues of parking time restrictions, the payment of an annual fee to Council and other salient issues. **LOST.**

AMENDMENT: (Daley/White) SEE RESOLUTION.

9.6 ACTING DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 93/2004 - FOOTPATH PETITION- KYOGLE STREET, MAROUBRA. (F2004/07364)

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

- (a) *residents be advised that available funding has already been reallocated towards the construction of footpaths on Henning Avenue and Snape Street;*
- (b) *residents be advised that footpath construction on Kyogle Street will be listed for consideration in an upcoming footpath construction programme and a specific time for this work be conveyed to the residents, namely which financial year; and*
- (c) *residents be further advised that, if savings are achieved in the footpath construction programme in this financial year, the footpath works in Kyogle Street, Maroubra will proceed this financial year.*

MOTION: (Andrews/Daley) SEE RESOLUTION.

9.7 ACTING DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 94/2004 - BOWEN LIBRARY – TENANTS' COMPENSATION CLAIM REGARDING THE ERECTION OF COUNCIL'S SAFETY FENCING. (98/S/5446)

307 **RESOLUTION: (Tracey/Andrews) that the Acting Director Asset and Infrastructure Services' Report on the Bowen Library Tenants' Compensation Claim be received and noted.**

MOTION: (Tracey/Andrews) SEE RESOLUTION.

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

10.1 DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES' REPORT 35/2004 - ARRANGEMENTS DURING CHRISTMAS/NEW YEAR PERIOD FOR DECISIONS TO BE MADE BY COUNCIL AND SCHEDULE OF MEETINGS FOR YEAR 2005. (98/S/1738 XR 98/S/1078)

308 **RESOLUTION: (Sullivan/Daley) that:**

- a) *The Council go into recess following its Ordinary Meeting on Tuesday, 14th December, 2004 and thence resume meetings in the new year commencing with Committee Meetings on Tuesday, 8th February, 2005, and during this period the provisions of Policy No. 1.01.11 prevail, subject to the need for any Extraordinary Meetings to be held in the intervening period to consider pressing matters; and*
- (b) *The Meeting Schedule for the Year 2005 be adopted.*

MOTION: (Sullivan/Daley) SEE RESOLUTION.

10.2 DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES' REPORT 36/2004 - STATUS OF FINANCIAL REPORTS 2003/2004. (F2004/08331)

309 **RESOLUTION:** *(Andrews/Notley-Smith)* that the report on the Status of the 2003/2004 Financial Reports be noted.

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

10.3 DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES' REPORT 37/2004 - S611 COURT COSTS IN HIGH COURT CASE WITH OPTUS AND TELSTRA. (98/S/3624)

310 **RESOLUTION:** *(Andrews/Nash)* that:

- (a) *the information contained in the report on the S611 Court Costs in the High Court Case with Optus and Telstra be noted and the actions taken, endorsed; and*
- (b) *the General Manager write to the Regional Organisations of Councils to seek their support for contributions to be made.*

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

11. DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORTS.

11.1 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 90/2004 - SUBMISSION ON THE METROPOLITAN STRATEGY DISCUSSION PAPER FOR THE SYDNEY GREATER METROPOLITAN REGION. (F2004/07912)

311 **RESOLUTION:** *(Andrews/Notley-Smith)* that the Randwick City Council submission be endorsed for forwarding to the Department of Infrastructure Planning and Natural Resources.

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

11.2 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 91/2004 - AFFIXING COUNCIL'S SEAL TO DOCUMENTATION - DADHC FUNDING AGREEMENT. (F2004/06275)

312 **RESOLUTION:** *(Sullivan/Notley-Smith)* that authority is granted for the Council's Common Seal to be affixed to the DADHC Acceptance of amended Funding Agreement.

MOTION: *(Sullivan/Notley-Smith)* SEE RESOLUTION.

11.3 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 92/2004 - AEOLIA STREET, RANDWICK. (DA-0785/2004)

313 **RESOLUTION:** *(Notley-Smith/Daley)* that:

- A. *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 785/04, subdivision of part of Aeolia Street, Randwick, subject to the following conditions:-*

- 1. *The development must be implemented substantially in accordance with the*

subdivision plan “Plan of Part of Aeolia Street creating Lot 102 for title issue and road closing under the Roads Act, 1993 (being part of ct. vol. 1835 fol.71)” dated 5 June, 2003 and received by Council on 20 September, 2004, the application form and on any supporting information received with the application, except as may be amended by the following conditions:

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

2. *The applicant shall provide Council with a survey plan of the road closure prior to finalisation of the linen plans.*
3. *The applicant shall create suitable rights of carriageway, easements for services and internal stormwater lines, as required. The applicant shall be advised that the minimum easement width for any internal stormwater line is 0.9metres.*
4. *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 and include relevant information from public utility authorities and exploratory trenching or pot-holing if necessary, to determine the position and level of service. Documentary evidence from the relevant public utility authorities confirming that their requirements have been or are able to be satisfied accordingly, shall be submitted to Council prior to a subdivision certificate being issued.*

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

**11.4 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
93/2004 - 1A THOMAS STREET, COOGEE. (DA-0247/2004)**

314 **RESOLUTION: (Notley-Smith/Kenny) that:**

- A. *Council as the responsible authority refuse development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA 247/2004 for alterations and additions to existing dwelling including new first floor addition and roof terrace on existing garage roof at 1A Thomas Street, Coogee for the following reasons:-*
 1. *The proposal is inconsistent with the objectives of the Residential 2A zone, in particular objectives (a) and (c) pursuant to Randwick Local Environmental Plan 1998 and as such will adversely affect the character and amenity of the immediate locality.*
 2. *The submission which has been received does not adequately assess the impact of the proposal on the heritage significance of the Conservation Area, as required by Clause 43(3) of Randwick LEP 1998.*
 3. *The forms and massing of the proposed dwelling is incompatible with the forms and massing of surrounding dwellings in the Dudley Street Conservation Area.*
 4. *The proposed alterations and additions will detract from the heritage significance of the Dudley Street Conservation Area.*

5. *The proposal will set a poor precedent for further inappropriate alterations and additions in the Conservation Area.*
6. *The height of the proposed building results in adverse amenity impacts on surrounding properties and is excessive in relation to the established streetscape and scale of surrounding development.*
7. *The aesthetic appearance, bulk and scale of the proposed development are considered to be inconsistent with the streetscape character of the area, and location of the site in the vicinity of Heritage Conservation Areas and items.*
8. *The documentation submitted with the application is inadequate, in that site analysis has not been adequately addressed and insufficient details of the location of adjoining properties and their features (such as windows) have been provided.*
9. *The performance of the building with regard to overshadowing is unclear from submitted information. Elevational shadow diagrams have not been provided and it is considered that potential exists for the development to have an adverse impact on the solar access of adjoining properties.*
10. *The proposal will result in the loss of privacy to the dwelling at 1 Thomas Street and adequate steps to minimise its impact have not been taken.*
11. *The proposal does not meet preferred solutions for front and side setbacks and will further obscure the contributory buildings within the street from the public domain.*

MOTION: (Andrews/White) that Council as the responsible authority grant development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA 247/2004 for alterations and additions to existing dwelling including new first floor addition and roof terrace on existing garage roof at 1A Thomas Street, Coogee, subject to standard conditions. **LOST.**

FURTHER MOTION: (Notley-Smith/Kenny) SEE RESOLUTION.

11.5 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 94/2004 – 45-53 DUDLEY STREET, COOGEE. (D285/2004)

315 **RESOLUTION: (Notley-Smith/Sullivan) that:**

- A. *Council as the responsible authority refuse its development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 285/2004 for demolition of existing dwellings and the construction of a multi-uni housing development containing nineteen (19) dwellings and basement parking for 30 cars at 45-53 Dudley Street, Coogee for the following reasons:-*
 1. *the proposed development does not achieve the objectives of the 2C Residential Zone in that the proposed building form, height and scale will compromise the amenity of the surrounding residential areas.*
 2. *the proposal fails to comply with the floor space ratio requirements of Clause 32 1) of the Randwick Local Environmental Plan 1998. The excess floor area results in*

building bulk and scale, visually excessive and out of context with nearby development and the streetscape in which it is located and accordingly the objection pursuant to State Environmental Planning Policy No 1 is not well founded.

3. *the proposal fails to comply with the building height requirements of Clause 33 2) and 4) of the Randwick Local Environmental Plan 1998. The increased height and built form is visually excessive and aesthetically out of context with the immediate locality and streetscape and accordingly the objection pursuant to State Environmental Planning Policy No 1 is not well founded.*
4. *the proposal is inconsistent with the design quality principles of State Environmental Planning Policy No. 65 in particular Principle 1: Context, Principle 2: Scale, Principle 3: Built Form, Principle 4: Density and Principle 10: Aesthetics. The development's density, bulk, form and scale do not appropriately respond to and is out of scale with its context.*

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

**11.6 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
95/2004 - 8 FENTON AVENUE, MAROUBRA. (D0578/2004)**

316 **RESOLUTION: (Andrews/Kenny) that:**

- A. *Council, as the consent authority, grant development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act, 1979 (as amended) to Development Application No. 0578/04 for alterations and third level additions to existing dwelling house including roof deck and alterations and first floor additions to garage at rear at 8 Fenton Avenue, Maroubra, subject to the following conditions:-*

DEFERRED COMMENCEMENT CONDITIONS

The consent is not to operate until the following material has been submitted to and approved by the Director of Planning and Community Development:

1. *The colours, materials and finishes of the external surfaces to the building are to be compatible with the existing building and development in the surrounding area to maintain the integrity and amenity of the building and the streetscape. Details of the proposed colours, materials and finishes (i.e. a sample board keyed to building elevations) are to be submitted.*

Evidence required to satisfy these conditions must be submitted to Council within 12 months of the date of this consent. Upon satisfying the above deferred commencement conditions, the consent will lapse five years after the date from which it operates in accordance with Section 95(1) (a) of the Environmental Planning and Assessment Act 1979.

DEVELOPMENT CONSENT CONDITIONS

- B. *Subject to compliance with the deferred commencement conditions, to the satisfaction of the Director of Planning and Community Development, Council, as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application*

No.0578/04 for alterations and third level additions to existing dwelling house including roof deck and alterations and first floor additions to garage at rear at 8 Fenton Avenue, Maroubra, subject to the following conditions:-

1. The development must be implemented substantially in accordance with the plans numbered DA 01 to DA 04 and DA 07 to DA 11 (inclusive), dated 9 July 2004 and received by Council on 15 July 2004 and DA 05 and DA 06, Issue A, dated 1 October 2004 and received by Council on 5 October 2004, the application form and on any supporting information received with the application, except as may be amended by the following conditions, and details approved pursuant to the deferred commencement conditions, and as may be shown in red on the attached plans:

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

2. Street numbering must be provided to the premises in a prominent position.
3. To minimise loss of privacy to the adjoining property to the north, the dormer windows on the northern plane of the roof over the garage are to be fixed (non-openable) and fitted with obscure glazing.

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

4. 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, verandahs, fences, retaining walls, swimming pools and driveways etc.) located upon No. 6 Fenton Avenue.

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.**

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

5. 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.
6. 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 manufacturer's details.

Details of compliance with the requirements for insulation are to be included in the

construction certificate application.

7. *Hot water service pipes are to be provided with insulation and must also satisfy any relevant requirements of Building Code of Australia and AS 3500.*

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

8. *Surface water/stormwater must be drained and discharged to the street gutter or suitably designed absorption pit, to the satisfaction of the Certifying Authority and details are to be included in the construction certificate application for the development.*

Absorption pits or soaker wells must be located not less than 3m from any adjoining premises and the stormwater must not be directed to any adjoining premises or cause a nuisance.

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

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

9. *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.

10. *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.*

11. *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.*

12. *Prior to the commencement of any building works, the person having the benefit of the development consent must:-*

- i) *appoint a Principal Certifying Authority for the building work, and*
- ii) *appoint a principal contractor for the building work, or in relation to residential building work, obtain an owner-builder permit in accordance with the requirements of the Home Building Act 1989, and notify the Principal Certifying Authority and Council accordingly in writing, and*
- iii) *unless the person having the benefit of the consent is the principal contractor (i.e. owner-builder), notify the principal contractor of the required critical stage*

inspections and other inspections to be carried out, as specified by the Principal Certifying Authority, and

- iv) *give at least two days notice to the Council, in writing, of the person's intention to commence building works.*

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

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

The Principal Certifying Authority must specify the relevant stages of construction to be inspected in accordance with section 81A (2) (b1) (ii) of the Environmental Planning & Assessment Regulation 2000 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 consent is to be maintained by the Principal Certifying Authority. Details of critical stage inspections carried out and copies of certification relied upon must also be forwarded to Council with the occupation certificate.

The principal contractor or owner-builder (as applicable) must ensure that the required critical stage and other inspections, as specified in the Principal Certifying Authority's "Notice of Critical Stage Inspections", are carried out to the satisfaction of the Principal Certifying Authority and at least 48 hours notice (excluding weekends and public holidays) is to be given to the Principal Certifying Authority, to carry out the required inspection, before carrying out any further works.

14. *A sign must be erected and maintained in a prominent position on the site, which contains the following details:*

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

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

The relevant requirements of the Environmental Planning & Assessment Regulation 2000 and relevant conditions of development consent must be satisfied prior to the issuing of

an occupation certificate.

16. *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 provisions 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 principal building contractor and compliance with the provisions of the Home Building Act 1989 (i.e. Details of the principal licensed building contractor and a copy of the Certificate of Insurance) are to be submitted to Council **prior to the commencement of works**, with the notice of appointment of the PCA / notice of intention to commence building work.*

17. *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.*

At the time of this development consent, Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.2% of the cost of the works.

18. *Smoke alarms are required to be installed in each Class 1 building or dwelling in accordance with the relevant provisions of Part 3.7.2 of the B.C.A. – Housing Provisions. Smoke alarms must comply with AS3786 – Smoke alarms are to be connected to the consumer mains electric power supply and provided with a battery back-up. The smoke alarms are to be installed in suitable locations on or near the ceiling, in any storey containing bedrooms; located between each part of the dwelling containing the bedrooms and the remainder of the dwelling, or where bedrooms are served by a hallway, the smoke alarms are to be located in that hallway; and smoke alarms are to be installed in any other storey not containing bedrooms, to the satisfaction of the certifying authority. Smoke alarms are not to be located in 'dead-air-spaces', in the corner junction of walls and ceilings between exposed rafters/joists or at the apex of raked ceilings, as detailed in Part 3.7.2 of the Building Code of Australia – Housing Provisions.*

*Details of compliance with the provisions of the Building Code of Australia must be included in the plans / specification for the **construction certificate**.*

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:

19. *All demolition work is to be carried out in accordance with the provisions of AS2601-1991. The Demolition of Structures, as in force at 1 July 1993.*
20. *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 made available to the Council officers and all building contractors for assessment.*
21. *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.*
22. *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.*
23. *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.*
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, soil 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 approval 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 Development Control Plan for Exempt & Complying Development and Council's Local Approvals Policy. Applications to place a waste container in a public place can be made*

to Council's Building Services section.

27. 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.

28. 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.

29. 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.*

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

30. 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 provide adequate security against damage to Council's infrastructure:

31. The following damage/civil works security 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 carry civil works such as construction of a new vehicular crossing to the subject site.

a) \$700.00 - Damage / Civil Works Security Deposit

The damage/civil works security deposit may be provided by way of cash or cheque with the Council and is refundable upon the completion of the required civil works by Council or a Council approved subcontractor.

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

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

a) *Construct concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.*

33. 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.

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

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

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

36. The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.

37. The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$110.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.

38. The top of footings of any structures constructed on the boundary alignment must be at

least 150mm below the alignment level as specified for the vehicular access. This condition has been attached to accommodate future footpath construction at this location.

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

- 39. 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.*
- 40. The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*

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

- 41. The applicant shall engage an appropriately qualified engineer to determine what measure may be taken to minimise the potential for flood waters to enter the garage and ground floor level of the dwelling. Such measure may include, but not necessarily be limited to providing seals around the edges of the doorways so that when they are closed water is unable to enter the garage/house.*

The flood mitigation measures recommended in the report shall be incorporated into the design of the garage and ground floor level of the dwelling. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.

- 42. All new components of the garage (including new walls, doors, etc) constructed below RL 6.65 (AHD) shall be constructed of flood-proof material (that is, material which is unlikely to be severely damaged in the event of flood). Further, all new walls and doors constructed below the 1 in 100 year flood level shall be designed to withstand the hydrostatic forces of flood water.*

The plans and details submitted for the construction certificate shall demonstrate compliance with this requirement and appropriate certification (regarding the structural adequacy of the doors and walls under hydrostatic pressure) shall be submitted to the certifying authority prior to a construction certificate being issued.

- 43. There are to be no electrical connections nor the storage of any goods that may be adversely affected by stormwater below RL 6.65 metres (AHD) within the garage. The plan submitted for the construction certificate shall demonstrate compliance with this requirement.*
- 44. All new wall coverings, floor coverings and fixtures below RL 6.65 (AHD) within the garage shall be made from materials that will not be adversely affected by flooding. The plan submitted for the construction certificate shall demonstrate compliance with this requirement.*
- 45. A restriction on the use of land shall be attached to the title of the subject property prior to the issuing of a final occupation certificate which prohibits the storage of any goods*

and the installation of any floor coverings, wall coverings and fixtures (including electrical connections) that may be adversely affected by stormwater inundation, below RL 6.65 metres (AHD) in the garage.

46. *Any new fences constructed around the perimeter of the site shall be open form to allow stormwater to move through the site.*
47. *All new/redeveloped external paved areas (within the site) shall be constructed using permeable paving or similar.*
48. *The proposed bi-fold windows (located at the rear of the dwelling) shall be located above RL 6.65 (AHD).*

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

49. *That part of the naturestrip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant's expense prior to the issue of a final Occupation Certificate.*
50. *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.*
51. *A species which can attain a minimum height at maturity of 2 metres shall be used in the proposed planter on the northern boundary.*

Tree Protection Measures

52. *In order to ensure the retention of the most western Hibiscus tiliaceus (Cottonwood) located on Council's Chapman Avenue nature strip 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 specimen with the position of the tree trunk and full diameter of the tree canopy clearly shown on all drawings.*
 - b. *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 and no stockpiling of soil or rubble within the driplines of this tree.*
 - c. *Any excavations required for footings, structures, paving etc within 2 metres of the tree trunk shall be undertaken by hand with all roots being cleanly cut.*

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.

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.

You are therefore advised to consult with Council's Building Certification Services or an accredited certifier prior to submitting your construction certificate application to enable these matters to be addressed accordingly.

- 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: (Andrews/Kenny) SEE RESOLUTION.

**11.7 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
96/2004 - APPLICATION TO THE LICENSING COURT OF NSW - 2-4
PEROUSE ROAD, RANDWICK (ROYAL HOTEL). (F2004/07767)**

- 317 **RESOLUTION: (Nash/Woodsmith)** *that Council raise no objection the grant of the Application to the Licensing Court of New South Wales by Margaret Mary Cussan for the variation of trading hours for premises situated at 2-4 Perouse Road, Randwick and known as the Royal Hotel, to:*

- (a) *permit trading from 5.00am to 1.00am, Monday to Saturday in the High Cross Bar or the premises;*
- (b) *vary the permitted 24 hour trading area;*
- (c) *permit trading until 4.00am in the Lounge Bar and Dinning Room; and*
- (d) *vary the area permitted to trade until midnight on Sundays.*

MOTION: (Nash/Woodsmith) SEE RESOLUTION.

**11.8 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
97/2004 - 2-8 WILLIAM STREET, RANDWICK NSW 2031. (DA 415/2004)**

- 318 **RESOLUTION: (Kenny/Nash)** *that:*

- A. *The Council support the objection under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with Clause 32 (1) of the Randwick Local Environmental Plan 1998, relating to Floor Space Ratio, and Clause 33 (4) of the Randwick Local Environmental Plan 1998, relating to external wall height, on the grounds that the proposed use complies with the objective of the clause and will not adversely affect the amenity of the surrounding locality and that the Department of Infrastructure, Planning and Natural Resources be advised accordingly.*
- B. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 03/00415 for Demolition of existing buildings and erection of a three storey residential development containing 6 dwellings and basement*

carparking and strata subdivision. at 2 – 8 William Street, Randwick subject to the following conditions:-

1. *The development must be implemented substantially in accordance with the plans numbered 03950-1 to 03950 – 2, Issue B dated Sep 03 and received by Council on 21 September 2004, plans numbered 03950 – 4 to 03950 – 6 dated Sept 03 and received by Council on 21 September 2004, and plans numbered 03950 – 3 dated Sept 03 and received by Council 21 Sep 2004, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

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

2. *The colours, materials and finishes of the external surfaces to the building are to be in accordance with the materials specified on the approved plans specified in condition 1 above and in the colour schedule titles “No 2 – 8 William Street, Randwick” with drawing no. 03950, dated Sept 03 and received by Council 1 June 2004.*
3. *External clothes drying facilities are to be provided in accordance with the provisions of the Building Code of Australia.*
The facilities must be adequately screened by vegetation and details are to be incorporated into the landscaping plans, to the satisfaction of the certifying authority.
4. *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.*
5. *A single common television aerial, and/or satellite dish (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.*
6. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
7. *In accordance with the provisions of clauses 143A and 154A of the Environmental Planning & Assessment Regulation 2000, a ‘Design Verification Certificate’ must be provided to the Certifying Authority and the Council, prior to issuing a construction and an occupation certificate, respectively.*

The following conditions are applied to satisfy the provisions of Council’s environmental plans, policies and codes for subdivision works:

8. *The consolidation of the separate lots into a single lot must take place, prior to the use or occupation of the development. Details of the consolidation of lots are to be provided to Council prior to the approval of the strata linen plan.*

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

9. *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.*
10. *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.*

11. *Hot water service pipes are to be provided with insulation and must also satisfy any relevant requirements of Building Code of Australia and AS 3500.*
12. *The hot water system installed in the development must achieve a minimum greenhouse score of 3.5 as detailed SEDA's Energy Smart Homes Policy. Any electric clothes dryers to be provided in the development must also have a minimum 2 star energy rating.*
13. *Landscaped areas must contain a predominance of species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.*

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

14. *A rainwater tank, of sufficient size to provide water for irrigation of all landscaped areas within the development, is to be provided to the development in accordance with Council's Rainwater Tank Policy.*

The tank is to be located a minimum of 1.5m from the side boundaries and is to have a maximum height of 2.4 metres. The tank is to be installed behind the front building line and is to be located at ground level and be incorporated into the relevant construction certificate and landscape plans, to the satisfaction of the Certifying Authority.

The noise level from the pump is not to exceed 5dBA above ambient background noise, measured at the property boundary and the pump must not be audible within any dwelling located upon any other premises between 10pm and 8am.

SECTION 94:

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

15. *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>\$ 5464.00</i> |
| b) <i>for the provision or improvement of community facilities</i> | <i>\$ 2416.00</i> |
| c) <i>Administration fee</i> | <i>\$425.00</i> |

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

(This calculation is based on two new dwellings given the site currently has 4 existing dwellings).

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

16. *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.

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

18. *Prior to the commencement of any building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*

19. *Prior to the commencement of any building work, a principal certifying authority must be appointed and Council is to be notified accordingly and, at least 2 days notice of the intention to commence building work must be given to Council, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*

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

21. *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.

22. *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:

23. *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 located upon:*

- *All of the premises adjoining the subject site*

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

24. *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 engineer's report is to be submitted to the Council, if the Council is not

the certifying authority.

25. *Driven type piles/shoring must not be provided unless a geotechnical engineer's report is submitted to the certifying authority, **prior to the issuing of a construction certificate**, which states that damage should not occur to any adjoining premises and public place as a result of the works.*
26. *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.***
27. *A Certificate of Adequacy prepared by a professional engineer is to be submitted to the principal certifying authority (and the Council, if the Council is not the principal 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:

28. *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.***
29. *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.*
30. *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.

31. *All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations 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.

32. *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.*

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

- a) *Prior to construction of the footings or first completed floor slab (prior to the pouring of concrete), showing the area of the land, building and boundary setbacks and verifying that the building is being constructed 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.*

34. *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.*

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. *A sign must be erected on the site in a prominent, visible position, prior to commencing any demolition, excavation or building works, stating that 'unauthorised entry to the site is prohibited' and showing the name of the person in charge of the work site and a telephone number at which the person may be contacted outside working hours.*

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

37. *Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.*
38. *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.

39. *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.*
40. *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.*
41. *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".*
42. *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.

43. *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.*

44. *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.

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.*

*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.

46. *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.

47. *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.*

48. *The applicant/builder is required to hold Public Liability Insurance, with a minimum*

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liability of \$5 million and a copy of the Insurance cover is to be provided to Council prior to commencement of works.

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

49. *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.*

The following conditions are applied to satisfy the relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to the locality:

50. *The location of the discharge point serving the car park mechanical ventilation system is to be not less than 6m from a property boundary and it must discharge vertically and satisfy the relevant provisions of the Building Code of Australia and AS 1668.*

Details of compliance are to be provided in the plans and specifications for the construction certificate.

The following conditions are applied to maintain reasonable levels of environmental amenity and public health safety.

- 51 *Hazardous or intractable wastes arising from the demolition process being removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, and with the provisions of:*

- *New South Wales Occupational Health and Safety Act, 2000;*
- *The Occupational Health and Safety (Hazardous Substances) Regulation 2001;*
- *The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;*
- *Protection Of the Environment Operations Act 1997 (NSW) and*
- *Environment Protection Authority's Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).*

52. *Any new information which comes to light during demolition or construction works, which has the potential to alter previous conclusions about site contamination, shall be notified to the Council and the Principal Certifying Authority immediately.*

53. *All trucks and service vehicles leaving the site shall go through a suitably constructed on site truck wash down area, to ensure no tracking of material occurs from the site onto roads adjoining the site. Details are to be submitted to Council in the Site Management Plan.*

54. *Prior to the commencement of works adequate sediment and stormwater control measures shall be in place and maintained on site at all times. Sediment laden stormwater shall be controlled using measures outlined in the manual Managing Urban Stormwater Soils and Construction produced by the NSW Department of Housing.*

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

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

In this regard, the operation of the premises shall not give rise to a sound pressure level at any affected premises that exceeds the background LA90, 15min noise level, measured in absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as a LAeq, 15min noise level, adjusted in accordance with the NSW Environmental Protection Authority’s Industrial Noise Policy and the NSW Environmental Protection Authority’s Noise Control Manual (for sleep disturbance).

56. *The use and operation of plant and equipment shall not give rise to the transmission of a vibration nuisance.*

The following conditions are applied to satisfy the relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to the locality:

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

58. *There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.*

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

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

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

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

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

a) \$7000.00 - Damage / Civil Works Security Deposit

The damage/civil works security deposit may be provided by way of a cash or cheque with the Council and is refundable upon a satisfactory inspection by Council that no damage has occurred to the Council assets such as roadway, kerb, guttering, drainage pits footway, or verge and upon the completion of the civil works as conditioned in this development consent by Council. The applicant is to advise Council, in writing, of the completion of all building works and/or obtaining an occupation certificate, if required.

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

61. *The applicant must meet the full cost for Council or a Council approved contractor to:
 - i. *Construct a full heavy duty concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.*
 - ii. *Remove any redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.*
 - iii. *Re-construct a kerb and gutter for the full site frontage except opposite the vehicular entrance and exit points.*
 - iv. *Carry out a full depth, minimum 1.50 metre wide, road reconstruction in front of the kerb and gutter along the full site frontage.*
 - v. *Construct a concrete footpath along the full site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.**
62. *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.*
63. *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.*
64. *All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines. Details are to be submitted to the*

Certifying Authority prior to the release of the construction certificate showing compliance with this condition.

65. *The driveway opening at the William Street frontage must be a minimum 3.50 metres wide and located at least 1.00 metre clear of the side property.*
66. *A work zone is to be provided in William Street for the duration of the construction works. The 'work zone' shall be provided to the satisfaction of the Randwick Traffic Committee and shall have a minimum length of 12 metres. The prescribed fee for the work zone must be paid to Council at least four (4) weeks prior to the commencement of work on the site.*

It is noted that the requirement for a work zone may be waived if it can be demonstrated (to the satisfaction of Council's traffic engineer) that all construction related activities (including all loading and unloading operations) may be undertaken wholly within the site.

67. *The basement carpark is to contain signage and marking indicating entrance and exit only signs and directing traffic flows to alert residents and visitors of the appropriate traffic direction. A giveaway sign shall be placed at the exit to the basement carpark.*
68. *A sighting mirror is to be located opposite the basement carpark exit point and is to be angled in a manner that enables traffic entering from William Street and exiting from the carpark to view the driveway ramp and entrance.*

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

69. *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, shall be:*

- ***100mm above the top of the kerb at all points opposite the kerb, along the full site frontage.***

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

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

70. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the kerb 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.*
71. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$804.00 calculated at \$33.00 (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:

72. *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.*
73. *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.*
74. *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 Energy Australia prior to lodging the construction certificate whether or not an electricity substation is required for the development.*
75. *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 Notice must be issued to the Principal Certifying Authority prior to the construction certificate being issued.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the release of the plans of strata subdivision.

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

76. *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.*
- 77. 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.*
- 78. On-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a 1 in 5 year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by the Director of Assets and Infrastructure Services. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.*

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

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

- 79. 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.*

OR

All site stormwater must be discharged by gravity via a private drainage easement through an adjoining private property (or properties) to the kerb and gutter or drainage system. This condition is required to provide a satisfactory overland flow route should a storm in excess of the above parameters occur.

Note: The proposed design where it connects to Council's drainage system is to be approved by Council's Drainage Engineer. The applicant should contact Council's Drainage Engineer on 9399 0925 regarding Council's requirements.

Should the applicant demonstrate that all reasonable attempts to procure the private drainage easement referred to in the previous condition have failed, a pump system (or infiltration system subject to Council's requirements and a satisfactory Geotechnical Engineers report) may be permitted. The pump 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. The applicant must provide for a detention volume of up to the 1 in 100 year storm event should no formal overland escape route be provided for storms greater than the design storm.*
- 81. 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.

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

84. *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).

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

86. *Stormwater pipes shall be located in accessible locations.*

87. *Pump out systems will only be considered if the applicant can demonstrate to the Principal Certifying Authority that it is not possible to manage stormwater runoff in any other manner.*

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.

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

- i. within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system; and*
- ii. 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.*

89. *A ‘V’ drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention area.*
90. *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.*
91. *One covered car washing bay shall be provided for this development.*
- a) *The car washing bay must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to a construction certificate being issued for the proposed development.*
 - b) *The car washing bay must be located outside any required/approved stormwater detention system.*
 - c) *The car washing bays must be signposted with ‘Exclusive Carwash Bay Use Sat 2:00pm – 5:00pm and Sunday 10:00am – 2:00pm, Visitor parking at other times’*
 - c) *The car washing bay must be constructed with a minimum 20mm bund around the perimeter of the car washing bay/s (or equivalent)*
 - d) *A water tap shall be located adjacent to the car washing bay.*
92. *Prior to the issuing of an occupation certificate, the applicant shall submit to Council's Director of Asset and Infrastructure Services, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:*
- a) *The location of the detention basin with finished surface levels;*
 - b) *Finished site contours at 0.2 metre intervals;*
 - c) *Volume of storage available in the detention areas;*
 - d) *The location, diameter, gradient and material (i.e PVC, RC etc) of all stormwater pipes;*
 - e) *The orifice size(s) (if applicable); and*

- f) *Details of any pumping systems installed (including wet well volumes).*
93. *Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council's Director of Asset and Infrastructure Services, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with the conditions of development consent. The certification must be provided to the satisfaction of the PCA.*
94. *As the above site may encounter groundwater/seepage water within the depth of the basement excavation the basement carpark or similar structures are to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard and a copy of the certification is to be forwarded to Council.*

Notes:-

- a) *Any subsoil drainage is to be disposed of within the site and is not to be discharged 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).*
95. *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:

96. *The garbage room areas will have to be designed so as to be able to contain a total of 6 x 240 litre bins (3 garbage bins & 3 recycle bins) whilst providing satisfactory access to these bins. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.*
97. *The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.*
98. *Prior to the credited certifier issuing an occupation certificate for the proposed development the applicant is to contact Council's Manager of Waste in regards to meeting Council's requirements for waste services to the development.*

The following conditions are applied to satisfy the provisions of Council's environmental plans, policies and codes for subdivision works:

99. *A "restriction as to user and positive covenant" must be placed on the title of the subject property in conjunction with the registration of any future plan of subdivision or strata subdivision for this property. Such restriction and positive covenant shall relate to the onsite stormwater detention system and shall not be released, varied or modified without the consent of the Council.*

Notes:

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

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

100. *The applicant shall create suitable right of carriageway, easements for services and internal stormwater lines, as required. The applicant shall be advised that the minimum easement width for any internal stormwater line is 0.9 metres.*
101. *The conditions of development consent must be satisfied and all public roads and reserves must be satisfactorily restored prior to the finalisation of the strata subdivision.*
102. *Prior to release of the Plan of Subdivision the applicant shall provide Council with a subdivider/developer certificate for the proposed lots. The certificate is obtained from Sydney Water.*
103. *The applicant shall provide Council with a survey plan of the property prior to receiving strata subdivision approval.*

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

104. *The landscaped areas shown on the plan number 1/1, issue A, drawn by HD of Hortus Design, dated 12/02/04 shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by, the certifying authority (PCA) prior to the issue of a construction certificate. If Council is not the PCA for the site, the applicant will still be required to forward a copy of the approved plans 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 site plan at an appropriate scale showing existing site boundaries, existing trees within the property (clearly identified as being retained or removed), existing street trees (clearly identified as being retained or removed), features on adjoining sites within 6 metres of the common property boundary (buildings, trees, other structures etc), council's footway, existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, and at the base of the trees to be retained, proposed building envelope, proposed areas of pavement, and proposed landscaped areas.*

The plan shall clearly show the position, canopy spread (location of dripline), trunk diameter, height and names of all existing trees upon the site and adjoining sites within 6 metres of the common property boundary which are likely to be affected by the development.

- b. *A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.*
 - c. *A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*
 - d. *Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
 - e. *Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
 - f. *Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
 - g. *The landscape plan shall show a minimum number of 4 x 100 litre broad canopied trees (not palms) suitably located within the site. The trees selected shall be of a species that attain a minimum height of 6 metres at maturity.*
 - h. *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.*
 - i. *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.*
 - j. *In order to reduce the amount of stormwater generated by the site, as well as to recharge the groundwater, porous paving shall be used in all pedestrian pathways not over slab. Details are to be provided with the construction certificate application.*
 - k. *Location of easements within the site and upon adjacent sites (if any).*
105. *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.

106. *In order to visually 'soften' the expanses of hard pavement, brick unit pavers, stenciled concrete (or similar) shall be used throughout the driveway on the site. Such details shall be shown on the detailed engineering documentation and shall include all structural design details including pavement/subgrade thickness.*

Such details shall be in accordance with the relevant Australian Standard and shall be submitted to, and approved by, the Principal Certifying Authority, prior to the issue of the Construction Certificate.

107. *Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*

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

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

Tree Management

109. *The applicant shall submit a total payment of \$2,070.00 to Council,*

- a. Being the cost for Council to remove the existing street tree specimen of Jacaranda mimosifolia (Jacaranda) in front of 8 William Street to accommodate the proposed vehicle access (\$500.00) + GST, and*
- b. To compensate Council for the loss of amenity caused by the removal of the street tree (\$1,520.00) no GST.*

*The contribution shall be paid into Tree Amenity Income Code R39 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.

110. *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 driplines of the subject trees.*

Tree Protection Measures

111. *In order to ensure the retention of the Lophostemon confertus (Brush Box), two (2) Persea americanna (Avocado's) and one Grevillea robusta (Silky Oak) located in the rear yard of the adjoining property to the north (25 King Street), close to the common property boundary in good health, the following measures are to be undertaken:*

- a. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing tree specimens with the position of the tree trunks and full diameter of the tree canopies clearly shown on all drawings.*
- b. *The trees are to be physically protected by the installation of protective fencing around the trees using 1.8 metre high steel mesh/chainwire fencing. This fencing shall be located in accordance with the recommendations contained in Table 3.0 of the Arborist's Report.*

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

- c. *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 and no stockpiling of soil or rubble.*

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.

- d. *Any excavations required for footings, structures, retaining walls, basement carparks, detention tanks, stormwater infiltration systems, paving etc within the setbacks specified in Table 3 and point 9, recommendations of the Arborists Report, shall be undertaken by hand and under the direction of, and to the satisfaction of, a suitably qualified Arborist with all roots being cleanly cut.*
- e. *An inspection schedule, in accordance with recommendations contained in point 8 and 9 of the Arborist's Report, shall be submitted and approved by the PCA prior to the issue of a construction certificate.*
- f. *The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".*

112. *In order to ensure the retention of the Jacaranda mimosifolia (Jacaranda) tree located in the rear yard of 4 William Street, near the northeast corner of the site, along the western boundary, in good health, the following measures are to be undertaken:*

- a. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing tree specimen with the position of the tree trunk and full diameter of the tree canopy clearly shown on all drawings.*
- b. *The tree is to be physically protected by the installation of protective fencing around the tree using 1.8 metre high steel mesh/chainwire fencing. This fencing shall be located in accordance with the recommendations contained in Table 3 of the Arborists Report.*

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

- c. *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 and no stockpiling of soil or rubble.*

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.

- d. *Any excavations required for footings, structures, retaining walls, detention tanks, stormwater infiltration systems, paving etc within the setbacks specified in Table 3.0 of the Arborists Report shall be undertaken by hand and under the direction of, and to the satisfaction of, a suitably qualified Arborist with all roots being cleanly cut.*
- e. *An inspection schedule, in accordance with recommendations contained in point 8 and 9 of the Arborist's Report, shall be submitted and approved by the PCA prior to the issue of a construction certificate.*
- 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 \$1,740.00 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.*

*The contribution shall be paid into Tree Preservation Deposit Code R40 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.

QUANTITY	SPECIES	AMOUNT
1	<i>Jacaranda mimosifolia (Jacaranda)</i>	\$1,740.00
	TOTAL	\$1,740.00

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 tree has been retained in good health.

Any contravention of Council's conditions relating to the tree 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.

113. In order to ensure the retention of the three (3) *Jacaranda mimosifolia* (*Jacaranda's*) located along the William Street nature strip in good health, the following measures are to be undertaken:

a. All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing tree specimens with the position of the tree trunks and full diameter of the tree canopies clearly shown on all drawings.

b. The trees are to be physically protected by the installation of protective fencing around the trees 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 trunk.

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

c. 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 and no stockpiling of soil or rubble.

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.

d. Any excavations required for footings, structures, retaining walls, paving etc within 3 metres of the tree trunks shall be undertaken by hand and under the direction of, and to the satisfaction of, a suitably qualified Arborist with all roots being cleanly cut.

e. The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".

f. A refundable deposit in the form of cash or cheque of **\$7,170.00** 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.

The contribution shall be paid into Tree Preservation Deposit Code R40 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.

QUANTITY	SPECIES	AMOUNT

Three (3)	Jacaranda mimosifolia (Jacaranda)	\$7,170.00
	TOTAL	\$7,170.00

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.

114. *A refundable deposit in the form of cash, cheque, or bank guarantee for the amount of \$4,000.00 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.*

*The contribution shall be paid into Landscaping Bond Code R41 at the Cashier on the Ground Floor of the Administrative Centre **prior to an occupation certificate being issued for the development.***

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.

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 Matters

- 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.

2. *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 C3 - Protection of Openings*
- b) *Part D1 - Provision for escape*
- e) *Part E1 - Fire fighting equipment*
- f) *Part E2 - Smoke Hazard Management*
- g) *Part E4 - Emergency lighting, exit signs and warning systems*
- i) *Part F4 - Light and ventilation, in particular, carpark ventilation*

*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**.*

Advisory Conditions

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

MOTION: (Kenny/Nash) SEE RESOLUTION.

12. PETITIONS.

12.1 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR M. MATSON REGARDING TUNSTALL AVENUE BEING MADE “NO LEFT TURN” FROM GARDENERS ROAD & OBJECTION TO PROPOSED SOUTHERN CROSS DRIVE – GARDENERS ROAD RAMPS. (98/S/1173 xr 98/S/4405 xr R/0733/02-01)

- 319 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson/Hughes) that this petition be referred for consideration in conjunction with the new access ramps at Southern Cross Drive and Gardeners Road.*

MOTION: (His Worship the Mayor, Cr M. Matson/Hughes) SEE RESOLUTION.

12.2 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR M. MATSON REGARDING ITEM 11.5, DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 94/2004 – 45-53 DUDLEY STREET, COOGEE. (98/S/1173 XR D285/2004)

- 320 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson/Notley-Smith) that, as the application was determined by Council at this evening's meeting, the petition be received and noted.*

MOTION: (His Worship the Mayor, Cr M. Matson/Notley-Smith) SEE RESOLUTION.

12.3 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR M. MATSON REGARDING THE HIGH LEVEL OF VEHICLES UTILISING LENTHALL STREET, KENSINGTON. (98/S/1173 XR R/0462/02-01)

321 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson/Hughes) that this petition be referred for consideration in conjunction with the new access ramps at Southern Cross Drive and Gardeners Road.*

MOTION: *(His Worship the Mayor, Cr M. Matson/Hughes) SEE RESOLUTION.*

13. MOTIONS PURSUANT TO NOTICE.

13.1 BY COUNCILLOR WHITE – UPGRADE TO PARKING AREA AT DUFFY’S CORNER, ANZAC PARADE. (F2004/07639 XR 98/S/0178)

322 **RESOLUTION:** *(Belleli/Notley-Smith) that*

- (a) this Council undertake an upgrade to the parking area in the middle of Anzac Parade adjacent to Duffy’s Corner, ie. the corner of Anzac Parade and Beauchamp Road. The upgrade should include a new entrance on the Western side of the carpark, cleaning up of the gardens and the fence be repaired on the Eastern side of the car park. Also, Council install a garbage bin next to the bus stop on Anzac Parade next to the shops; and*
- (b) the Traffic Committee review the possibility of 15 to 20 car spaces on the north-east side closest to the traffic lights, being time limited to approximately 15 minutes.*

MOTION: *(White/Daley) that this Council undertake an upgrade to the parking area in the middle of Anzac Parade adjacent to Duffy’s Corner, ie. the corner of Anzac Parade and Beauchamp Road. The upgrade should include a new entrance on the Western side of the carpark, cleaning up of the gardens and removal of the fence on the Eastern side of the car park. Also Council install a garbage bin next to the bus stop on Anzac Parade next to the shops.*

AMENDMENT: *(Belleli/Notley-Smith) SEE RESOLUTION.*

13.2 BY COUNCILLOR DALEY – SHADE CLOTH IN CROMWELL PARK, MALABAR BEACH. (98/S/4094 XR 98/S/0178)

323 **RESOLUTION:** *(Daley/Woodsmith) that*

- (a) a shade cloth be constructed without delay (and certainly before the arrival of summer) over the children’s playground area in Cromwell Park at Malabar Beach;*
- (b) the proposed design be referred to the South Ward Councillors; and*
- (c) authority be delegated to the Director, Planning and Community Development to determine the development application on this structure, if required.*

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

13.3 BY COUNCILLOR DALEY – CONSTRUCTION OF SHADE CLOTHS AT ALL COUNCIL OWNED PLAYGROUNDS. (98/S/5012 XR 98/S/0178)

324 **RESOLUTION: (Daley/Tracey)** that a report be presented to Council on the progress of construction of shade cloths at every Council-owned playground within the City, in accordance with the initiative announced last year by former Mayor, Dominic Sullivan.

MOTION: (Daley/Tracey) SEE RESOLUTION.

13.4 BY COUNCILLOR DALEY – EXPULSION OF COUNCILLOR SULLIVAN. (98/S/1738 XR 98/S/0178)

(The Mayor vacated the Chair and the Deputy Mayor assumed the Chair at this stage of the meeting.)

MOTION: (Daley/Andrews) that in light of the Mayor's unlawful expulsion of Councillor Sullivan at the most recent meeting of Council:

- a) the Mayor acknowledge his error in expelling Councillor Sullivan without cause;
 - b) unreservedly apologise to Councillor Sullivan for his unwarranted expulsion; and
 - c) make a commitment to Council that he will endeavour to chair meetings of Council in a manner that reflects fairness and respect towards every Councillor.
- LOST.**

A division was called for by Crs Daley and Sullivan. Voting was as follows:-

For	Against
Cr Andrews	Cr Belleli
Cr Daley	Cr Hughes
Cr Procopiadis	Cr Kenny
Cr Sullivan	His Worship the Mayor, Cr M. Matson
Cr Tracey	Cr Nash
Cr White	Cr Notley-Smith
	Cr Seng
	Cr Woodsmith

(The Mayor again assumed the Chair at this stage of the meeting.)

13.5 BY COUNCILLOR DALEY – COUNCIL'S ENFORCEMENT OFFICERS. (98/S/3684 XR 98/S/0178)

325 **RESOLUTION: (Daley/Hughes)** that a report be brought before Council on the state of Council's parking enforcement officers, such report to include details on the following:

- a) The statutory regime underpinning Council's parking responsibilities;
- b) The present and intended complement of parking officers;
- c) Council's policies in relation to the enforcement of parking rules;

- d) *The areas in which Council's parking officers will be performing duties;*
- e) *Any directions which have been given to Council's parking officers in relation to whether any areas are to be patrolled more regularly than others;*
- f) *Policies Council has or will put into effect to protect Council's parking officers from intimidation or harassment; and*
- g) *Any other matter at the discretion of the General Manager.*

MOTION: (Daley/Hughes) SEE RESOLUTION.

13.6 BY COUNCILLORS SULLIVAN, TRACEY, BASTIC, ANDREWS & WHITE – CIVIC RECEPTION FOR RANDWICK RUGBY UNION FOOTBALL CLUB. (98/S/0010 XR 98/S/0178)

(Cr Daley had previously declared a non-pecuniary interest in this item – see Agenda Item 4 of these minutes.)

326 **RESOLUTION: (Sullivan/Andrews)** *that Council host a civic reception for Randwick Rugby Union Football Club in recognition of their Premiership – winning successes for 2004.*

MOTION: (Sullivan/Andrews) SEE RESOLUTION.

14. URGENT BUSINESS.

Nil.

15. CONFIDENTIAL REPORTS.

15.1 MAYOR'S MINUTE 96/2004 - DETERMINING PROCEDURE FOR GENERAL MANAGER'S PERFORMANCE ASSESSMENT (PERSONNEL)

327 **RESOLUTION: (His Worship the Mayor, Cr M. Matson/Hughes)** *that Council authorise the Mayor to finalise an additional service from Employment Solutions for ongoing facilitation and support of the General Manager's Performance Monitoring and Review processes including an annual cycle of two attendances at Council meetings to a total cost of \$2,000 per annum, plus G.S.T and expenses.*

MOTION: (His Worship the Mayor, Cr M. Matson/Hughes) SEE RESOLUTION.

15.2 ACTING DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 95/2004 - PROJECT NO. 10049 - RECYCLING FACILITY NO. 9 BUMBORAH POINT ROAD, MATRAVILLE DA 358/2003 & CC691/04. (98/S/3862 (4))

328 **RESOLUTION: (Nash/Andrews)** *that:*

- (a) *The information contained in the Director Asset & Infrastructure Services' Report on the Recycling Facility in Bumborah Point Road, Matraville, be noted; and*
- (b) *That an additional amount of \$1,104,995 be voted from Council's Financial Reserves to fund the project.*

MOTION: (Nash/Andrews) SEE RESOLUTION.

15.3 CONFIDENTIAL GENERAL MANAGER'S REPORT 42/2004 – APPOINTMENT OF DIRECTOR, ASSET & INFRASTRUCTURE SERVICES.

329 **RESOLUTION:** *(Andrews/Kenny) that:*

1. *Council appoint Mr Jorde Frangoples on a 5 (five) year performance based contract for the total remuneration package of \$175,000 for the position of Director Asset and Infrastructure Services;*
2. *the position of Director Asset and Infrastructure Services be a designated senior staff position as described in the Local Government Act 1993; and*
3. *the Director Planning and Community Development's total remuneration package be increased to \$175,000 and that the terms and conditions of the contract be amended as attached.*

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

16. COMMITTEE-OF-THE-WHOLE.

Nil.

17. REPORT OF COMMITTEE-OF-THE-WHOLE.

Nil.

18. NOTICE OF RESCISSION MOTIONS.

Nil.

There being no further business, His Worship the Mayor, Cr M. Matson, declared the meeting closed at 10.20 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 14TH DECEMBER, 2004.

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CHAIRPERSON