

**MINUTES OF ORDINARY COUNCIL MEETING OF  
THE COUNCIL OF THE CITY OF RANDWICK  
HELD ON TUESDAY, 28<sup>TH</sup> JUNE, 2005 AT 6:19 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 (from 7.25 p.m.) & A. White
East Ward	-	Cr D. Sullivan
West Ward	-	Crs B. Hughes, S. Nash & J. Procopiadis
Central Ward	-	Crs A. Andrews, C. Bastic (from 6.33 p.m.) & T. Seng

**OFFICERS PRESENT:**

General Manager	Mr. R. Brownlee.
Director, City Services	Mr. J. Frangoples.
Acting Director, City Planning	Ms. K. Kyriacou.
Director, Governance & Financial Services	Mr. G. Banting.
Acting Public Officer	Mr. D. Kelly.
Manager Policy, Planning & Performance	Ms. K. Walshaw.

**1. COUNCIL PRAYER**

The Council Prayer was read by Cr Notley-Smith.

**2. APOLOGIES.**

Nil.

**3. MINUTES**

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY, 24<sup>TH</sup> MAY, 2005.**

269 **RESOLUTION:** *(Andrews/Notley-Smith)* that the Minutes of the Ordinary Council Meeting held on Tuesday, 24<sup>th</sup> May, 2005 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

**CONFIRMATION OF THE MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON TUESDAY, 14<sup>TH</sup> JUNE, 2005.**

270 **RESOLUTION:** (*Notley-Smith/Belleli*) that the Minutes of the Extraordinary Council Meeting held on Tuesday, 14<sup>th</sup> June, 2005 (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 Woodsmith declared a Pecuniary interest in Item No. 13.5, Confidential Director, Governance & Financial Services' Report 29/2005 - Legal Services Tender No. T034/05 as her son works for one of the tendering law firms.
- (b) Cr Nash declared a Non-Pecuniary interest in Item No. 13.5, Confidential Director, Governance & Financial Services' Report 29/2005 - Legal Services Tender No. T034/05 as he is a practicing solicitor.

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

- 1. Mr Digby Wren, 50 Haig Street, Maroubra on Item 6.14, Mayor's Minute 93/2005 – Inaugural French Festival Of Sydney.
- 2. Mr Robin Gandevia, 29 Park Avenue, Randwick on Item 9.1, Acting Director City Planning Report 36/2005 - Development Application Report - 29 Park Avenue, Randwick.
- 3. Mr Tom Bowden, 13/90 Mona Vale Road, Mona Vale on Item 9.1, Acting Director City Planning Report 36/2005 - Development Application Report - 29 Park Avenue, Randwick.
- 4. Mr Karl May, 1/586 Crown Street, Surry Hills on Item 9.2, Acting Director City Planning Report 37/2005 - Development Application Report - 70-72 Perouse Road, Randwick.
- 5. Mr John Stanger, 279 Doncaster Avenue, Kingsford on Item 11.3, Notice Of Rescission Motion by Councillors Andrews, Daley, Procopiadis, Tracey & White – Extraordinary Council Meeting, 14<sup>th</sup> June, 2005 – Item 4.5 - Mayoral Minute 76/2005 – Council Position on Sale of Crown Land Adjacent to Kensington Park.
- 6. Mr Frank Frazi, 69 Houston Road, Kingsford on Item 11.3, Notice Of Rescission Motion by Councillors Andrews, Daley, Procopiadis, Tracey & White – Extraordinary Council Meeting, 14<sup>th</sup> June, 2005 – Item 4.5 - Mayoral Minute 76/2005 – Council Position on Sale of Crown Land Adjacent to Kensington Park.

The meeting was adjourned at 6.53 p.m. and was resumed at 7.22 p.m.

#### **6. MAYORAL MINUTES.**

##### **6.1 MAYOR'S MINUTE 80/2005 - SOUTHERN END OF COOGEE BEACH - REQUEST FOR AMENITY FACILITIES. (F2004/06057)**

271 **RESOLUTION:** (*Woodsmith/Bastic*) that this matter be deferred to refer it back to the Coogee Precinct Committee for further consideration.

**MOTION: (His Worship the Mayor, Cr M. Matson)** that the Plan of Management be re-exhibited incorporating a toilet block at the southern end of Goldstein Reserve adjacent to the existing bus shelter.

**AMENDMENT: (Woodsmith/Bastic) CARRIED AND BECAME THE MOTION – MOTION CARRIED – SEE RESOLUTION.**

**6.2 MAYOR'S MINUTE 81/2005 - WOMEN IN LOCAL GOVERNMENT. (F2005/00271)**

272 **RESOLUTION: (Bastic/Daley) that Council:**

- a) *take on board the advice obtained from the Local Government Association of NSW, relating to increasing the participation of women in Local Government;*
- b) *organise a training workshop in the Randwick City Council Town Hall for women considering contesting the next local Council elections in any of the nearby Council areas;*
- c) *invite ex Randwick City Councillors Judy Greenwood, Freda Backes, Margery Whitehead and Margaret Martin to organise and/or lead workshop activities at the above event; and*
- d) *inform the President of the Local Government and Shires Association of Council's intent to advance the principles of the Ten Point Plan for Women in Local Government.*

**MOTION: (His Worship the Mayor, Cr M. Matson)** that the recommendation contained in Mayor's Minute 81/2005 be adopted.

**AMENDMENT: (Bastic/Daley) CARRIED AND BECAME THE MOTION – MOTION CARRIED – SEE RESOLUTION.**

**6.3 MAYOR'S MINUTE 82/2005 - SUPPORT FOR FOOTBALL FANS AGAINST SEXUAL ASSAULT (FFASA) SUBMISSION TO AFL AND NRL. (F2005/00560)**

273 **RESOLUTION: (His Worship the Mayor, Cr M. Matson)** in recognition of the need to support ongoing cultural change in sport, Randwick City Council:

1. *Acknowledges that gender violence in sport is not only limited to football, and is an issue that can affect families in our own local area, and accordingly:*
  - a. *Commends the National Rugby League (NRL) for commissioning the University of Sydney's "Playing by the Rules Project" and committing to the project's recommendations, and*
  - b. *Commends the Australian Football League (AFL) for releasing the "Discussion Document Re Development of AFL Response to the Issue of Violence Against Women" and committing to a multi-pronged approach to gender violence prevention within the Code.*
2. *Supports Football Fans Against Sexual Assault (FFASA) in:*
  - a. *Submitting a proposal for change "Towards Champions: A Better Culture, A Better Game", to the AFL and NRL on behalf of over 1,000 football fans and*



**6.4 MAYOR'S MINUTE 83/2005 - INVITATION FOR COUNCILLORS TO ATTEND THE LAUNCH OF LOCAL GOVERNMENT WEEK AND AWARDS EVENING AT THE SCIENTIA BUILDING, UNSW ON TUESDAY, AUGUST 2, 2005. (F2005/00574)**

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

- a) *Councillors note the invitation to attend the Awards evening for Local Government Week from LGSA;*
- b) *Councillors advise whether they wish to attend the evening and that a booking for one or two tables be made subject to the response from Councillors;*
- c) *Council agree for table centre displays to be provided via Randwick's Community Nursery subject to appropriate acknowledgment on the evening; and*
- d) *The value of plants and other staff resources be kept to a maximum of \$1,000.00 with a view that the plants provided be offered to delegates to take home at the end of the evening.*

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

**6.5 MAYOR'S MINUTE 84/2005 - NAIDOC WEEK CELEBRATIONS 2005. (F2004/07684)**

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

1. *Council agree to support the events planned for the celebration of NAIDOC Week 2005 within the La Perouse area;*
2. *Council agree to provide a contribution of \$3900.00 from Council's proposed 2005/06 events budget once adopted, towards the equipment costs for the events;*
3. *Council vote an additional \$1910.00 to cover the waiving of Council fees and additional costs associated with running the NAIDOC Week events and that these funds be allocated from the 2004/05 Contingency fund budget;*
4. *all publicity relating to NAIDOC Week acknowledge Council's contribution by displaying the logo; and*
5. *the Mayor or his representative shall be given the opportunity to address the NAIDOC Week events on behalf of Council.*

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

**6.6 MAYOR'S MINUTE 85/2005 – OUTCOME ON STREET MEETING ON COUNCIL'S RESOLUTION TO REMOVE MELODY/ABBOTT STREET TREE. (F2004/06574)**

276 **RESOLUTION:** (*His Worship the Mayor, Cr M. Matson*) that Council notes the feedback concerning the three resident meetings that have occurred on the existing resolution to remove the Hill's Fig on the corner of Abbott and Melody Streets Coogee, and

- 1) Resolves to expedite the removal of the tree;
- 2) Notes the three person street committee organised at the last meeting with the Mayor and its suggestions for a suitable replacement tree for the removed tree;
- 3) Endorses the Mayor's proposal to submit both suggestions to acknowledged experts on trees suitable for sandy soils such as Mr Gary Leonard and others for their advice;
- 4) In response to the urgency requested by residents, Council authorise the Mayor and General Manager to finalise a choice on the replacement tree species: and
- 5) Notes the intent of the three person street committee to make a submission advising the Greening Randwick Committee on residents' views on the Street Tree Master Plan provisions for Abbott Street.

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

**6.7 MAYOR'S MINUTE 86/2005 - REQUEST FOR FUNDING –ACCESS AWARE PROGRAM (DIRC). (F2004/07679)**

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

- a) Council agree to support the ACCESS AWARE service in Randwick City;
- b) Council assist with the development and expansion of Access Aware in Randwick City, Council agree to provide a seeding amount of \$3000.00 from Council's Disability Services budget bolstered by another \$2000.00 from the 2005/06 Contingency Fund;
- c) Council consider any further requests for financial assistance following the implementation of Access Aware in Randwick City; and
- d) All promotional material relating to the ACCESS AWARE directory acknowledge Council's support.

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

**6.8 MAYOR'S MINUTE 87/2005 - 10TH ANNIVERSARY OF NATIONAL TREE DAY. (F2004/06494)**

278 **RESOLUTION:** (*His Worship the Mayor, Cr M. Matson*) that the Mayor of Gold Coast Council, Ron Clarke and Planet Ark Founder, Mr Jon Dee be informed that Council will celebrate the 10<sup>th</sup> anniversary of Planet Ark's National Tree Day with a tree planting at Broadarrow Reserve, Maroubra and that both be invited.

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

**6.9 MAYOR'S MINUTE 88/2005 – THAI AWARENESS DAY. (F2004/07648)**

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

1. *Council agree to support the Thai Community Awareness Day;*
2. *Council vote \$2,860.00 from Council's Contingency Fund budget 2004/05 to cover the costs associated with the event;*
3. *the Mayor or his representative shall be given the opportunity to address the event; and*
4. *a further \$500.00 be allocated from the 2005/06 Contingency Fund for printing purposes as identified by the Multicultural Advisory Committee.*

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

**6.10 MAYOR'S MINUTE 89/2005 - TABLING OF MINUTES FROM GENERAL MANAGERS CONSULTATION MEETINGS WITH REPRESENTATIVE OF PARTIES. (F2005/00610)**

280 **RESOLUTION: (His Worship the Mayor, Cr M. Matson) that the minutes of the General Managers Consultation Meetings with representatives of parties be received and noted.**

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

**6.11 MAYOR'S MINUTE 90/2005 – ENERGY AND WATER SAVING TARGETS FOR RANDWICK COUNCIL. (F2005/00230 xr F2004/06495)**

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

1. *Council commits to a 20% energy saving target across Council's operations as demonstrated already by other local councils in SSROC;*
2. *Council commits to a 20% water saving target across Council's operations and that Council signs on to the Water Campaign conducted by ICLEI;*
3. *Council applies for all relevant funding opportunities provided by Commonwealth and NSW agencies to help Council achieve these energy and water saving targets;*
4. *A report be brought back to Council outlining baseline energy and water use data for Council's operations, the potential financial savings and cost implications, the resource allocation associated with meeting these targets and the commencement and completion dates applicable to the new energy and water saving targets; and*
5. *the Mayor and the General Manager write a letter of appreciation to all staff involved in this project.*

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

**6.12 MAYOR'S MINUTE 91/2005 - RE-ESTABLISH CLOVELLY PRECINCT COMMITTEE. (F2005/00497)**

282 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson)* that Council receives and notes the petition from residents urging the establishment of a Precinct Committee in North Ward, and

1. will contact those members of the public who responded positively the last time the matter was proposed to ascertain their current level of support;
2. will use the Mayoral Column to call for additional expressions of interest from members of the community up to the next scheduled meeting of the Precinct Coordinating Committee; and
3. if 20 individuals (including those on the recently received petition) representing 20 family units have indicated support for the proposal, delegates to the General Manager authority to:
  - a) proceed with the establishment of an additional Precinct Committee following consultation with the Precinct Coordinating Committee; and
  - b) determine the geographical area of the new committee after consultation with the Precinct Coordinating Committee.

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

**6.13 MAYOR’S MINUTE 92/2005 - WAIVING OF BACK RENT FOR RANDWICK DISTRICT OFFSHORE RESCUE BOAT. (F2004/06336)**

283 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson)* that Council agree to waive the outstanding rental amounts from the Randwick District Offshore Rescue Boat 3 of \$1556.50 and will allocate the funds from the contingency fund 2004-2005.

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

**6.14 MAYOR’S MINUTE 93/2005 – INAUGURAL FRENCH FESTIVAL OF SYDNEY. (F2005/00531)**

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

1. Council indicate in principle support for the inaugural French Festival project and in 2006 commits to redirecting to it the 2005/06 allocation for the present Bastille Day celebrations;
2. Council seek a more detailed brief on the specific nature of the activities and costs to be incurred by Council as a potential partner in this project prior to considering the allocation of any further funding; and
3. Council be advised of the commitment made by other partners, including the NSW Government, before proceeding with further negotiations about the project.

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

**6.15 CONFIDENTIAL MAYOR’S MINUTE 94/2005 – GENERAL MANAGER’S PERFORMANCE REVIEW. (PERSONNEL)**



285 **RESOLUTION:** (*His Worship the Mayor, Cr M. Matson*) that Council receive and note the Confidential Mayor's Minute 94/2005.

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

**6.16 MAYOR'S MINUTE 95/2005 – CONTACTING AUSTRALIAN MAYORS RE US MAYORS' CLIMATE PROTECTION AGREEMENT. (F2005/00324)**

286 **RESOLUTION:** (*His Worship the Mayor, Cr M. Matson*) that Council contribute to the creation of a ground swell support for the Commonwealth Government to maintain the Prime Minister's commitment to meeting the intent of the Kyoto Protocol by adopting the following statement as Council policy and authorising the Mayor to encourage other Australian Mayors to endorse it as well.

*“Australian Mayors Climate Protection Agreement*

*Our Councils agree to:*

1. *Strive to meet or beat the Kyoto Protocol targets in our own communities, through actions ranging from anti-sprawl land-use policies and urban forest restoration projects, through to energy use reduction initiatives and public information campaigns;*
2. *Urge state and federal governments to enact policies and programs in line with Prime Minister Howard's 2002 commitment to meet the greenhouse gas emission reduction target set for Australia in the Kyoto Protocol, this being 108 percent of its 1990 baseline; and*
3. *Participate in a bipartisan national debate on ways in which Australia may achieve a 5 percent reduction in its 1990 baseline of Greenhouse Gas emissions to match that set for developing nations at Kyoto in 1997.”*

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

**6.17 MAYOR'S MINUTE 96/2005 – SUPPORT FOR NATIONAL UNION OF STUDENTS CAMPAIGN ON STUDENT UNIONISM. (F2004/06574)**

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

1. *make a submission to the Inquiry into the Provisions of the Higher Education Support Amendment (Abolition of Compulsory Up-front Union Fees) Bill 2005 which shall state that Council opposes the Bill's provisions because:*
  - a) *they are a threat to the employment of Council residents currently working in service industries at the University of New South Wales;*
  - b) *they will oblige students, many of whom are local residents, to pay more for student services on the campus and may see the loss of some current services;*
  - c) *they will reduce recreational and cultural opportunities for the residents as services to the community are reduced;*

- d) *they will compromise the vibrancy of cultural, political and social debate in the municipality; and*
2. *advise the National Tertiary Education Union (NTEU) of this resolution and of Council's support for NTEU's campaign against the Bill.*

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

A division was called for by Crs Nash and Bastic. Voting was as follows:-

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

**PROCEDURAL MOTION: (Sullivan/Daley)** that the Confidential General Manager's Report 30/2005 be discussed in open Council meeting. **LOST.**

## **7. GENERAL MANAGER'S REPORTS.**

(Note: Confidential General Manager's Report 30/2005 was considered at this point in the meeting – See Minute No. 308)

### **7.1 GENERAL MANAGER'S REPORT 28/2005 - DRAFT 2005-08 MANAGEMENT PLAN. (F2005/00378)**

288 **RESOLUTION: (Notley-Smith/Seng) that:**

1. *the Draft Schedule of Fees and Charges be amended to allow for a Refundable Deposit for Work Zones of \$5,500.00;*
2. *the Draft Schedule of Fees and Charges be amended to allow for an Application Fee for lodgement of a Traffic Control Plan for Roadworks of \$330.00;*
3. *the Draft Schedule of Fees and Charges be amended to allow for Metered Parking at Coogee of \$3.30 per hour during summer (October to April) and \$2.20 per hour during winter (May to September);*
4. *the Draft Schedule of Fees & Charges (as amended) and the Draft Confidential Fees & Charges be adopted for 2005/06;*
5. *the Draft 2005/06 Budget be adopted as the Budget for 2005/06, and that funds are voted accordingly;*

6. *the interest rate on overdue rates be calculated at 9.0% per annum, and charges daily, in accordance with the determination under s566(3) of the Local Government Act 1993, by the Minister for Local Government, and the Draft Management Plan be amended;*
7. *the Draft Management Plan 2005/08 as amended, be adopted as the Management Plan for 2005/08 under s406 (1) of the Local Government Act 1993;*
8. *the Ordinary Residential Rate be made and levied by Council for 2005/06, under s494 and s498 (1)(a) and (2) of the Local Government Act 1993, as a rate of 0.21773 cents in the dollar on the land value of all rateable land within the City of Randwick being Residential land;*
9. *the Ordinary Business Rate be made and levied by Council for 2005/06, under s494 and s498 (1)(a) and (2) of the Local Government Act 1993, as a rate of 0.8516 cents in the dollar on the land value of all rateable land within the City of Randwick being Business land;*
10. *the minimum ordinary Residential rate be made and levied in 2005/06 under s548 (1) (a), (2), (4) & (5) of the Local Government Act 1993, as \$510.90;*
11. *the minimum ordinary Business rate be made and levied in 2005/06 under s548 (1)(a), (2), (4) & (5) of the Local Government Act 1993, as \$823.30;*
12. *the Domestic Waste Management Charge be levied under s496 of the Local Government Act 1993, as \$281.60;*
13. *the allocation for identified and unallocated road resurfacing be restored to \$995,000.00 and the draft budget 2005/06 be amended;*
14. *the list of road resurfacing locations as identified in attachment 7 to the report be funded by the \$995,000.00 in the capital works program;*
15. *the parks allocation be reduced by \$300,000.00 and the playground refurbishment for Emily McCarthy Park be removed from the capital works program and the draft 2005/06 budget be amended; and*
16. *\$300,000.00 be allocated to the kerb and guttering in Galvin Street, Maroubra and the draft 2005/06 budget be amended.*

**MOTION: (Notley-Smith/Seng) CARRIED – SEE RESOLUTION.**

**DISSENT MOTION: (Sullivan/Daley)** on the ruling of the Chairperson that the matter be put. **LOST.**

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

For	Against
Belleli	Andrews
Hughes	Bastic
Kenny	Daley

His Worship the Mayor, Cr M. Matson  
Nash  
Notley  
Seng  
Woodsmith

Procopiadis  
Sullivan  
Tracey  
White

**7.2 GENERAL MANAGER'S REPORT 29/2005 - AFFIXING OF THE COUNCIL SEAL. (F2004/06324 xr F2004/07593)**

289 **RESOLUTION:** *(Nash/Notley-Smith)* that authority be granted for the Council's Common Sale to be affixed to the agreements between Council and:

- a) *New South Wales Land & Housing Corporation in relation to an Application to Record New Registered Proprietor Form over Lot 147 in Deposited Plan 879902 to transfer the Certificate of Title pursuant to the Dedication as Public Reserve and vested in Council as per Government Gazette dated 8 December 2000 on Folio 13079;*
- b) *New South Wales Land & Housing Corporation in relation to an Application to Record New Registered Proprietor Form over Lot 148 in Deposited Plan 879902 to transfer the Certificate of Title pursuant to the Dedication as Public Reserve and vested in Council as per Government Gazette dated 8 December 2000 on Folio 13079;*
- c) *Mr Anthony Sahade (T/As Crystal Car Wash) in relation to a licence for the purpose of outdoor dining at 415-517 Anzac Parade, Kingsford;*
- d) *the Benevolent Society in relation to a licence for Suite 4, Office 2, Level 3 of the Bowen Library at 669-673 Anzac Parade, Maroubra Junction;*
- e) *Antonia Walsh (T/As Cozzi Café) in relation to a licence for the purpose of outdoor dining at 233 Coogee Bay Road, Coogee;*
- f) *Gay Marie Carnegie (T/As Zellinis) in relation to a licence for the purpose of outdoor dining at 34-38 Belmore Road, Randwick;*
- g) *Deruli Pty Ltd - Gay Carnegie in relation to a residential lease over Unit 1/32 Belmore Road, Randwick; and*
- h) *Michael Reznikov in relation to a residential lease over Unit 4/20 Silver Street, Randwick.*

**MOTION: (Nash/Notley-Smith) CARRIED – SEE RESOLUTION.**

**8. DIRECTOR, CITY SERVICES' REPORTS.**

**8.1 DIRECTOR, CITY SERVICES' REPORT 60/2005 - PRINCE HENRY SITE PARK NAMING PROPOSAL. (F2004/07140)**

290 **RESOLUTION:** *(Woodsmith/Hughes)* that:

- a) *Council reconsider the park name proposals with the view to amending one or more*

*of the park names to commemorate the role nurses played at the former Prince Henry Hospital;*

- b) Council proceed with the suggestion from Landcom that Six Track Park be renamed in accordance with the TNA preferences;*
- c) the name Bob a Day park be retained as it has historical significance; and*
- d) the Geographical Names Board be notified of Council's willingness to reconsider the park name proposals with the view to amending one or more of the park names to commemorate the role nurses played at the former Prince Henry Hospital.*

**MOTION: (Notley-Smith/Belleli)** that the recommendation contained in the Director City Services' Report 60/2005 be adopted;

**AMENDMENT: (Woodsmith/Hughes) CARRIED & BECAME THE MOTION – MOTION CARRIED – SEE RESOLUTION.**

**8.2 DIRECTOR, CITY SERVICES' REPORT 61/2005 - IDENTIFYING AN UNNAMED PARK, RESERVE OR ROAD AFTER THE FORMER LA PEROUSE PUBLIC SCHOOL PRINCIPAL, MR PAUL TRAVINI. (F2005/00266)**

291 **RESOLUTION: (Woodsmith/Hughes)** that this matter be withdrawn for further community consultation on this matter.

**MOTION: (Woodsmith/Hughes) CARRIED – SEE RESOLUTION.**

**8.3 DIRECTOR, CITY SERVICES' REPORT 62/2005 - HAVELOCK AVENUE STREET IMPROVEMENTS. HIGH CROSS PRECINCT CIVIC IMPROVEMENTS. MALABAR JUNCTION IMPROVEMENT PROGRAMS. (F2005/00411)**

292 **RESOLUTION: (Notley-Smith/Andrews)** that funding be considered in the 2006-2007 draft budget for public domain improvements at Havelock Avenue, High Cross and the Malabar Junction precincts.

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

**9. ACTING DIRECTOR CITY PLANNING REPORTS.**

**9.1 ACTING DIRECTOR CITY PLANNING REPORT 36/2005 - DEVELOPMENT APPLICATION REPORT - 29 PARK AVENUE, RANDWICK. (1096/2004)**

273 **RESOLUTION: (Woodsmith/Tracey)** that Council refuse development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No.1069/04 for permission to carryout alterations and additions to the existing dwelling at 29 Park Avenue Randwick for the following reasons:

- 1. the proposed alterations and additions to the dwelling do not comply with the objectives and performance requirements of the DCP for Dwellings and Attached*

*Dual Occupancies with respect to the floor space ratio and will be inconsistent with the bulk, scale and character of the surrounding locality;*

2. *the proposed alterations and additions to the dwelling are excessive in height and do not comply with the objectives and performance requirements of the DCP for Dwellings and Attached Dual Occupancies with respect to maximum external wall height;*
3. *the proposed alterations and additions to the dwelling do not comply with the objectives and performance requirements of the DCP for Dwellings and Attached Dual Occupancies in that the side boundary setbacks of the upper level will be inadequate to maintain reasonable levels of sunlight to the adjoining premises; and*
4. *the proposed alterations and additions to the dwelling do not comply with the objectives and performance requirements of the DCP for Dwellings and Attached Dual Occupancies in that the proposal will result in an unreasonable level of overshadowing to the adjoining premises*

**MOTION: (Woodsmith/Tracey) CARRIED – SEE RESOLUTION.**

**9.2 ACTING DIRECTOR CITY PLANNING REPORT 37/2005 - DEVELOPMENT APPLICATION REPORT - 70-72 PEROUSE ROAD, RANDWICK. (D1101/2003)**

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

- A. *Council as the responsible authority grant its consent under Section 96 (2) of the Environmental Planning and Assessment Act, 1979, (as amended) to modify Development Consent No.1101/2003/B for permission to reconfigure the unit layout and reduce the number of units from thirteen (13) to twelve (12). on property at 70-72 Perouse Road, Randwick, in the following manner:*

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

1. *The development must be implemented substantially in accordance with the plans with Job Number 04032 and undated Drawing Nos. DA01, Revision F; DA02, Revision K; DA03, Revision H; DA04 and DA05, both Revision G; and DA06, Revision E, and all received by Council on 17/11/2004; the application form and on any supporting information received with the application, except as may be amended by the details approved with the deferred commencement conditions and **as amended by the Section 96 plans numbered with Job No. 04032 and Drawing Nos. DA01, Revision K, DA02, Revision Q, DA04, Revision I, DA05, Revision I, DA06, Revision G, all dated 24 May, 2005 and DA03, Revision M, dated 9 June 2005, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application, except as may be amended by the following conditions and as may be shown in red on the amended plans.***

**Amend Condition No. 30 to read:**

30. *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) *for the provision or improvement of open space* \$10,671.89

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This is Page No. 14 of the Minutes of the Ordinary Council Meeting held on Tuesday, 28<sup>th</sup> June, 2005.

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| b) | <i>for the provision or improvement of community facilities</i> | \$ 4,718.78 |
| c) | <i>for the provision of townscape improvements</i>              | \$ 4,368.00 |
| d) | <i>Administration fee</i>                                       | \$ 425.00   |

*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.*

***Amend Condition No. 112 to read:***

112. *The garbage room area for the residential component of the site shall be sized to contain a total of 12 x 240 litre bins (6 garbage bins & 6 recycle bins) whilst providing satisfactory access to these bins.*

***Add an additional condition***

145. *The door from Bedroom 1 to the adjacent roof area in Unit 12 shall be shown as a window on the construction certificate plans **prior to the issue of a construction certificate.***

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

**9.3 ACTING DIRECTOR CITY PLANNING REPORT - 38/2005 DEVELOPMENT APPLICATION REPORT - 1430 ANZAC PARADE - PRINCE HENRY HOSPITAL SITE. (DA 43/2005)**

295 ***RESOLUTION: (Hughes/Woodsmith) 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 43/2005 for Construction of a 2-4 storey Aged Care Facility comprising 124 bed spaces and basement carparking for 43 vehicles at 1430 Anzac Parade - Prince Henry Hospital Site subject to the following conditions:-*

***Heritage Office – General Terms of Approval***

1. *The development must be in accordance with the following documents:*
  - a) *Architectural drawings: L58-A.00(A), L58-A.01(A), L58-A.02(A), L58-A.03(A), L58-A.04(A), L58-A.05(A), L58-A.06(A), L58-A.07(A), L58-A.08(A), L58-A.09(A), L58-A.10(A), L58-A.11(A), LA030(B);*
  - b) *Statement of Environmental Effect (SEE) prepared by GSA Planning Pty Ltd (GSA) dated December 2004 containing Heritage Impact Statement (HIS) dated December 2004, prepared by GSA Planning and Report, dated 18 March, 2004, prepared by Urban Bushland Management Consultants;*
  - c) *Conservation Management Plan (CMP) dated February, 2003 and Archaeological Management Plan (AMP) dated August 2002 prepared by Godden Mackay Logan both endorsed by the NSW Heritage Council;*
  - d) *Landscape Master Plan LA030 prepared by EDAW Gillespies dated November*

- 2004;
- e) *Bushland Management Plan, dated November 2004 prepared by Manidis Roberts; and*
  - f) *Road Network Specific Element Conservation Plan (SECP) dated July 2003, prepared by Godden Mackay Logan.*

### ***Further Information***

2. *The following further information is to be submitted to Randwick City Council for approval prior to the release of the construction certificate:*
  - a) *A schedule of the proposed external colours and finishes is to be submitted to Randwick City Council for approval prior to the release of the construction certificate. To ensure that the building does not stand out, the palate of external colours and finishes should be muted. External materials should not include highly reflective materials and large areas of glazing should be shaded to reduce its reflectivity;*
  - b) *A Maintenance and Monitoring Plan, including a cyclic maintenance plan, is to be prepared to ensure regular monitoring, maintenance and repair of Lot's significant elements, including the Sandstone Outcrops (CMP Item L-15) and the entrance gates to the former Chief Executive Officer's residence and plantings (CMP Item L-24). The Plan is to form part of the site's Community Management Statement to ensure its policies and recommendations are implemented;*
  - c) *To confirm the location and condition of the sandstone pieces which originated from the Chief Executive Officer's residence complex, their retention and presentation within the proposed landscaping;*

### ***Aboriginal Archaeology***

3. *Ground disturbance and excavation undertaken as part of the proposed works are to be undertaken in consultation with the La Perouse Local Aboriginal Land Council (LPLALC) and, where requested, be subject to LPLALC and archaeological monitoring;*
4. *Prior to the commencement of the proposed works, all contractors and relevant personnel involved are to be made aware of the existence of identified Aboriginal archaeological sites at the Prince Henry site by way of an induction process, and of the possibility that more as yet undiscovered Aboriginal cultural material may exist there;*
5. *Site contractors are to be advised of their obligations under the National Parks and Wildlife Act 1974 (NSW) and notification procedures in the event that any Aboriginal cultural material is disturbed or exposed during site works;*
6. *Should Aboriginal objects be found, the Department of Environment and Conservation (DEC) is to be informed (as required by the provisions of the NSW National Parks and Wildlife Act 1974). Subject to an assessment of the extent, integrity and significance of any exposed objects, applications under either Section 87 or Section 90 of the National Parks and Wildlife Act may be required before work could resume.*



## ***Historical Archaeology***

7. *If any relics of state significance are uncovered, further excavation must stop and the NSW Heritage Office notified immediately. Further approval will need to be obtained from the NSW Heritage Council as changes to the design and scope of the proposed works may be required depending upon the significance of the relics found;*
8. *Suitable clauses are to be included in all contractor and subcontractor contracts to ensure that on-site personnel are aware of their obligations and requirements in relation to the relics provisions of the Heritage Act;*
9. *Prior to the commencement of the proposed works, all those involved are to be made aware by way of an induction of the existence of historical archaeological remains at the Prince Henry site;*

## ***Landscape***

10. *The Sandstone Outcrops (CMP Item L-15) and the entrance gates to the former Chief Executive Officer's residence and plantings (CMP Item L-24) shall be retained and meaningfully integrated and interpreted within the proposed landscape design.*
11. *Disturbance to existing indigenous vegetation and subsurface deposits should be limited by appropriate protection measures and all efforts should be made to define a specific development impact footprint that should be adhered to throughout the course of the site works;*
12. *Seed stock indigenous to the site and/or locality (the Prince Henry site, being weed affected, may not be able to provide sufficient stock) should also be used to generate the proposed new landscaping. Written confirmation of this requirement is to be submitted to the Director of the Heritage Office for approval prior to the release of the construction certificate;*

## ***Interpretation***

13. *Any site specific interpretation (proposed themes and media), proposed way signage and street furniture at the SLHC site are to be in accordance with the Prince Henry site Interpretation Strategy, dated November 2004 prepared by Musecape, and submitted to Randwick City Council for approval prior to the release of the construction certificate. The site specific interpretation should particularly present information about the former buildings and uses on the subject site as well as the sandstone outcrops and the entrance gates to the former Chief Executive Officer's residence, grass tennis court and plantings.*

## ***Works***

14. *Significant built and landscape elements, features and fragile materials are to be adequately protected during the works from potential damage. Protection systems must ensure historic fabric is not damaged or removed. Significant fabric in the vicinity of the development and wherever construction vehicles are used are to be protected during excavation and construction work. A methodology describing the protection of significant built and landscape elements during the work is to be*

*prepared in consultation with and to the approval of the nominated heritage consultant. The methodology is to be included in a Master Program and Site Co-ordination Plan (or Work Plan) and submitted to Randwick Council for approval with the Construction Certificate;*

15. *The installation of services shall be carried out in such a manner as to minimise damage to or removal of historic built and landscape fabric and shall not obscure historic features. Service runs should be grouped and concealed within the new work. Proposed service reticulation is to minimise any crossings and interface with retained significant fabric; and*

### ***S60 application***

16. *An application under section 60 of the NSW Heritage Act is to be submitted and approved by the NSW Heritage Council prior to work commencing.*

### ***Development Consent Conditions***

17. *The development must be implemented substantially in accordance with Revision A of the plans drawn by Morrison Design Partnership numbered L58-A.00 to L58-A.10, and stamped received by Council on 24 January 2005, the Landscape Masterplan drawn by EDAW Gillespies, Issue B of drawing number LA030 and stamped received by Council on 24 January 2005, 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:*
18. *The fences to courtyards facing Anzac Parade are to be a maximum height of 1.8m and be designed so that the upper two thirds of the fence is at least 50% open, to maintain reasonable levels of amenity to the streetscape.*
19. *A masonry fence 700mm high is to be provided along the Anzac Parade frontage of the site. Details are to be provided on the Construction Certificate plans. This condition is imposed to ensure compliance with the Prince Henry Site DCP and provide a consistent appearance to the Anzac Parade frontage of the site.*
20. *A minimum of 6 secure bicycle parking spaces are to be provided on the site in close proximity to the eastern entry to the building. Details are to be shown on the plans submitted with the Construction Certificate application.*
21. *Any sandstone removed from outcrop to allow for the driveway should be retained and then reused onsite in conjunction with the works identified in the landscape plan.*
22. *A site specific Interpretation Plan in accordance with Heritage Office requirements is to be prepared and implemented in conjunction with the proposed development and shall be to be submitted to and approved by Council's Director of Planning and Community Development, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development. The Interpretation Plan should address, but not be limited to, the significance of the gates and their relationship to the subject site and the subject site's significance within the wider Prince Henry Hospital context.*
23. *The finished floor to finished ceiling height of each habitable level within the*

*development is to be 2.7 metres. This condition is imposed to ensure the development meets residential amenity standards and to clarify the approved plans.*

*Details are to be shown on the plans submitted with the Construction Certificate application.*

24. *A rainwater tank, of sufficient size to provide water for irrigation of landscaped areas within the development and for internal toilet flushing and clothes washing machine use, is to be provided to the development in accordance with Council's Rainwater Tank Policy, to Council's satisfaction.*

*The tank is to be located to minimise its visibility from the street and adjoining sites. The tank is to be installed behind the front building line and is to be located at or below ground level and be incorporated into the relevant construction certificate, 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.*

***The following conditions are imposed to ensure the proposal meets accessibility standards:***

25. *The development is to comply with all recommendations of the Access Review Report prepared by Morris Goding Accessibility Consulting dated 10 January 2005.*

*Details are to be submitted with the Construction Certificate plans.*

***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:***

26. *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 plant and equipment shall not give rise to an LAeq, 15 min sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Department of Environment & Conservation Noise Control Guidelines.*

27. *A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council prior to an **occupation certificate** being issued for the development, which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager Environmental Health & Building Services.*

***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:***

28. *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.*
29. *Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials.*

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

30. *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.*

31. *All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA) ,in this case all of the relevant requirements for a Class 9c building , in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*

32. ***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.***

33. ***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 persons 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.*

34. *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.*

35. *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".*

36. *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.*

*An Occupation Certificate must not be issued for the development if the development is inconsistent with the development consent. The relevant requirements of the Environmental Planning & Assessment Act 1979 and conditions of development consent must be satisfied prior to the issuing of an occupation certificate.*

37. *Prior to the issuing of an interim or final occupation certificate, a statement is required to be obtained from the Principal Certifying Authority, which confirms that the development is not inconsistent with the development consent and conditions of consent.*

38. *In accordance with clause 98 of the Environmental Planning & 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.*

39. *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.*

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

40. *Documentary evidence prepared by a suitably qualified professional geotechnical engineer shall be submitted to the certifying authority **prior to the issuing of a construction certificate**, certifying the suitability and stability of the site for the proposed building and certifying the suitability and adequacy of the proposed design and construction of the building for the site.*
41. *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 potential vibration emissions. The report, must demonstrate the suitability of the proposed methods of construction to overcome any potential damage to nearby land/premises.*

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

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

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

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

43. *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 the Matron Dixon building*

*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**.*

44. *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**.*
45. *A Certificate of Adequacy prepared by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) **prior to occupation of the building**, certifying the structural adequacy of the building and that the building works satisfy the relevant structural design requirements of the Building Code of Australia.*

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

46. *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.*
47. *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.*

48. *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.*
49. *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.*
50. *The use of any rock excavation machinery or any mechanical pile drivers is restricted to the hours of 8.00am to 5.00pm (maximum), Monday to Friday inclusive and from 8.00am to 1.00pm on Saturday, to minimise the noise levels during construction and loss of amenity to nearby residents.*
51. *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.*
52. *A Registered Surveyor's check survey certificate or compliance certificate is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the **following stage/s of construction:***
- a) *Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and*



*verifying that the building is being construction at the approved levels.*

- b) *On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.*
53. *Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, to the satisfaction of WorkCover NSW and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.*
54. *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.*
55. *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.*
56. *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.*
57. *A Construction Site Management Plan is to be submitted to and approved by the principal certifying authority prior to the commencement of demolition, excavation or building works. The site management plan must include the following measures, as applicable to the type of development:*
- *location and construction of protective fencing / hoardings to the perimeter of the site;*
  - *location of site storage areas/sheds/equipment;*
  - *location of building materials for construction;*
  - *provisions for public safety;*
  - *dust control measures;*
  - *site access location and construction*
  - *details of methods of disposal of demolition materials;*
  - *protective measures for tree preservation;*
  - *provisions for temporary sanitary facilities;*
  - *location and size of waste containers/bulk bins;*

- *details of proposed sediment and erosion control measures;*
- *construction noise and vibration management.*

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

58. *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.*

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

*Details of the proposed sediment control measures are to be detailed in a site management plan and must be submitted to and approved by the principal certifying authority **prior to the commencement of any site works**. The sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction. A copy of the approved details must be forwarded to the Council and a copy is to be maintained on-site and be made available to Council officers upon request.*

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

60. *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.*

*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.*

61. *A temporary timber crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council, unless access is via an existing concrete crossover.*
62. *The applicant/builder is required to hold Public Liability Insurance, with a minimum liability of \$5 million and a copy of the Insurance cover is to be provided to Council.*
63. *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.*

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

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

*Hoardings and 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 conditions are applied to provide reasonable levels of access for people with disabilities:***

64. *Access, facilities and car parking for people with disabilities must be provided in accordance with the relevant provisions of the Building Code of Australia and AS1428.1, AS4299 and 2890.1 and Council's development control plan for multi-unit housing. Details of the proposed access, facilities and car parking for people with disabilities are to be submitted to and approved by Council's Director of Planning & Community Development in accordance with Section 80 A (2) of the Environmental Planning and Assessment Act 1979 **prior to a construction certificate being issued** for the development.*

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

65. *The land must be remediated in accordance with Council's Development Consent 1188/02 (as amended). If not already furnished to Council, copies of the relevant Clearance Instructions or Site Audit Statements for the relevant land must be provided to the Council prior to any infrastructure works commencing.*
66. *No infrastructure or construction works are permitted to be undertaken unless the subject land has been remediated in accordance with consent 1188/02 (as amended) and all contamination and cross contamination issues have been addressed and the land is the subject of either a Site Audit Statement or a Clearance Instruction.*
67. *The applicant is to engage the services of a suitably qualified environmental consultant to respond to enquiries and complaints made by the Community or Council in relation to contamination, remediation and construction site management matters.*

*A specific contact number is to be made available for such enquiries and complaints (including an after hours emergency contact number) and a complaints register is to be maintained to record all such enquiries, complaints and actions taken in response to same, which is to be made available to Council officers upon request.*

68. *The works shall not give rise to environmental pollution or public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 or NSW Occupational Health and Safety Act 2000 and Regulations there under.*
69. *Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council immediately.*

*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:*

70. *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 and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background (LA90), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq, 15 min and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).*

71. *The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises.*
72. *The internal acoustic amenity criteria for the proposed Aged Care facility is to be provided as detailed in AS 2107 and the Noise Impact Assessment (report 2004778/2311A/R1/GP) titled "Prince Henry Lot 9, 18 and 58 Aged Care Development" dated 21 December 2004, which was submitted with this development application.*
73. *A report/correspondence prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council **prior to a construction certificate being issued for the development**, which demonstrates that noise and vibration emissions from the development will comply with the relevant provisions of the Protection of the Environment Operations Act 1997, Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and relevant conditions of approval.*
74. *A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council **prior to an occupation certificate being issued for the development**, which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager of Environmental Health & Building Services.*

***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:***

75. *The location and height of the discharge of mechanical ventilation and exhaust systems are required to satisfy the relevant provisions of the Building Code of Australia and AS 1668 and details are to be provided in the relevant plans / specifications for the **construction certificate**.*
76. *There are to be no emissions or discharges from the premises which give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.*
77. *An application, in accordance with Section 68 of the Local Government Act 1993 and the Local Government (Approvals) Regulation 1999, must be submitted to*

*and approved by Council prior to a **Construction Certificate** being issued for the development, for the installation and operation of a Greywater Treatment/Diversion System. Details of compliance with relevant NSW Health Department Guidelines are to be provided with the application.*

78. *The greywater system is to be designed, installed and operated in accordance with the requirements of relevant NSW Health Guidelines for Greywater and Sewage Recycling systems and devices.*
79. *Warm water systems and/or Cooling Towers must be designed, installed and maintained in accordance with the requirement of the Public Health Act 1991 (Part 4 Microbial Control) and Regulations. The air handling system cooling tower must be designed, installed and operated in accordance with the relevant requirements of AS/NZS 3666.1 (2002), AS/NZS 3666.2 (2002) and AS/NZS 3666.3 (2000).*

*Details of compliance must be provided with the construction certificate application.*

*Waste water from cooling tower warm water systems are to be discharged to the sewer under a Trade Waste Agreement from Sydney Water.*

***The following conditions have been applied to ensure compliance with Local Government Legislation and Policies of Council:***

80. *Legionella control – cooling towers, warm water systems and water cooling systems must be registered with the Council prior to occupation and on an annual basis and the systems are to be maintained and certified in accordance with the provisions of the Public Health Act, 1991.*

*The premises is to be registered with Council together with payment of the approved fee, prior to occupancy of the building.*

81. *Hairdressers, Beauty salons must comply with the Local Government (Orders) Regulations 1999 and the Public Health Act & Regulations 1991, and the premises is to be registered with Council prior to occupation and on an annual basis and the approved registration/inspection fee is to be forwarded to the Council **prior to occupation**.*

***The following conditions are applied to ensure compliance with the Food Act 2003 and to ensure public health and safety:***

82. *The premises is to be designed, constructed and operated in accordance with the Food Act 2003, Food Regulation 2004 and Food Standards Code and details of compliance are to be included in the documentation for the **construction certificate** to the satisfaction of the certifying authority.*

83. *Food safety practices and operation of the food premises must be in accordance with the Food Act 2003, Food Regulation 2004, Food Standards Code and Food Safety Standards at all times, including the requirements and provisions relating to:*

- *Food handling – skills, knowledge and controls.*

- *Health and hygiene requirements.*
- *Requirements for food handlers and businesses.*
- *Cleaning, sanitising and maintenance.*
- *Design and construction of food premises, fixtures, fitting and equipment.*

*A failure to comply with the relevant food safety requirements is an offence and may result in legal proceedings, service of notices and/or the issuing of on-the-spot penalty infringement notices.*

84. *The food premises must be registered with Council's Environmental Health section and the NSW Food Authority must also be notified of the food business in accordance with the Food Safety Standards, **prior to commencement of food business operations.***

85. *Upon completion of the work and **prior to the issuing of an occupation certificate**, the premises must be inspected by Council's Environmental Health Officer to ascertain compliance with relevant Food Safety Standards and the written approval of Council (being the relevant Food Authority for this food business) must be obtained prior to the operation of the food business.*

86. *The Proprietor of the food business and all staff carrying out food handling and food storage activities must have appropriate skills and knowledge in food safety and food hygiene matters, as required by the Food Safety Standards.*

87. *The design and construction of food premises must comply with the following requirements, as applicable:-*

- *The floors of kitchens, food preparation areas and the like are to be constructed of materials which are impervious, non slip and non abrasive. The floor is to be finished to a smooth even surface, graded and drained to a floor waste connected to the sewer.*
- *The intersection of walls with floor and plinths is to be coved, to facilitate cleaning.*
- *Walls of the kitchen preparation areas and the like are to be of suitable construction finished in a light colour with glazed tiles, stainless steel, laminated plastics or similar approved material adhered directly to the wall adjacent to cooking and food preparation facilities or areas, to provide a smooth even surface.*
- *The glazed tiling or other approved material is to extend up to the underside of any mechanical exhaust ventilation hoods and a minimum of 450mm above bench tops or other facilities and equipment.*
- *Walls where not tiled are to be cement rendered or be of rigid smooth faced non-absorbent material (i.e. fibrous cement sheeting, plasterboard or other approved material) and finished to a smooth even surface, painted with a washable paint of a light colour or sealed with other approved materials.*
- *The ceilings of kitchens, food preparation areas, storerooms and the like are*

*to be of rigid smooth-faced, non absorbent material i.e., fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material.*

- *All stoves, refrigerators, bain-maries, stock pots, washing machines, hot water heaters, large scales, food mixers, food warmers, cupboards, counters, bars etc.... to be supported on wheels, concrete plinths a minimum 75mm in height, metal legs minimum 150mm in height, brackets or approved metal framework of the like.*
- *Cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particleboard or similar material is not permitted unless laminated on all surfaces.*
- *Adequate fly screens and doors with self-closing devices, (where applicable), are to be provided to all external door and window openings. An electronic insect control device must also be provided within the food premises.*
- *Garbage storage enclosures are to be fitted with a hose cock and the floor is to be graded and drained to an approved floor waste connected to the sewer.*
- *A mechanical ventilation exhaust system hood is to be installed where cooking or heating processes are carried out in the kitchen or in food preparation areas, in accordance with the relevant requirements of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2.*
- *Wash hand basins must be provided in convenient positions, with hot and cold water, together with a sufficient supply of soap and clean towels. Such hot and cold water shall be supplied to the wash hand basins through an approved mixing device.*
- *Ceramic tiles being provided to a height of 450mm above bench tops, wash hand basins and similar fittings.*
- *A numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius being provided to refrigerators, cool rooms, other cooling appliances and bain-maries or other heated food storage/display appliances. The thermometer is to be located so as to be read easily from the outside of the appliance.*
- *All food that is to be kept hot should be heated within one (1) hour from the time when it was prepared or was last kept cold, to a temperature of not less than 60C and keep this food hot at or above the temperature. Food that is to be kept cold should be cooled, within four (4) hours from the time when it was prepared or was last kept hot, to a temperature of not more than 5C and keep this food cold at or below that temperature.*

88. *Details of proposed mechanical ventilation systems, detailing compliance with the relevant requirements of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2 (including exhaust air quantities and discharge location points) are to be submitted to and approved by the Certifying Authority with the*



*construction certificate and a copy of relevant documentation is to be provided to Council.*

89. *Emission control equipment shall be provided in the mechanical exhaust system serving the cooking appliances, to effectively minimise the emission of odours, vapours and oils.*

*Details of the proposed emission control equipment must be provided in the documentation for the construction certificate and be approved by the certifying authority in accordance with section 80A(2) of the Environmental Planning & Assessment Act 1979, **prior to issuing the construction certificate.***

90. *Liquid trade waste materials are to be disposed of in accordance with the requirements of the Sydney Water, Trade Waste Department and details of compliance are to be submitted to the certifying authority **prior to the commencement of works***

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

91. *The applicant shall construct a heavy-duty concrete vehicular crossing and layback at the kerb opposite the proposed vehicular entrance to the site, in Brodie Avenue. The works are to be in accordance with Australian Standard specifications for driveways, and in general accordance with Randwick City Council's 'Standard Kerb and Gutter and Vehicular Crossing Detail' (Drawing SD4).*
92. *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.*

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

93. *The Council's Department of Asset & Infrastructure Services have determined that the design alignment level (concrete/paved/tiled level) at the property boundaries, shall be as follows:*
- *In Anzac Parade (for the proposed pedestrian entrance) – Match the back of the existing footpath along the site frontage.*
  - *In Brodie Avenue (for the proposed driveway and pedestrian entrance) - Generally 2.5% above the top of the kerb at all points opposite the kerb.*

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

94. *The design alignment levels (concrete/paved/tiled level) issued by Council must be indicated on the building plans for the construction certificate.*

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

95. *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.*
96. *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.*
97. *Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied, must be submitted to the certifying authority prior to a construction certificate being issued for the development.*
98. *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.*
99. *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](http://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 occupation of the development.*

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

100. *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 issued, 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.*
  - 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.*
- 101. 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.*
- 102. All site stormwater leaving the site must be discharged to the new storage pond (located adjacent to Fairway 7 within the Coast golf course), via the street drainage system in Brodie Avenue. The stormwater shall be discharged directly to the underground drainage system via a kerb inlet pit. It is noted that all kerb inlet pits shall be constructed in general accordance with Council's standard drawing SD6.*
- 103. 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 (and allowing for any seepage flows during this same time period).*

*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.*

*104. Any Infiltration systems/Absorption Trenches must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.*

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

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

*The sediment/silt arrester pit shall be constructed in accordance with the following requirements:-*

- The base of the pit located a minimum 300mm under the invert level of the outlet pipe.*
- The pit constructed from cast in-situ concrete, precast concrete or double brick.*
- 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 located over the outlet pipe/s (Mascot GMS multipurpose filter screen or equivalent).*
- The grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system.*
- A child proof and corrosion resistant fastening system provided for the access grate (e.g. spring loaded j-bolts or similar).*
- A sign adjacent to the pit stating:  
"This sediment/silt arrester pit shall be regularly inspected and cleaned."*

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

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

*107. 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.*

108. *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, 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 location, diameter, gradient and material (i.e PVC, RC etc) of all stormwater pipes.*
109. *Should significant continual seepage flows be encountered within the depth of the basement excavation the basement carpark shall 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 (from planter boxes etc) 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 seepage 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).*
110. *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:***

111. *Prior to the issuing of an occupation certificate for the proposed development, the applicant is to submit to Council's Manager of Waste a Waste Management Plan for the site that includes details regarding how the garbage compactor system will be safely managed.*
112. *The garbage storage area is to be provided with a tap and hose and the floor is to be graded and drained to an approved floor waste to the requirements of the Sydney Water Corporation.*
113. *The garbage storage area is to be clearly signposted.*

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

114. *The landscaped areas shown on the landscape Masterplan prepared by EDAW-Gillespie, Issue B, project number VE01973, drawing number LA030, dated 10/11/2004 shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by, the certifying authority, prior to the issue of a construction certificate. If Council is not the certifying authority for the site, the applicant will still be required to forward a copy of the approved plans to Council for record purposes. 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, lighting 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 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.*
- h. Location of easements within the site and upon adjacent sites (if any).*

*115. The landscaping shall be installed in accordance with the approved documentation prior to the issue of a final occupation certificate and shall be*

*maintained in accordance with those plans.*

116. *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.*

117. *The naturestrip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.*

118. *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.*

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

120. *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.*

121. *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.*

122. *A refundable deposit in the form of cash or cheque, or bank guarantee for the amount of \$10,000.00 shall be lodged with Council prior to a construction certificate being issued for the proposed development to ensure the implementation and maintenance of the landscape works in accordance with the approved landscape documentation.*

- a. *The refundable deposit will be released twelve (12) months after the issue of a final occupation certificate by the principle certifying authority providing the landscape works have been successfully implemented and maintained in accordance with the approved landscape documentation. Throughout the maintenance/bond period, the applicant shall be responsible for all routine maintenance such as grass cutting, weeding, watering, fertilising, spraying, staking and replacement of all failed plant stock. There must be no alteration to the original design, including substitution of trees and shrubs, without the prior approval of the Principal Certifying Authority.*

- b. *Any contravention of Council's landscape conditions at any time during the construction period or prior to the expiration of a period of twelve (12) months from the date a final occupation certificate is issued will result in the Council claiming all or part of the lodged security.*
123. *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.*
124. *Approval is granted for the removal of the following tree subject to the planting of at least 12 x 75 litre broad canopied trees (not palms) within the site (as detailed in the concept landscape plan by EDAW-Gillespie, Issue B, project number VE01973, drawing number LA030, dated 10/11/2004). The species selected shall be those that will attain a minimum height of 6 metres at maturity.*
- a) *One Phoenix canariensis (Canary Island Date Palm) towards the eastern boundary, above the sandstone outcrop*
125. *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.*
126. *In order to prevent possible damage during construction, permission is granted for the selective pruning of the lower growing branches, damaged limbs and any dead or dying wood only on the five (5) Ficus microcarpa 'Hillii' (Hills Weeping Figs), located towards the southwest of the site. All pruning must be undertaken by a qualified Arborist, with suitable qualifications in Arboriculture and to Australian Standard AS 4373-1996 'Pruning of Amenity Trees.'*
127. *In order to ensure the retention of the Agonis flexuosa (Willow Myrtle) towards the northeast corner of the site on top of the sandstone outcrop, as well as the row of five (5) Ficus microcarpa var. 'Hillii' (Hills Weeping Figs) located towards the southwest of the site, amongst the heritage listed gate posts in good health, the following measures are to be undertaken:*
- a. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing tree specimens with the position of the tree trunks and full diameter of the tree canopies clearly shown on all drawings.*
- b. *Detailed architectural, building, demolition, engineering (structural,*



stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show no alteration in the existing soil levels or the location of any structures, services, footings, paving, detention tanks, stormwater infiltration systems, pipes, cutting or battering of the existing soil profile, or any excavations within a radius of 4 metres from the outside edge of the tree trunks.

- c. The trees are to be physically protected by the installation of protective fencing around the trees using 1.8 metre high steel mesh/chainwire fencing. This fencing shall be located to a minimum radius of 2 metres from the outside edge of the tree trunks.

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

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

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

- e. The installation of woodchip mulch to a depth of 75mm within the fenced off protection area as described in Point c.
- f. Watering of the tree (within the fenced off area) three times a week for the duration of the period of the refundable deposit described in Point h.
- g. The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".
- h. A refundable deposit in the form of cash or cheque of \$15,050.00 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the preservation of the five Ficus trees in accordance with the requirements described in this condition.

<b><i>QUANTITY</i></b>	<b><i>SPECIES</i></b>	<b><i>AMOUNT</i></b>
<i>Five</i>	<i>Ficus microcarpa 'Hili' (Hill's Weeping Fig)</i>	<i>\$15,050.00</i>
	<b><i>TOTAL</i></b>	<b><i>\$15,050.00</i></b>

*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.*

*128. An audio booth is to be provided within the development to provide additional facilities for the hearing impaired. The booth is to be sized and provided with entrances etc. that ensure accessibility requirements and standards are met. Details are to be provided on the plans submitted with the Construction Certificate application.*

**ADVISORY MATTERS:**

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

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

- a) Part B1 - Structural provisions*
- b) Part C1 - Fire resistance and stability*
- c) Part D3 - Access for people with disabilities*
- d) Clause D3.5 - Car parking for people with disabilities*
- e) Part E1 - Fire fighting equipment*
- f) Part E2 - Smoke Hazard Management*
- g) Part E4 - Emergency lighting, exit signs & warning systems*
- h) Part F1 - Damp and weatherproofing*
- i) Part F2 - Sanitary and other facilities*
- j) Part F4 - Light and ventilation, in particular, the carpark*

*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/owner is advised that this approval does not guarantee compliance with the provisions of the Disability Discrimination Act 1992 and the applicant should therefore consider their liability under the Act. In this regard, the applicant is advised that compliance with the requirements of the Building Code of Australia and Australian Standard 1428.1 - Design for Access and Mobility does not necessarily satisfy the objectives of the Disability Discrimination Act 1992.*

**MOTION: (Hughes/Woodsmith) CARRIED – SEE RESOLUTION.**

**9.4 ACTING DIRECTOR, CITY PLANNING REPORT 39/2005 - AFFIXING OF THE COUNCIL SEAL. (F2004/06282)**

296 **RESOLUTION:** *(Notley-Smith/Belleli)* that authority be granted for the Council's Common Seal to be affixed to the service agreements for the 2005 – 2006 financial year period, between Council and the Department of Community Services

**MOTION:** (Notley-Smith/Belleli) CARRIED – SEE RESOLUTION.

**9.5 ACTING DIRECTOR, CITY PLANNING REPORT 40/2005 - HEFFRON PARK PLAN OF MANAGEMENT PROGRESS REPORT. (F2004/08398)**

297 **RESOLUTION:** *(Notley-Smith/Andrews)* that Council note the Acting Director, City Planning Report 40/2005 on the Heffron Park Plan of Management Progress Report.

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

**10. PETITIONS.**

**10.1 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR M. MATSON ON BEHALF OF RESIDENTS CONCERNED WITH SAFETY ISSUES AT KENSINGTON PARK. (F2005/00172 xr F2004/07853)**

298 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson/Hughes)* that the petition tabled be received and noted.

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

**10.2 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR M. MATSON ON BEHALF OF RESIDENTS WISHING TO SAVE LITTLE KENSINGTON PARK. (F2005/00172 xr F2004/06574)**

299 **RESOLUTION:** *(Worship the Mayor, Cr M. Matson/Nash)* that the petition tabled be received and noted.

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

**10.3 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR M. MATSON ON BEHALF OF RESIDENTS SEEKING A PEDESTRIAN SAFETY REFUGE AT THE INTERSECTION OF CANBERRA & OBERON STREETS. (F2005/00172 xr F2004/07233)**

300 **RESOLUTION:** *(Worship the Mayor, Cr M. Matson/Hughes)* that the petition tabled be received and noted.

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

**10.4 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR M. MATSON ON BEHALF OF RESIDENTS OBJECTING TO RANDWICK CITY COUNCIL'S HERITAGE/CONSERVATION PLAN. (F2005/00172 xr F2005/00217)**

301 **RESOLUTION:** (*Worship the Mayor, Cr M. Matson/Woodsmith*) that the petition tabled be received and noted.

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

**10.5 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR M. MATSON ON BEHALF OF RESIDENTS REQUESTING NO LEFT TURN SIGNS FROM GARDENERS ROAD. (F2005/00172 xr F2005/08216)**

302 **RESOLUTION:** (*Worship the Mayor, Cr M. Matson/Hughes*) that the petition tabled be received and noted.

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

**11. MOTIONS PURSUANT TO NOTICE.**

**11.1 NOTICE OF RESCISSION MOTION BY COUNCILLORS ANDREWS, DALEY, PROCOPIADIS, SULLIVAN, TRACEY & WHITE – ORDINARY COUNCIL MEETING, 24<sup>TH</sup> MAY, 2005 – ITEM 6.13 - MAYOR'S MINUTE 71/2005 - DEVELOPER DONATIONS. (F2005/00518)**

**MOTION:** (Daley/White) that the resolution passed at the Ordinary Council Meeting held on 24<sup>th</sup> May, 2005 reading as follows:-

that Council:

- (a) recognises the potential or perceived corrupting effect of campaign donations from development interests to parties and candidates for council elections;
- (b) believes changes to the Local Government Act are necessary in order to ban such donations in future; and delegates authority to the General Manager to write to the Minister for Local Government and to the Premier to inform them of Council's position and requesting the Local Government Act be amended before the Council elections in 2008 to ban developer donations,
- (c) in the interim, requests all individual councillors who have accepted donations from corporations and individuals with property development interests, or councillors who represent a state party that has passed on to them donations from corporations and individuals with property development interests, to declare the details and extent of those donations and to absent themselves from any vote where those donors will receive a benefit from the passing of a council resolution; and
- (d) establishes a committee comprising the Mayor and a one representative of the Greens, Liberal and Labor parties to investigate and report back to Council no later than 11 April, 2006 on:
  - the changes required to the New South Wales Local Government Act 1993 and other relevant legislation to achieve the objectives of this resolution, including addressing perceived conflicts of interest between Councillors and donors and seeking the Minister to issue a discussion paper on reforms to the Act that can

include the prohibition of donations from corporations, companies and other entities (including political parties) and permitting donations from individuals only to the maximum of \$2,000 per year; that expenditure in cash and kind (except volunteers) on election campaigns for local government be capped at a maximum of \$1 per enrolled vote in a candidate's Council Ward (or local government area if wards do not exist);

- adopt any changes to Council's Code of Conduct and Code of Meeting Practice which would enable implementation of the objects of this resolution as interim measures;
- (e) prepare and bring a report back to an Ordinary Council meeting on the introduction of Independent Assessment Panels for Randwick City Council; and
- (f) note the ICAC Commissioner Irene Moss' recommendation that Councillors do not caucus on development applications before them.

BE AND IS HEREBY RESCINDED. **LOST.**

**11.2 NOTICE OF RESCISSION MOTION BY COUNCILLORS ANDREWS, DALEY, PROCOPIADIS, TRACEY & WHITE – EXTRAORDINARY COUNCIL MEETING, 14<sup>TH</sup> JUNE, 2005 – ITEM 4.2 - MAYORAL MINUTE 73/2005 - COUNCIL RESPONSE TO PROPOSED LOCAL GOVERNMENT ELECTION LEGISLATION AMENDMENTS. (F2004/06305)**

**MOTION: (Daley/White)** that the resolution passed at the Extraordinary Council Meeting held on 14<sup>th</sup> June, 2005 reading as follows:-

that Council:

writes as a matter of priority to the NSW Minister for Local Government, the leaders of all the major parties and the cross benches in the Upper House, in reference to the Minister's announced voluntary councillor reduction legislation:

- 1) Urging that the legislation specifically contain provisions blocking the adoption of an optimal preferential voting system for electing Councillors as per the present provisions for elections conducted under two-Councillor-per ward-systems;
- 2) Urging that the legislation maximises community representation by enforcing the use of multi member Council wards or areas based on proportional voting systems to elect Councillors in normal elections;
- 3) Declaring its strong opposition to the proposal to allow mid term decisions to reduce Councillor numbers without seeking a mandate from the electorate via a constitutional referendum;
- 4) Suggesting that more representative and accountable ways of reducing the cost to the community of by-elections would be to replace the outgoing Councillor with either:
  - a) in the case of a non-independent, a candidate nominated by the registered officer of that Councillor's political party; or

- b) the next candidate who would be elected if the elected candidate's ballot papers were redistributed in full.

BE AND IS HEREBY RESCINDED. **LOST.**

**11.3 NOTICE OF RESCISSION MOTION BY COUNCILLORS ANDREWS, DALEY, PROCOPIADIS, TRACEY & WHITE – EXTRAORDINARY COUNCIL MEETING, 14<sup>TH</sup> JUNE, 2005 – ITEM 4.5 - MAYORAL MINUTE 76/2005 – COUNCIL POSITION ON SALE OF CROWN LAND ADJACENT TO KENSINGTON PARK. (F2004/06326)**

This motion was withdrawn by Crs Daley and Procopiadis with the consent of the Council.

**11.4 NOTICE OF RESCISSION MOTION BY COUNCILLORS ANDREWS, DALEY, PROCOPIADIS, TRACEY & WHITE – EXTRAORDINARY COUNCIL MEETING, 14<sup>TH</sup> JUNE, 2005 – ITEM 4.6 - MAYORAL MINUTE 77/2005 - COUNCIL RESPONSE TO RECENT BUNDOCK STREET WORKS. (F2004/07842)**

**MOTION: (Sullivan/Daley)** that the resolution passed at the Extraordinary Council Meeting held on 14<sup>th</sup> June, 2005 reading as follows:-

that Council:

- a) immediately contact GHD Holdings and urge that better dust mitigation procedures be employed in the works;
- b) authorises the General Manager to seek special dispensation for GHD Holdings to use hydrant water for dust mitigation if required;
- c) write to the Commonwealth Government and local Federal and state MP's demanding the removal of all contaminants off the site prior to the construction of any further dwellings or associated buildings and that such removal of contaminants be in accordance with all relevant certified safe practices; and;
- d) will adopt a policy of referring all future Section 96 applications dealing with any part of the surplus Defence Force land at Bundock Street to a meeting of Councillors for resolution.

BE AND IS HEREBY RESCINDED. **LOST.**

**11.5 NOTICE OF RESCISSION MOTION BY COUNCILLORS ANDREWS, DALEY, PROCOPIADIS, TRACEY & WHITE – EXTRAORDINARY COUNCIL MEETING, 14<sup>TH</sup> JUNE, 2005 – ITEM 4.8 - MAYORAL MINUTE 79/2005 – SUPPORT FOR NATIONAL UNION OF STUDENTS CAMPAIGN ON STUDENT UNIONISM. (F2004/06574)**

This motion was withdrawn by Crs Daley and Andrews with the consent of the Council.

**11.6 BY COUNCILLOR BELLELI – STREET NAMES PRINCE HENRY SITE DEVELOPMENT. (F2004/07970 XR F2005/00171)**

303 **RESOLUTION:** *(Belleli/Notley-Smith)* in event of more roads being constructed in the Prince Henry Little Bay development, that Council and Landcom consult with the Prince Henry Nurses Association for appropriate names for any new streets.

**MOTION: (Belleli/Notley-Smith) CARRIED – SEE RESOLUTION.**

**11.7 BY COUNCILLOR BELLELI – RAGE CAGE FACILITY (F2005/00561 xr F2005/00171)**

304 **RESOLUTION:** *(Belleli/Notley-Smith)* that a report be prepared on the kids' and teenagers' fun outdoor/indoor multi use recreational sports activity centre, known as a "Rage Cage" facility. This report should cover possible locations, costs and the experience of other Councils which have installed them (as well as Sydney Olympic Village) with regard to the benefits for local youth. Also safety and impact on neighbouring areas.

**MOTION: (Belleli/Notley-Smith) CARRIED – SEE RESOLUTION.**

**11.8 BY COUNCILLOR NOTLEY-SMITH – IMPROVEMENT TO GARBAGE BINS AT COOGEE BEACH. (F2004/07347 xr F2005/00171)**

305 **RESOLUTION:** *(Notley-Smith/Sullivan/)* that Council authorises the Director of City Services to either enclose the wheelie bins on the promenade at Coogee Beach or replace them with a more attractive and secure bin.

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

**11.9 BY COUNCILLOR NOTLEY-SMITH – IMPROVEMENTS TO LIGHTING IN DUNNINGHAM AND GRANT RESERVES. (F2004/08077 xr F2004/08256 xr F2005/00171)**

306 **RESOLUTION:** *(Notley-Smith/Sullivan)* that Council take immediate steps to improve lighting in Dunningham and Grant reserves and investigates options to deter late night loitering in these reserves, particularly by underage drinkers in the picnic shelters. That the General Manager be delegated authority to implement strategies to achieve this outcome.

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

**11.10 BY COUNCILLOR HUGHES – NEED TO CONFIRM COUNCIL'S COMMITMENT TO A WEST KINGSFORD/KENSINGTON LATM. (F2004/08216 XR F2005/00171)**

This matter was withdrawn by Cr Hughes with the consent of Council.

**11.11 BY COUNCILLOR HUGHES – PCYC FRIDAY NIGHT SWIMMING. (F2005/00432 XR F2005/00171)**

307 **RESOLUTION:** *(Hughes/Andrews)* that Council waive entry fees and provide pool space and the cost of a lifeguard at the Des Renford Aquatic Centre on Friday nights after 5.45p.m. to assist the Friday Night Swimming project of the Maroubra PCYC.

**MOTION: (Hughes/Andrews) CARRIED – SEE RESOLUTION.**

**12. URGENT BUSINESS.**

Nil.

**13. CONFIDENTIAL REPORTS.**

**13.1 CONFIDENTIAL GENERAL MANAGER'S REPORT 30/2005 - STATUS OF ORGANISATIONAL STRUCTURE. (F2004/08214)**

(Note: This matter was considered prior to Item 7.1)

308 **RESOLUTION:** *(Notley-Smith/Woodsmith) that this matter be deferred to the next Ordinary Council meeting to allow Councillors to consult with the General Manager prior to that meeting.*

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

**13.2 CONFIDENTIAL DIRECTOR, CITY SERVICES' REPORT 63/2005 - FRENCHMANS BAY RESERVE TOILET BLOCK - REFURBISHMENT OF TOILETS. (F2004/08315)**

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

- a) *the Tender from KINGSLEY CONSTRUCTIONS PTY LTD ABN 68 097 716 937 for Tender No T030/04 Frenchmans Bay Reserve Toilet Block Refurbishment– be accepted under s19 (1) (a) of the Local Government (Tendering) Regulation 1999;*
- b) *it be noted a sum of \$160 000 excl GST is provided for the completion of this project;*
- c) *authority is granted for the General Manager and the Mayor, to sign Council's Common Seal to be affixed to the Agreement for Tender No T030/04 Frenchmans Bay Reserve Toilet Block Refurbishment; and*
- d) *the unsuccessful tenderers are notified of the Tender result.*

**MOTION: (Notley-Smith/Kenny) CARRIED – SEE RESOLUTION.**

**13.3 CONFIDENTIAL DIRECTOR, CITY SERVICES' REPORT 64/2005 - TREE PRUNING AND ASSOCIATED WORKS TENDER. (T042/05 XR F2004/08128)**

**RESOLVED: (PROCEDURAL MOTION) (Woodsmith/Notley-Smith)** that this matter be considered in closed Committee at the conclusion of the meeting. (See Minute No. 312)

**13.4 CONFIDENTIAL DIRECTOR, CITY SERVICES' REPORT 65/2005 - TENDER T041/95 SUPPLY OF FOOTPATH SWEEPER. (TENDER T041/05)**

310 **RESOLUTION:** *(Notley-Smith/Belleli) that Council accept the tender submitted by MacDonald Johnston for the supply and delivery of two (2) MacDonald Johnston Compact 40 footpath sweepers for the sum of \$318,620.00 to be funded out of the Plant Reserve for financial year 2005/2006.*

**MOTION: (Notley-Smith/Belleli) CARRIED – SEE RESOLUTION.**



**13.5 CONFIDENTIAL DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 29/2005 - LEGAL SERVICES TENDER NO. T034/05. (F2005/00392)**

311 **RESOLUTION:** *(Seng/Nash)* that this matter be deferred to the next Ordinary Council meeting to allow Councillors to consider this matter further.

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

- a) the tenders submitted by Bowen and Gerathy, Watson and Watson, Eakin McCaffery Cox and Marsdens for tender no. T034/05 for legal services be accepted and that Council enter into contracts for a period of 3 years with the option to extend for 2 further periods of 12 months at the prices stated in their tender submissions; and
- b) all tenderers be notified of the tender result.

**PROCEDURAL MOTION:** *(Seng/Nash)* **CARRIED – SEE RESOLUTION.**

**14. COMMITTEE-OF-THE-WHOLE.**

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

**EXCLUSION OF PRESS AND PUBLIC.**

At the commencement of the meeting, the Committee-of-the-Whole **RESOLVED**, pursuant to Section 10 A(2)(d)(i) of the Local Government Act, 1993, that the press and public be excluded from the whole of this meeting of the Committee as the matter under consideration concerned (d) commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, on which publicity or disclosure of the proceedings of the Committee would, in the opinion of the Committee, be prejudicial and on balance would be contrary to the public interest.

**RESOLVED:** *(His Worship the Mayor, Cr M. Matson/Notley-Smith)* that the Ordinary Meeting of the Council be adjourned at 9.33 p.m. to consider the confidential items in closed session.

**RESOLVED:** *(His Worship the Mayor, Cr M. Matson/Notley-Smith)* that the Ordinary Meeting of the Council be resumed at 9.39 p.m.

**15. REPORT ON CONFIDENTIAL ITEM CONSIDERED IN CLOSED SESSION.**

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

**CONFIDENTIAL DIRECTOR, CITY SERVICES' REPORT 64/2005 – TREE PRUNING AND ASSOCIATED WORKS TENDER. (T042/05 XR F2004/08128)**

312 **RESOLUTION:** *(Notley-Smith/Kenny) that the procurement strategy employed in the prescribed Tender Evaluation Plan be accepted and that Council awards the Tender for Tree Pruning and Associated Works to All Suburbs Tree Services Pty Ltd.*

**MOTION: (Notley-Smith/Kenny) CARRIED – SEE RESOLUTION.**

**16. NOTICE OF RESCISSION MOTIONS.**

Nil.

There being no further business, His Worship the Mayor, Cr M. Matson, declared the meeting closed at 9.41 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 26<sup>TH</sup> JULY, 2005.

.....  
CHAIRPERSON