

**MINUTES OF ORDINARY COUNCIL MEETING OF  
THE COUNCIL OF THE CITY OF RANDWICK  
HELD ON, TUESDAY 23<sup>RD</sup> AUGUST, 2005 AT 6:05 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 - Cr R. Belleli

West Ward - Crs B. Hughes, S. Nash & J. Procopiadis

Central Ward - Cr T. Seng

**OFFICERS PRESENT:**

General Manager	Mr. R. Brownlee.
Director, City Services	Mr. J. Frangoples.
Director, City Planning	Ms. S. Truvert.
Director, Governance & Financial Services	Mr. G. Banting.
Manager Administrative Services	Mr. D. Kelly.
Communications Manager	Ms. D. Brien.
Acting Manager Development Assessment	Mr. D. Ongkili.
Manager Policy, Planning & Performance	Ms. K. Walshaw.

**1. COUNCIL PRAYER**

The Council Prayer was read by Cr Notley-Smith.

**2. APOLOGIES.**

Apologies were received from Crs Andrews, Bastic, Daley, Sullivan and White.

**RESOLVED:** (Notley-Smith/Procopiadis) that the apologies from Crs Andrews, Bastic, Daley, Sullivan and White for non-attendance at the Ordinary Council Meeting of the Council held on Tuesday, 23<sup>rd</sup> August, 2005 be received & accepted.

**2A. LEAVE OF ABSENCE.**

348 **RESOLUTION:** (Notley-Smith/Procopiadis) that leave of absence be granted to Crs Sullivan and Tracey from the meeting to be held on Tuesday, 13<sup>th</sup> September, 2005. Further, that leave of absence also be granted to Cr Tracey from the meeting to be held on Tuesday, 11<sup>th</sup> October, 2005.

**3. MINUTES**

**CONFIRMATION OF THE MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON TUESDAY, 16<sup>TH</sup> AUGUST, 2005.**

- 349 **RESOLUTION:** *(Notley-Smith/Kenny)* that the Minutes of the Extraordinary Council Meeting held on Tuesday, 16<sup>th</sup> August, 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 ORDINARY COUNCIL MEETING HELD ON TUESDAY, 26<sup>TH</sup> JULY, 2005.**

- 350 **RESOLUTION:** *(Belleli/Procopiadis)* that the Minutes of the Ordinary Council Meeting held on Tuesday, 26<sup>th</sup> July, 2005 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting, subject to resolution number 342 being amended to read:-“that no works be undertaken on the proposed Dunningham Reserve playground”.

**4. DECLARATION OF PECUNIARY & NON-PECUNIARY INTERESTS**

- (a) Cr Belleli declared a non-pecuniary interest in Item 6.2, Mayor's Minute 112/2005 - Fun Run/Oktobertfest and Market Day as he is a member of the Maroubra Chamber of Commerce.

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

1. Mr Matt Clyde, 2/154 Beach Street, Coogee on Item 6.8, Mayor's Minute 119/2005 – Community Concerns in Beach Street about Coogee Resident Preferred Parking Scheme.
2. Mr Brad Farmer, 170 Marine Parade, Maroubra on Item 6.9, Mayor's Minute 120/2005 – National Recognition of Maroubra Beach as one of Australia's Culturally Significant Surfing Reserves.
3. Ms Suzanne Egan, 172A Doncaster Avenue, Kensington on Item 6.11, Mayor's Minute 122/2005 – Access Ramps Convoy.
4. Mr Keiran Pryke, 79 Eastern Avenue, Kingsford on Item 7.4, General Manager's Report 38/2005 - Bundock Community Centre – Licences.
5. Mr Sam Malik, 673 Pittwater Road, Dee Why on Item 9.1, Director, City Planning Report 51/2005 - 351 Rainbow Street, South Coogee.
6. Mr Brian Kirk, 1A Erina Avenue, Five Dock on Item 9.1, Director, City Planning Report 51/2005 - 351 Rainbow Street, South Coogee.
7. Mrs Beatrice McNaughton, 7 Alma Road, Maroubra on Item 9.2, Director, City Planning Report 52/2005 - 820a-824 Anzac Parade And 5 Alma Road, Maroubra.
8. Mr Frank Cozzupoli, PO Box 427, Merrylands on Item 9.2, Director, City Planning Report 52/2005 - 820a-824 Anzac Parade And 5 Alma Road, Maroubra.
9. Mr Ian Hamilton, 157 Oberon Street, Coogee on Item 9.3, Director, City Planning Report 53/2005 - 65 Byron Street Coogee.
10. Mr Greg Boston, 1 Ridge Street, North Sydney on Item 9.3, Director, City Planning Report 53/2005 - 65 Byron Street Coogee.
11. Mr Michael Richards, 88 Dudley Street, Coogee on Item 11.1, Notice of Rescission Motion by Councillors Sullivan, Daley & White – Ordinary Council Meeting, Tuesday, 26<sup>th</sup> July, 2005 – Item 9.3 – Acting Director City Planning Report 46/2005 – 47-53 Dudley Street, Coogee.

12. Mr Michael Baker, 110-114 Kippax Street, Surry Hills on Item 11.1, Notice of Rescission Motion by Councillors Sullivan, Daley & White – Ordinary Council Meeting, Tuesday, 26<sup>th</sup> July, 2005 – Item 9.3 – Acting Director City Planning Report 46/2005 – 47-53 Dudley Street, Coogee.
13. Mr Greg Prentice, 75 Pigott Street, Dulwich Hill on Item 11.2, Notice of Rescission Motion by Councillors Hughes, Matson & Woodsmith – Ordinary Council Meeting, Tuesday, 26<sup>th</sup> July, 2005 – Item 9.5 – Acting Director City Planning Report 48/2005 – 10-14 Duke Street, Kensington.

The meeting was adjourned at 7.35 p.m. and was resumed at 7.58 p.m.

**6. MAYORAL MINUTES.**

**6.1 MAYOR'S MINUTE 111/2005 - SONJA ST LEON MEMORIAL EATING DISORDERS RESEARCH FUND. (F2004/07396)**

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

- a) *Council agree to support the Sonja St Leon Memorial Eating Disorders Research Fund by voting \$500.00 from Council's 2005/06 Contingency budget; and*
- b) *the Fund is requested to acknowledge Council's contribution where appropriate.*

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

**6.2 MAYOR'S MINUTE 112/2005 - FUN RUN/OKTOBERFEST AND MARKET DAY. (F2004/07550)**

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

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

- a) *Council vote \$2,735.00 to cover the costs associated with Council's contribution towards the organising of the Maroubra Fun Run, Oktoberfest and Market Day to be held on Sunday 23rd October, 2005, and that these funds be allocated from the 2005/2006 Contingency Fund;*
- b) *Council advise the organisers of the Maroubra Fun Run, Oktoberfest and Market Day, that Council be given adequate and appropriate acknowledgement for its contribution to the running of this event. Such acknowledgement to include Council's logo for inclusion on promotional literature and Council's banner be displayed at the event; and*
- c) *the organisers be advised that Council requires an acceptance in writing that should Council property be damaged in any way the organisers of the event will compensate Council for the repair or replacement of the damaged item(s).*
- d) *prior to Council giving its consent, broad form insurance be obtained by the organisers of the event.*

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

**6.3 MAYOR'S MINUTE 113/2005 - WAIVING OF FEES - MAROUBRA SEALS WINTER SWIMMING CLUBS ANNUAL CHAMPIONSHIPS. (F2005/00500)**

353 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson) that the associated fees of \$550.00 be waived for the Maroubra Seals Winter Swimming Club to hold its barbeque and swim on Saturday 17 September, 2005 and funds to be provided from the Contingency fund 2005/2006.*

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

**6.4 MAYOR'S MINUTE 115/2005 – NATIONAL TREE DAY. (F2004/06494)**

354 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson) that Council provides a \$3,000.00 yearly budget allocation for tree planting in schools throughout the City as part of its National Tree Day commitments and that this amount be allocated in next year's budget specifically for this purpose.*

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

**6.5 MAYOR'S MINUTE 116/2005 – AUSTRALIA DAY BOTANY BAY REGATTA. (F2004/07076)**

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

- (a) Council vote \$500.00 from Council's Contingency fund as a contribution towards the 2006 Australia Day Botany Bay Regatta activities;*
- (b) Council nominate Crs Notley-Smith and Hughes as Council's representatives for the 'Councillors Challenge' event;*
- (c) Council agree to host a reception for the Navigators Cup Trophy presentation in February 2006 and vote \$5000.00 from Council's Contingency fund for catering expenses; and*
- (d) the event organisers undertake to appropriately and prominently acknowledge and promote Council's contribution at the Regatta events.*

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

**6.6 MAYOR'S MINUTE 117/2005 – ESTABLISHMENT OF AN INTERFAITH RESEARCH AND RESOURCE CENTRE. (F2004/06574)**

356 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson) that Dr Islam's request for Council support in establishing an Interfaith Research and Resource Centre be forwarded to the Randwick Multicultural Advisory Committee for consideration and the generation of a recommendation to Council.*

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

**6.7 MAYOR'S MINUTE 118/2005 – RECONSIDERATION OF RANDWICK CITY COUNCIL'S PARTNERSHIP REGISTER. (F2004/06574)**

**MOTION: (His Worship the Mayor, Cr M. Matson)** that Council responds to the support shown by the AIDS Council of NSW for the establishment of a same-sex couple register by:

- a) Reiterating its in-principle support to the establishment of a Partnership Register; and
- b) Again consults prominent lesbian or gay organisations in Sydney seeking feedback on the proposal. **LOST.**

**6.8 MAYOR'S MINUTE 119/2005 – COMMUNITY CONCERNS IN BEACH STREET ABOUT COOGEE RESIDENT PREFERRED PARKING SCHEME. (F2004/07401)**

357 **RESOLUTION: (His Worship the Mayor, Cr M. Matson)** that Council respond to the large number of submissions received from Beach Street residents by:

1. *noting the Traffic Committee's resolution that:*

*“an expansion of the ‘Permit Holders Excepted’ exemption to the eastern side of Beach Street, Coogee, between Carr and Neptune Streets, be approved, based on the number of eligible Resident Parking Permit applications received by Council and following consultation with the RTA”;*

2. *asking the Traffic Committee to consider:*

- (a) *extending the time periods for resident preferred parking in Beach Street and other areas within the Coogee Resident Preferred Parking Scheme to 24 hours to allow around the clock patrolling by Council rangers;*
- (b) *the new Resident Preferred Parking Areas to be created on the east side of Beach Street be confined to spaces between Carr and Dudley Streets; and*
- (c) *twenty (20) of these newly created parking spaces be zoned for two hour parking rather than four hour parking.*

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

**6.9 MAYOR'S MINUTE 120/2005 – NATIONAL RECOGNITION OF MAROUBRA BEACH AS ONE OF AUSTRALIA'S CULTURALLY SIGNIFICANT SURFING RESERVES. (F2005/00603)**

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

- (a) *agree to the proposal by Surfriders Foundation Australia, for recognition of Maroubra Beach as Australia's first culturally and historically significant Surfing Reserve since 1973;*
- (b) *support the dedication and laying of a plaque at Maroubra Beach at a ceremony to be organised by Surfriders Foundation for Ocean Care Day, on December 4, 2005; and*
- (c) *agree in-principle to providing additional financial support subject to further details and costing of activities planned at Maroubra Beach and a further report to Council.*

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

**6.10 MAYOR'S MINUTE 121/2005 – UPDATE ON THE PREPARATION OF COUNCIL INPUT TO THE WORLD WATER FORUM IN MEXICO IN MARCH 2006. (F2005/00230 XR F2004/06495)**

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

- (a) *commit to continuing meetings (every 2 months or as required) of the Mayor's Water Reference Group, at least up until March 2006;*
- (b) *agree on keeping Council's potential involvement in the preparation of the World Water Forum practical, realistic and beneficial to the achievement of water conservation efforts within Randwick;*
- (c) *agree on the preparation of a brief Discussion Paper in conjunction with members of the Water Reference Group on Council's Vision, Strategies and Actions as they relate to water conservation and reducing water use;*
- (d) *agree in-principle to participating "electronically" in the World Water Forum in March 2006 and to notify the organising committee once Option 1, 2 or 3 are investigated and costed.*

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

**6.11 MAYOR'S MINUTE 122/2005 – ACCESS RAMPS CONVOY. (F2004/08216)**

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

- (a) *Council delegates authority to the Mayor, Deputy Mayor and General Manager to organise and implement the following actions concerning the proposed Access Ramps from Southern Cross Drive to Gardeners Road:*
  - a) *a rally in Kensington Park with all necessary expenses met by council;*
  - b) *a convoy of resident's vehicles with "No Ramps – Yes Light Rail" banners driving in convoy through the Council area along streets that would be affected by traffic generated from the Access Ramps;*
  - c) *one thousand appropriate sized posters bearing the "No Ramps – Yes Light Rail" slogan to be made available to residents and businesses;*
  - d) *A letter box drop in Kensington notifying residents of the rally and convoy; and*
- (b) *these actions will be funded from the Contingency Fund 2005/06.*

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

**6.12 MAYOR'S MINUTE 123/2005 – REPORT BACK FROM THE OUTGOING MAYOR ON HIS TERM IN OFFICE. (F2004/06577)**

361 **RESOLUTION: (His Worship the Mayor, Cr M. Matson) that the Mayor's report back on his term of office be received and noted.**

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

(Note: Dissent was noted from the ALP Councillors in reference to the Mayor's observations on the UNSW Student Support.)

(All Development Applications, including the first two rescission motions, were considered at this stage of the meeting.)

**7. GENERAL MANAGERS' REPORTS.**

**7.1 GENERAL MANAGER'S REPORT 34/2005 - JUNE 2005 QUARTERLY PROGRESS REPORT - 2004-07 MANAGEMENT PLAN. (F2005/00380)**

362 **RESOLUTION: (Notley-Smith/Kenny)** *that the information contained in the General Manager's Report 34/2005 - June 2005 Quarterly Progress Report – 2004/07 Management Plan be received and noted.*

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

**7.2 GENERAL MANAGER'S REPORT 35/2005 - COUNCIL GRANTS, DONATIONS AND SUBSIDIES. (F2005/00469)**

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

1. *a policy be developed and brought to Council by November 2005 on the allocation of grant funds and subsidies by Randwick City Council. This policy is to include reference to a set of basic principles as proposed in this paper;*
2. *the Management Plan is to identify Council's strategy in management of grant funding and to clearly report to the community on the total allocation of grant monies each year;*
3. *the Annual Report (starting with the 2004/2005 Annual Report) provides details on all grants, donations and subsidies allocated during the period in review;*
4. *formal accounting processes be developed by January 2006 and implemented in July 2006 to address all identified accounting issues;*
5. *all recipients of grant funds in excess of \$20,000 per annum be required to publicly acknowledge Council's contribution by way of appropriate signage and inclusion in their Annual Reports or the like;*
6. *the Small Grants and Community Grants is combined into a single scheme with transparent, equitable processes developed and implemented for application, allocation and evaluation. A paper on this is to be brought to Council by November 2005;*
7. *all recipients of the recurrent Community grants be informed by end of 2005 that while the grants will continue to be provided for 2006/2007, in all subsequent years they will need to apply for these funds according to established procedures;*
8. *a policy on subsidised rentals be prepared for Council by December 2005;*

9. *a further report is brought to Council by March 2006 on the provision of grant funding to child care centres. This report is to include information on the range of services provided, fees charged, number of available places, and classification. The report should propose strategies for achieving greater equity in the allocation of Council funds to child care centres;*
10. *greater consideration be given to the provision of support for youth services;*
11. *the Surf Clubs are assisted to develop long term management plans by June 2006 that will support the sustainability of their facilities and take into consideration factors such as the ability of the Clubs to earn income through their club facilities and the development of agreements that clarify the use of their facilities by other community groups;*
12. *where sporting and community groups attract income from the use of Council facilities, they be required to provide to Council on an annual basis, audited financial statements; and*
13. *the General Manager is to bring a report back to Council on the financial status of Wylies Baths, including options for maximising its community use.*

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

**7.3 GENERAL MANAGER'S REPORT 36/2005 - LONG TERM FINANCIAL PLAN. (F2005/00308)**

364 **RESOLUTION:** *(Notley-Smith/Woodsmith) that the General Manager's Report 36/2005 be received and noted.*

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

**7.4 GENERAL MANAGER'S REPORT 38/2005 - BUNDOCK COMMUNITY CENTRE – LICENCES. (F2004/06336)**

365 **RESOLUTION:** *(Procopiadis/Belleli) that this matter be deferred to allow Councillors to obtain further information and for the General Manager to bring a report back in three months on Council's position with respect to grant funds and subsidies, and in the three month interim both groups be charged a rental of 50% of the commercial rate.*

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

**7.5 GENERAL MANAGER'S REPORT 39/2005 - AFFIXING OF THE COUNCIL SEAL. (F2004/06862)**

366 **RESOLUTION:** *(Notley-Smith/Procopiadis) that authority is granted for the Council's Common Seal to be affixed to the 'Withdrawal of Caveat' form relating to the property at 1 Peters Place, Maroubra.*

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

**7.6 GENERAL MANAGER'S REPORT 40/2005 - AFFIXING OF THE COUNCIL SEAL. (F2004/06336 xr F2004/07593)**



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

1. *Eastern Suburbs Tennis Association Inc. in relation to a lease for part of J.V. Dick Reserve more particularly described as Coogee Tennis Centre courts for a period of five (5) years.*
2. *Arthur Adamopoulos (T/As Vino Vino) in relation to a licence for the purpose of outdoor dining at 30 St Pauls Street, Randwick.*
3. *Elspeth Livingstone in relation to a residential lease over 4/32 Belmore Road, Randwick for a period of twelve (12) months.*
4. *Joseph Ajaka (T/As Trade Winds) in relation to a licence for the purpose of outdoor dining at 196-204 Maroubra Road, Maroubra.*
5. *John McPike in relation to a residential lease over Unit 1/6 Barrett Place, Randwick for a period of twelve (12) months.*
6. *Wesley Kuo in relation to a residential lease over 129 Boyce Road, Maroubra for a period of six (6) months.*
7. *Jenny Dafforn in relation to a residential lease over Unit 3/32 Belmore Road, Randwick for a period of twelve (12) months.*
8. *Alexander Mastoris & Xiao Hong Li (T/As Coogee Yeeros Café) in relation to a licence for the purpose of outdoor dining at 204 Arden Street, Coogee.*
9. *Shahin Saracoely (T/As Little Istanbul Turkish Restaurant) in relation to a licence for the purpose of outdoor dining at 26 Perouse Road, Randwick.*
10. *The Trustees of the Sisters of Brigidine Congregation in relation to a Transfer of Title for Lot 102/DP1082501 more particularly known as part of Aeolia Street, Randwick.*

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

**7.7 GENERAL MANAGER'S REPORT 41/2005 - FUNDING REQUEST BY LA PEROUSE PONY CLUB. (F2004/06336)**

368 **RESOLUTION: (Notley-Smith/Hughes) that Council supports the La Perouse Pony Club's application for funding assistance in the sum of \$7,500.00 to be used towards ground maintenance and eradication of noxious plants and weeds.**

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

**7.8 GENERAL MANAGER'S REPORT 42/2005 - BRONTE - COOGEE AQUATIC RESERVE - DRAFT OPERATIONAL AGREEMENT BETWEEN RANDWICK CITY COUNCIL AND DEPARTMENT OF PRIMARY INDUSTRIES (DPI INCORPORATES NSW FISHERIES). (F2005/00036)**

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

- (a) *Council give in principle support to the draft Operational Agreement and advise DPI accordingly, and*
- (b) *the General Manager sign the Operational Agreement on behalf of Council, pending the inclusion of amendments deemed necessary.*

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

**7.9 GENERAL MANAGER'S REPORT 43/2005 - TOWN HALL PROPOSED REFURBISHMENT COSTS. (F2004/07744)**

370 **RESOLUTION:** (Notley-Smith/Procopiadis) that:

- (a) *consideration be given to funding the identified works for the Town Hall Forecourt Upgrade in the 2006-07 Management Plan; and*
- (b) *Council identifies any further works required with respect to improvements to the Town Hall interior, Council Chambers and surrounds, such works to be included in a more detailed report to be prepared and brought to Council outlining a three (3) year plan for the refurbishment program and outlining options for Council's considerations.*

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

**7.10 GENERAL MANAGER'S REPORT 44/2005 - 2004/2005 BUDGET - REVIEW AS AT 30 JUNE 2005. (F2004/08433)**

371 **RESOLUTION:** (Notley-Smith/Kenny) that the General Manager's Report 44/2005 be received and noted.

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

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

**8.1 DIRECTOR, CITY SERVICES' REPORT 94/2005 - PRINCE HENRY SITE PARK NAMING PROPOSAL (F2004/07140)**

372 **RESOLUTION:** (Belleli/Woodsmith) that:

- a) *Council accept the name proposal suggested by the PHHTNA that Six Track Park be renamed The Coast Hospital Memorial Park; and*
- b) *the Geographical Names Board be notified of Council's decision.*

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

**9. DIRECTOR, CITY PLANNING REPORTS.**

**9.1 DIRECTOR, CITY PLANNING REPORT 51/2005 - 351 RAINBOW STREET, SOUTH COOGEE.**

373 **RESOLUTION:** (Tracey/Kenny) that:

- A. *Council as the responsible authority grant its development consent as a Deferred Commencement under Section 80 (3) of the Environmental Planning and Assessment Act, 1979 (as amended) to Development Application No 1114/2004 for demolition of existing dwelling house and construction of a new dwelling house and swimming pool at 351 Rainbow Street, South Coogee, subject to the following deferred commencement conditions:-*

**DEFERRED COMMENCEMENT CONDITIONS**

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

1. *The colours, materials and finishes of the external surfaces of the front building façade are to be compatible with surrounding foreshore scenic protection area to maintain the integrity and amenity of the building and the streetscape. Details of the proposed colours, materials and finishes shall be submitted in the form of a sample board keyed to the elevations.*
2. *Amended plans shall be submitted detailing the following:-*
  - i) *deletion of the secondary front terrace area over the driveway entrance to the basement carpark;*
  - ii) *deep soil landscaping within the front setback;*
  - iii) *the overall height of the building shall be lowered by 300mm, with the top of the roof being RL (AHD) of 51.450;*
  - iv) *the skylight shall be shown flush with the top of the roof;*
  - v) *deletion of roofing over first floor level eastern balconies of Bedrooms 1, 2 and 3;*
  - vi) *driveway gradient in accordance with Australian Standard (AS) 2890.1 (2004);*
  - vii) *all the energy commitments submitted in a BASIX certificate for the proposal as amended, including an alternative hot water system to a solar hot water system.*

*Evidence required to satisfy the above conditions must be submitted to Council within 12 months of the date of this consent.*

#### ***DEVELOPMENT CONSENT CONDITIONS***

- B. *Subject to compliance with the deferred commencement conditions, to the satisfaction of the Director Planning and Community Development, development consent be granted under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 1114/2004 for demolition of existing dwelling house and construction of a new dwelling house and swimming pool at 351 Rainbow Street, South Coogee subject to the following conditions:-*

#### ***REFERENCED PLANS:***

1. *The development must be implemented substantially in accordance with the plans numbered 101 Amendment B, 201, 301 and 302 all Amendment A, dated 2 June, 2005, prepared by X. Pace, all received by Council on 20 June, 2005, 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 by the following conditions and as may be shown in red on the attached plans.*

#### ***ENVIRONMENTAL AMENITY:***

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

1. *Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council.*
2. *The fence on the street alignment is to be a maximum height of 1.2m to maintain reasonable levels of amenity to the adjoining residential development and the streetscape.*

*An allowance of up to 150mm is permitted at required 'step-downs' or changes in level.*
3. *There must be no encroachment of any part of the structure/s onto the adjoining premises or onto Council's road reserve, footway or public place.*
4. *Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.*
5. *External walls sited less than 500mm from the boundaries of the site are to be erected as 'face brickwork' or other maintenance free materials, to ensure that adequate provisions are made for maintenance purposes within the property boundaries.*
6. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
7. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
8. *Power supply and telecommunications cabling to the development shall be underground.*
9. *Internal or external clothes drying facilities are to be provided in accordance with the provisions of the Building Code of Australia.*

*Should external clothes drying facilities be provided, the facilities must be adequately screened by vegetation and details are to be incorporated into the landscaping plans, to the satisfaction of the certifying authority.*
10. *Landscaping shall be provided to the site to reduce the impact of the development upon the amenity of the environment and a landscape plan shall be submitted to and approved by the Director of City Planning, in accordance with section 80A(2) of the Environmental Planning and Assessment Act 1979, **prior to issuing a construction certificate.***
11. *The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.*
12. *Where access is required to adjoining premises for construction purposes, the consent of the owner/s of the subject adjoining premises must be provided to the satisfaction of the Principal Certifying Authority, prior to carrying out any construction works from or upon the adjoining premises.*

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

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

*A copy of Sydney Water’s ‘Notice of Requirements’ must be submitted to the Certifying Authority prior to issuing a Construction Certificate.*

*The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to issuing an occupation certificate or subdivision certificate (whichever the sooner).*

14. *Solar hot water heaters or other structures are not permitted to be installed on the roof of the building unless the prior written approval of Council’s Director of Planning has been obtained beforehand.*

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

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

#### ***BASIX Conditions***

15. *In accordance with Section 80A (11) of the Environmental Planning and Assessment Act 1979 and Clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition that all of the required commitments listed in the relevant BASIX Certificate for this development are fulfilled.*
16. *In accordance with the provisions of the Environmental Planning & Assessment Regulation 2000, a relevant BASIX Certificate and associated documentation must be submitted to the Certifying Authority with the **Construction Certificate** application for this development.*

*The required commitments listed and identified in the BASIX Certificate are to be included on the plans, specifications and associated documentation for the proposed development, to the satisfaction of the Certifying Authority.*

*The design of the building must not be inconsistent with the development consent and any proposed variations to the building to achieve the BASIX commitments may necessitate a new development consent or amendment to the existing consent to be obtained, prior to a construction certificate being issued.*

17. *The following provisions are to be implemented in accordance with the relevant BASIX Certificate and details are to be included in the Construction Certificate documentation (as applicable), to the satisfaction of the Certifying Authority:*

- Stormwater management (i.e. rainwater tanks)
  - Water efficiency (i.e. triple A rated taps and showers, dual flush toilets and water re-use)
  - Landscaping provisions
  - Thermal comfort (i.e. construction materials, glazing and insulation)
  - Energy efficiency (i.e. cooling & heating provisions and hot water systems)
18. *In accordance with Clause 154B of the Environmental Planning & Assessment Regulation 2000, a Certifying Authority must not issue a final Occupation Certificate for this development, unless it is satisfied that each of the required BASIX commitments has been fulfilled.*

*Relevant documentary evidence of compliance with the BASIX commitments is to be forwarded to the Council upon issuing the final Occupation Certificate.*

### **OCCUPATIONAL HEALTH & SAFETY AND DANGEROUS GOODS:**

***The following conditions are applied to ensure adequate environmental protection and occupational health and safety:***

19. *All site works shall comply with the occupational health and safety requirements of WorkCover NSW.*
20. *All hazardous or intractable wastes and materials (including asbestos) shall be removed and disposed of in accordance with the requirements of WorkCover NSW, the Environmental Protection Authority, including the following provisions:*
- *Occupational Health and Safety Act 2000*
  - *Occupational Health and Safety (Hazardous Substances) Regulation 2001*
  - *Occupational Health and Safety (Asbestos Removal Work) Regulation 2001; and*
  - *The Protection of the Environment Operations Act 1997 and relevant Environmental Protection Authority Guidelines*
21. *The removal, cleaning and disposal of any lead-based paints must be carried out in accordance with the relevant provisions of AS2601-2001, Demolition of Structures, The Protection of the Environment Operations Act 1997 and the requirements and guidelines of the Environmental Protection Authority.*

### **NOISE EMISSION CONDITIONS:**

***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:***

22. *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.*

23. *Pool plant and equipment is to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.*
24. *The operation of swimming pool/spa pool pump and equipment is restricted, if the noise emitted can be heard within a habitable room in any other residential premises, the equipment shall not be operated during the following hours, or, as otherwise specified in relevant Noise Control Regulations:*

*before 8.00am or after 8.00pm on any Sunday or public holiday; or  
before 7.00am or after 8.00pm on any other day.*

25. *The installation of rainwater tanks and greywater treatment systems shall comply with the following noise control requirements:-*

- a) *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  $L_{Aeq, 15 \text{ min}}$  sound pressure level at any affected premises that exceeds the background  $L_{A90, 15 \text{ min}}$  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.*

- b) *Plant and equipment associated with rainwater tank(s) and greywater treatment systems are to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.*

- c) *The operation of plant and equipment associated with the rainwater tank(s) and greywater treatment systems are to be restricted, if the noise emitted can be heard within a habitable room in any other residential premises:*

- before 8.00am or after 8.00pm on weekends or public holiday; or*
- before 7.00am or after 8.00pm on weekdays.*

#### ***PRESCRIBED BUILDING & FIRE SAFETY REQUIREMENTS:***

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

26. *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.***

27. *All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*
28. ***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.***
29. ***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.*

30. *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.*

31. *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".*
32. *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 requirements of the Environmental Planning & Assessment Act 1979 and conditions of development consent must be satisfied prior to the issuing of an occupation certificate.*

33. *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 the relevant conditions of development consent have been satisfied.*

*Details of critical stage inspections carried out by the principal certifying authority together with any other certification relied upon and must also be provided to Council with the occupation certificate.*

34. *In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the provisions of the Home Building Act 1989.*

*Where the work is to be done by a licensed contractor, excavation or building work must not be carried out unless the Principal Certifying Authority (PCA):*

- *has been informed in writing of the licensee's name and contractor number; and*
- *is satisfied that the licensee has complied with the insurance requirements of Part 6 of the Home Building Act 1989, or*

*Where the work to be done by any other person (i.e. an owner-builder), excavation or building work must not be carried out unless the Principal Certifying Authority:*

- *has been informed of the person's name and owner-builder permit number, or*
- *has been given a declaration, signed by the owner of the land that states that the market cost of the labour and materials involved in the work does not exceed \$5,000.*

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

35. *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.*

36. *Smoke alarms are required to be installed in each Class 1 building or dwelling in accordance with the relevant provisions of Part 3.7.2 of the B.C.A. – Housing Provisions.*

*Smoke alarms must comply with AS3786 – Smoke alarms and be connected to the consumer mains electric power supply and provided with a battery back-up.*

*The smoke alarms are to be installed in suitable locations on or near the ceiling, in any storey containing bedrooms; located between each part of the dwelling containing the bedrooms and the remainder of the dwelling, or where bedrooms are served by a hallway, the smoke alarms are to be located in that hallway; and smoke alarms are to be installed in any other storey not containing bedrooms, to the satisfaction of the certifying authority.*

*Smoke alarms are not to be located in 'dead-air-spaces', in the corner junction of walls and ceilings between exposed rafters/joists or at the apex of raked ceilings, as detailed in Part 3.7.2 of the Building Code of Australia – Housing Provisions.*

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

### **STRUCTURAL ADEQUACY:**

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

37. *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.

38. 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.

39. 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**.

40. A dilapidation report prepared by a professional engineer or suitably qualified and experienced building surveyor shall be submitted to the certifying authority **prior to the commencement of demolition, excavation or building works** detailing the current condition and status of all buildings, including ancillary structures (i.e. including dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandahs, fences, retaining walls, swimming pools and driveways etc.) located upon:

a) all of the premises adjoining the subject site.

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

41. 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.

42. 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.*

### **CONSTRUCTION SITE MANAGEMENT:**

***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:***

43. *All demolition work is to be carried out in accordance with the provisions of AS2601-1991. The Demolition of Structures, as in Force at 1 July 1993 and details of compliance are to be prepared by a suitably qualified person and be submitted to the principal certifying authority, prior to the commencement of any demolition works.*
44. *Any building/demolition works involving asbestos products are to be carried out in accordance with WorkCover New South Wales requirements, guidelines and codes of practice.*
45. *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.*
46. *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.*

47. *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.*

48. *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.*
49. *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.*
50. *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.*
51. *Noise and vibration from any rock excavation machinery and pile drivers (or the like) must be minimised by using appropriate plant and equipment and silencers and a construction noise and vibration minimisation strategy, prepared by a suitably qualified consultant is to be implemented during the works, to the satisfaction of the Principal Certifying Authority.*
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 footings or first completed floor slab (prior to the pouring of concrete), showing the area of the land, building and boundary setbacks and levels of the building.*
  - 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. *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.*

*Temporary site 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 site fencing, hoardings 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.*

58. *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.*

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 soil and water 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.*

61. *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.*

62. *A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:-*

- *Install or erect any site fencing, hoardings or site structures*
- *Operate a crane or hoist goods or materials over a footpath or road*
- *Placement of a waste skip (grater than 3m in length) or any container or other article.*

63. *Any part of Council's nature strip which is damaged as a result of the work must be back-filled, top-soiled and re-turfed with kikuyu turf prior to occupation or finalisation of the development, to Council's satisfaction.*
64. *In addition to the matters contained in the Environmental Planning and Assessment Regulation 2000, the following matters are to be completed in accordance with the terms and conditions of this development consent, prior to the occupation of the building:*
- a) *car parking and vehicular access*
  - b) *landscaping*
  - c) *stormwater drainage*
  - d) *external finishes and materials*
  - e) *swimming pool safety fencing/barriers and acoustic enclosure to pool equipment*

**WASTE MANAGEMENT:**

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

65. *Adequate provisions are to be made within the premises for the storage and removal of waste and recyclable materials, to the satisfaction of Council and details are to be included in the construction certificate documentation.*
66. *A demolition and construction Waste Management Plan (WMP) must be developed and implemented for the development, to the satisfaction of Council, prior to the issuing of a construction certificate.*

*The Waste Management Plan must provide details of the type and quantities of demolition and construction waste materials, proposed re-use and recycling of materials, methods of disposal and details of recycling outlets and land fill sites.*

*Where practicable waste materials must be re-used or recycled, rather than disposed and further details of Council's requirements including relevant guidelines and pro-forma WMP forms can be obtained from Council's Customer Service Centre or by telephoning Council on 9399 0999.*

67. *Details and receipts verifying the recycling and disposal of materials must be kept on site at all times and presented to Council officers upon request.*

**SWIMMING POOLS & SPAS: (Assessment Officer)**

***The following conditions are applied to ensure compliance with the Swimming Pools Act 1992 and to maintain public safety and amenity:***

68. *Swimming pools are to be provided with childproof fences and self-locking gates, in accordance with the Swimming Pools Act 1992 and regulations.*

*The swimming pool is to be surrounded by a fence having a minimum height of 1.2m, that separates the pool from any residential building situated on the premises and*



*from any place (whether public or private) adjoining the premises; and that is designed, constructed and installed in accordance with AS 1926-1986.*

*Gates to pool area shall be a maximum width of 1 metre, and be self-closing and latching; the gate is required to open outwards from the pool area and prevent a small child opening the gate or door when the gate or door is closed.*

*Temporary pool safety fencing is to be provided pending the completion of all building work and the pool must not be filled until a fencing inspection has been carried out and approved by the principal certifying authority.*

*A sign shall be erected in a prominent position in the immediate vicinity of the swimming pool, in accordance with the document entitled "Policy Statement No.9.4.1: Guidelines for the Preparation of Posters on Resuscitation", published in 1985 by the Australian Resuscitation Council and the sign must bear a notice that contains the words "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL", together with details of resuscitation techniques (for adults, children and infants) set out in accordance with the document entitled "Cardio Pulmonary Resuscitation" published by the Australian Resuscitation Council.*

69. *Spa pools are to be provided with a child resistant barrier, in accordance with the provisions of the Swimming Pools Act 1992 and regulations.*

*A sign shall be erected in a prominent position in the immediate vicinity of the swimming pool, in accordance with the document entitled "Policy Statement No. 9.4.1; Guidelines for the Preparation of Posters on Resuscitation", published in 1985 by the Australian Resuscitation Council and the sign must bear a notice that contains the words "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL", together with details of resuscitation techniques (for adults, children and infants) set out in accordance with the document entitled "Cardio Pulmonary Resuscitation: published by the Australian Resuscitation Council.*

70. *Swimming pools are to be designed, installed and operated in accordance with the following general requirements:-*

- *Backwash of the pool filter and other discharge of water is to be drained to the sewer in accordance with the requirements of the Sydney Water Corporation.*
- *All pool overflow water is to be drained away from the building and adjoining premises, so as not to result in a nuisance or damage to premises.*

71. *Pool plant and equipment is to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.*

*The operation of swimming pool/spa pool pump and equipment is restricted, if the noise emitted can be heard within a habitable room in any other residential premises, the equipment shall not be operated during the following hours, or, as otherwise specified in relevant Noise Control Regulations:*

*before 8.00am or after 8.00pm on any Sunday or public holiday; or  
before 7.00am or after 8.00pm on any other day.*

## **CIVIL WORKS CONDITIONS**

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

72. *The applicant must meet the full cost for Council or a Council approved contractor to:*
- a) *Construct the concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.*
  - b) *Remove the redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification*
  - c) *Construct any retaining walls on Council's property as required.*
73. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.*
74. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*

### ***Alignment Level Conditions***

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

75. *The Council's Department of Asset & Infrastructure Services has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, shall be as follows:*

*Vehicular access:*

- *RL 41.70 on the eastern edge*
- *RL 41.70 on the western edge*

*Pedestrian Access:*

- *RL 42.15 on the eastern edge.*

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

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

76. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the kerb must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
77. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$593.00 calculated at \$44.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*
78. *The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the alignment level as specified for the vehicular access.*

### **SERVICE AUTHORITY CONDITIONS**

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

79. *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.*
80. *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*

### **DRAINAGE CONDITIONS**

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

81. *Generally all site stormwater shall be piped to a sediment/silt arrester pit that drains to an infiltration area with a minimum 5 m<sup>2</sup> base area. An overflow pipe shall be provided from the silt arrester pit to drain to Council's kerb and gutter.*

*The location and details of the proposed internal stormwater pipelines, silt arrester pit and the infiltration area shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the plans shall be forwarded to Council, prior to a construction certificate being issued, if Council is not the certifying authority.*

*Notes:*

- a. *The sediment/silt arrester pit shall be constructed:-*
  - i. *within the site at or near the street boundary.*
  - ii. *with a child proof and corrosion resistant fastening system (e.g. spring*

- loaded jay-bolt).
- iii. with a minimum of 4 x 90 mm diameter weep holes (preferably located in the walls of the pit at the floor level) and with a suitable geotextile material **with a high filtration rating** located around the weep holes.
- iv. with the pit floor being a minimum 300mm below the invert level of the outlet pipelines.
- v. with a **galvanised** heavy duty screen (Lysaght RH3030 Maximesh or similar) located over the outlet pipes draining to the infiltration pit and the kerb. (Similar to a Mascot GRC stormwater discharge control pit, product code DS3SDC).

b. *The infiltration/rubble pit shall:-*

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

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

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

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

d. *The overflow pipe/s from the rainwater tank/s shall be directed into the infiltration area.*

## **LANDSCAPE CONDITIONS**

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

82. *Landscaping shall be provided to the site to enhance its amenity and reduce the impact of the development upon neighbouring properties. A landscape plan shall be submitted to and approved by the Director of Planning & Community Development, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979, prior to a construction certificate being issued.*

83. *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.*
84. *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.*
85. *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.*
86. *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.*
87. *In order to visually 'soften' the expanses of hard pavement, brick unit pavers, stencilled concrete or similar shall be used throughout the driveway and carpark areas on the site. Such details shall be shown on the detailed engineering documentation and shall include all structural design details including pavement/subgrade thickness.*

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

### **TREE MANAGEMENT**

88. *The applicant shall submit a total payment of \$159.50 to Council,*
  - a. *Being the cost for Council to supply and install 1 x 45 litre street tree (*Cupaniopsis anacardioides*, Tuckeroo, on the western side of the driveway) at the completion of all works (\$145.00 + GST)*

*The contribution shall be paid into Tree Amenity Income Code R39 at the Cashier on the Ground Floor of the Administrative Centre **prior to an occupation certificate being issued for the development.***

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

89. *Approval is granted for the removal of the following trees subject to the planting of 3 x 100 litre broad canopied replacement native trees (not palms) within the deep soil zone along the southern boundary, with one of these trees being specifically located in the southwest corner in order to compensate for the loss of established canopy cover from this site. The species selected shall be those that will attain a minimum height of between 4-7 metres at maturity.*
  - a) *Two (2) *Banksia integrifolia* (Coastal Banksias) in the southwest corner of the site.*

90. *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.*

**ADVISORY MATTERS:**

A1 *Building or excavations works must not be commenced until a construction certificate has been obtained from Council's Building Certification Services or an Accredited Certifier and either Council's Building Certification Services or an Accredited Certifier has been appointed as the Principal Certifying Authority for this development.*

A2 *The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA) and the construction certificate must not be inconsistent with the development consent.*

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

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

*You are therefore advised to ensure that the development is not inconsistent with Council's consent and 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.*

A3. *The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*

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

**9.2 DIRECTOR, CITY PLANNING REPORT 52/2005 - 820A-824 ANZAC PARADE AND 5 ALMA ROAD, MAROUBRA. (795/1999)**

374 **RESOLUTION: (Nash/Notley-Smith) that:**

A. *Council as the responsible authority grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to modify Development Consent 795/1999 to alter and improve the internal layouts of units, increase amount of commercial space by decreasing the amount of residential units, delete planter boxes and provide privacy screens and louvres to balconies, railings to become glass and other internal reconfigurations at 820A-824 Anzac Parade and 5 Alma Road, Maroubra in the following manner:*

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

*"1. The development shall be implemented substantially in accordance with the details set out on the plans numbered DA.08, DA.09, DA.10, DA.11A, DA.12A, DA.13, DA.14,*

DA.15A, DA.16A, DA.17A, DA.18 and DA.19, and stamp-dated on 15 July 1999, and amended plans numbered DA.05A, DA.06A and DA.07A, and stamp-dated 21 September 1999, and DA.02B, DA.03B and DA.04B, and stamp-dated 18 October 1999, and amended plans numbered DA.07B, DA.08A, DA.09A, DA.10A, DA.11B, DA.12B, dated and received by Council on 16 December 1999, and amended by the plan stamped "Randwick City Council" received 9 March 2000, and the plans numbered DA.05B, DA.06B, DA.07B, DA.08A, DA.09A, DA.10A, DA.11B, and DA.12B stamped received on 17 April 2000, and amended plans numbered CC04 to CC07 and CC14 to CC19 all dated 14-07-2004 and received by Council on 16 July 2004, and amended plans numbered CC04 to CC20, Issue G, dated 3 August 2005, and stamped received by Council on 4 August 2005, and CO01 to CO04, Issue G, dated 3 August 2005, and stamped received by Council on 4 August 2005, and the Concept Landscape Plan dated 3 August 2005 and stamped received by Council on 4 August 2005, and on the application form and on any supporting information received with the application, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application, except as may be amended by the following conditions and as may be shown in red on the attached plans:"

**Amend Condition No. 3 as follows:**

- "3. The external colours, materials and finishes of the proposed development shall be in accordance with the sample board details received by Council on 4 August 2005, and perspective received by Council on 26 July 2005."

**Add a condition as follows:**

- "87. The proposed louvres above the glazed balustrades along the full length of the eastern edge of all balconies of dwelling units 3, 4, 5, 33, 34 and 35 shall have blades fixed upwards to ensure privacy to the adjoining eastern property. Details shall be provided to Council for approval prior to the issue of an amended Construction Certificate for the development."

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

**9.3 DIRECTOR, CITY PLANNING REPORT 53/2005 - 65 BYRON STREET COOGEE. (871/2004)**

- 375 **RESOLUTION: (Notley-Smith/Hughes)** that this application be deferred to allow the applicant to engage a surveyor for a verification of the Relative Levels on the objectors' property to allow for a full analysis of the expert opinion on the overshadowing, and to explore the possible removal of the Norfolk Pine.

**MOTION: (Seng/Nash)** that Council as the responsible authority grant its development consent under the provisions of Section 80 (3) of the Environmental Planning and Assessment Act 1979 (as amended), "Deferred Commencement" to Development Application No. 871/04 to carryout alterations and additions to the dwelling and install an in ground swimming pool at 65 Byron Street Coogee.

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

**9.4 DIRECTOR, CITY PLANNING REPORT 54/2005 - 47-53 DUDLEY STREET, COOGEE. (68/2005)**

(Note: This report was withdrawn as it is the subject of the rescission motion being debated in Item 11.1)

**9.5 DIRECTOR, CITY PLANNING REPORT 55/2005 - 10-14 DUKE STREET, KENSINGTON. (506/2004)**

(Note: This report was withdrawn as it is the subject of the rescission motion being debated in Item 11.2)

**10. PETITIONS.**

**10.1 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR M. MATSON ON BEHALF OF RESIDENTS IN HINCKS STREET, KINGSFORD REQUESTING TO HAVE A FOOTPATH CONSTRUCTED. (F2005/00172 xr F2004/06108)**

376 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson/Notley-Smith)* that the petition tabled be received and noted.

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

**11. MOTIONS PURSUANT TO NOTICE.**

**11.1 Notice of Rescission Motion by Councillors Sullivan, Daley & White – Ordinary Council Meeting, Tuesday, 26<sup>th</sup> July, 2005 – Item 9.3 – Acting Director City Planning Report 46/2005 – 47-53 Dudley Street, Coogee. (DA/68/2005)**

377 **RESOLUTION:** *(Procopiadis/Tracey)* that the resolution passed at the Ordinary Council Meeting held on 26th July, 2005, reading as follows:-

*that Council as the responsible authority refuse its development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 68/2005 for Demolition of existing dwellings and construction of a new 3 storey multi unit housing development comprising 3 x 1, 9 x 2 and 1 x 3 bedroom dwellings and basement carparking for 19 cars and strata subdivision into 13 lots at 47-53 Dudley Street, Coogee for the following reasons:-*

- 1. the proposal does not satisfy the objective of Clause 12 for Zone 2c as it compromises the amenity of the surrounding residential area due to the inadequate setback along Asher Street; and*
- 2. the proposal exceeds the maximum FSR and results in an adverse impact of bulk, scale and overshadowing on the amenity of adjoining properties.*

**BE AND IS HEREBY RESCINDED.**

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



(His Worship the Mayor, Cr M. Matson requested that his name be recorded as opposed to the resolution.)

- 378 **RESOLUTION (FURTHER): (Procopiadis/Tracey)** that the matter be further deferred for mediation between the applicant and Council's planning staff to address the Councillors stated concerns about the relationship of the building to Asher Street and to allow the applicant to lodge amended plans.

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

**11.2 Notice of Rescission Motion by Councillors Hughes, Matson & Woodsmith – Ordinary Council Meeting, Tuesday, 26<sup>th</sup> July, 2005 – Item 9.5 – Acting Director City Planning Report 48/2005 – 10-14 Duke Street, Kensington. (DA/506/2004)**

- 379 **RESOLUTION: (Hughes/Woodsmith)** that the resolution passed at the Ordinary Council Meeting held on 26th July, 2005, reading as follows:-

that:

- A. Council support the objections under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with Clauses 32(1) and 33(3) of the Randwick Local Environmental Plan 1988, relating to floor space ratio and external wall height, on the grounds that the proposed development is consistent with the objective of the clause and will not adversely affect the amenity of the surrounding locality and that the Department of Infrastructure Planning & Natural Resources be advised accordingly.

AND

- B. Council as the responsible authority grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 506/2004 for Demolition of existing buildings on the site and construction of a new 4 storey multi unit housing development comprising 10 x 1, 6 x 2 and 1 x 3 bedroom dwellings and basement carparking for 24 cars. at 10-14 Duke Street, Kensington subject to the conditions outlined in the Director City Planning Report 48/2005.

BE AND HIS HEREBY RESCINDED.

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

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

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

- A. Council support the objections under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with Clauses 32(1) and 33(3) of the Randwick Local Environmental Plan 1988, relating to floor space ratio and external wall height, on the grounds that the proposed development is consistent with the objective of the clause and will not adversely affect the amenity of the surrounding locality and that the Department of Infrastructure Planning & Natural Resources be advised accordingly.

AND

- B. Council as the responsible authority grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 506/2004 for Demolition of existing buildings on the site and construction of a new 4 storey multi unit housing development comprising 10 x 1, 6 x 2 and 1 x 3 bedroom dwellings and basement carparking for 24 cars. at 10-14 Duke Street, Kensington subject to the following conditions:-

*Deferred Commencement Conditions*

*The consent is not to operate until the following material has been submitted to and approved by the Director City Planning:*

1. *Details of the proposed colours, materials and textures (ie: sample board and coloured elevations) are to be submitted to and approved by Council's Director City Planning.*
2. *The upper floors of Units 12, 13, 16 & 17 are to be deleted from the plans. This condition is imposed to minimise overshadowing and the visual bulk and scale of the proposal.*
3. *The upper floors of Units 14 and 15 are to be reoriented to face north-south with no increase to the area of this part of the building. North facing windows are to be provided wherever possible and access to natural light and ventilation is to be maximised to bathroom areas. This condition is imposed to improve the amenity of Units 14 and 15 and minimise the privacy impacts to 16 Duke Street.*
4. *Parking spaces number 7 and 8 are to be deleted and the rear wall of the basement moved north in favour of deep soil landscaping. Details, including intended planting to this area, are to be shown on the plans submitted to satisfy the deferred commencement conditions. This condition is imposed to maximise deep soil areas for enhanced landscape opportunities.*
5. *Amended plans are to be submitted showing a ground floor unit as an accessible or adaptable unit. Door widths and placement of fittings are to reflect compliance with AS1428.1 and AS 4299. This condition is imposed to ensure compliance with the Multi Unit Housing DCP.*
6. *The front fence is to be modified to provide greater delineation between the main entry to the development and the private entry to Unit 1. The entry gate to Unit 1 is to be moved so that it is adjacent to the driveway to the development at the eastern end of the site. This condition is imposed to maximise the privacy to Unit 1 and to minimise confusion as to the main building entry from the street.*
7. *Prior to this consent becoming operational, the applicant shall be requested to submit amended plans (including a longitudinal section through the centerline and inside edge of the driveway) showing:*
  - a. *A high point being provided across the full width of the driveway to a minimum RL of 26.50 (i.e. 300mm above the adjacent top of kerb level).*
  - b. *Compliance with the issued alignment level at the property boundary; and*
  - c. *Satisfactory ramp grades in accordance with AS 2890.1 (2004)*

8. *Prior to this consent becoming operational, the applicant shall submit amended plans showing:*
  - a. *All new walls adjacent to vehicular crossings being 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.*
  - b. *The clear width of the internal driveway being:*

*a minimum 5.5 metres for the first 6 metres into the site; and  
a minimum 3.0 metres with 300mm wide kerbs on either side at all other points (in accordance with section 2.5.2 of AS 2890.1 (2004)).*

*Evidence required to satisfy these conditions must be submitted to Council within 12 months of the date of this consent.*

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

1. *The development must be implemented substantially in accordance with Revision C of the plans numbered Job No. 0343 and drawing numbers C01-C09, dated 01/12/04 in the amendments box and stamped received by Council on 1 December 2004, the application form and on any supporting information received with the application, except as may be amended by the information submitted to satisfy the deferred commencement conditions and as amended by the following conditions and as may be shown in red on the attached plans:*
2. *The blade walls adjacent to the entry to Unit 1 on the northern elevation are to project a maximum of 2 metres from the northern external wall of the development. This condition is imposed to minimise the bulk and scale of the development. Details are to be included prior to issue of a Construction Certificate.*
3. *The finished floor to finished ceiling height is to be 2.7 metres. Details are to be included prior to the issue of a Construction Certificate.*

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

4. *Solid balustrading is to be provided to the west facing balconies of Units 8, 9, 14 and 15.*
5. *A privacy screen having a minimum height of 1.8m is to be provided to the western and eastern edges of the balconies to Units 10, 11, 16 and 17 and the screen shall be constructed of timber slats at a spacing which precludes overlooking of adjoining properties. This condition is imposed to protect the privacy of dwellings at 8 and 16 Duke Street.*

*Details of compliance are to be provided in the Construction Certificate plans.*

6. *The west facing glazing to the common stairs within the development is to be obscured. The glazing is only to be operable if it is 1.5m or higher above finished*

*floor level. This condition is imposed to maintain privacy to the adjoining dwelling to the west.*

*Details required by this condition are to be provided with the Construction Certificate plans.*

7. *The sill height of the following windows are to be increased to be a minimum height of 1.7m above floor level, or alternatively, the windows are to be fixed and provided with translucent, obscured, frosted or sandblasted glazing below 1.7m above floor level.*

*The east facing living room windows to Units 17 and 11  
The west facing living room windows to Units 10 and 16*

8. *A roller door or gate is to be provided to the carparking to maintain security to the carparking area. Public access to the visitors' carparking spaces is to be maintained at all times and this may be achieved by the installation of a suitable intercom system adjacent to the carpark entry.*

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

9. *Visitor parking spaces are to be clearly signposted within the basement carpark. Details are to be provided with the construction certificate application.*
10. *An intercom and gate is to be provided at the building line to secure the pedestrian path along the western side of the development from the street for residents and visitors. Details of compliance are to be provided in the relevant plans and specifications for the **construction certificate**.*
11. *Adequate lighting is to be provided to external entry path of the development on the western side of the building to allow residents and visitors to safely access the building. Adequate lighting is also to be provided to communal areas within the building including the basement carpark. Details are to be included in the construction certificate application.*
12. *Metal roof sheeting is to be painted or colour bonded to minimise reflection and to be sympathetic and compatible with the building and surrounding environment.*
13. *Fences located on the side or rear boundaries of the premises shall not exceed a maximum height of 1.8m\*, to maintain reasonable levels of amenity to the adjoining premises.*

*An allowance of up to 150mm is permitted at required 'step-downs' or changes in level.*

14. *There must be no encroachment of any part of the structures onto the adjoining premises or onto Council's road reserve, footway or public place.*
15. *Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.*

16. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
17. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
18. *The enclosure of balconies is prohibited by this consent.*
19. *Power supply and telecommunications cabling to the development shall be underground.*
20. *A single common television aerial, and/or satellite dish (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.*
21. *Internal or external clothes drying facilities are to be provided in accordance with the provisions of the Building Code of Australia.*

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

22. *The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.*
23. *Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.*
24. *In accordance with the provisions of clauses 143A and 154A of the Environmental Planning & Assessment Regulation 2000, a 'Design Verification Certificate' must be provided to the Certifying Authority and the Council, **prior to issuing a construction certificate** and an **occupation certificate**, respectively.*

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

25. *The development must be designed and constructed to achieve a minimum energy efficiency NatHERS rating of 3.5 stars or equivalent and a NatHERS certificate or equivalent, prepared by a suitably qualified person, is to be submitted to the certifying authority with the **construction certificate** application.*

*The design of the building must be consistent with the development consent and any proposed variations to the building to achieve the energy efficiency rating may necessitate a new or amendment to the development consent prior to the issuing of a construction certificate.*

26. *The consumption of water within the building shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be noted in the **construction certificate** plans or specifications.*

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

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

28. *Hot water service pipes are to be provided with insulation and must also satisfy any relevant requirements of Building Code of Australia and AS 3500.*
29. *Appliances provided within the development must satisfy any relevant BASIX requirements and as a minimum appliances should satisfy the following energy ratings:*

*Clothes dryers minimum 2.5 star  
Dishwashers minimum 3 star  
Air conditioners minimum 4 star  
Clothes washers minimum 4.5 star  
Fridge minimum 4 star*

30. *Landscaped areas must contain a predominance of species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.*

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

31. *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 a minimum of 1.5m from the side boundaries and is to have a maximum height of 2.4 metres. The tank is to be installed behind the front building line and is to be located at ground level and be incorporated into the relevant construction certificate, 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 condition is applied to satisfy the increased demand for public amenities and public services:***

32. *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*      \$16,733.50
- b) *for the provision or improvement of community facilities*      \$ 7,399.00
- c) *Administration fee*      \$ 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.*

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

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

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

***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:***

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

35. *The location and facilities for the collection, storage and disposal of wastes generated within the premises shall be submitted to and approved by Council **prior to the commencement of works.***

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

36. *The residential units are to achieve the following internal acoustic amenity criteria:*

- a) *In naturally ventilated residential units; the repeatable maximum  $L_{Aeq(1\text{ hour})}$  shall not exceed:*
  - *35 dB(A) between 10pm and 7am in sleeping areas when the windows are closed;*
  - *45 dB(A) in sleeping areas when windows are open;*
  - *45 dB(A) in living areas (24 hours) when the windows are closed, and*

- 55 dB(A) in living areas when the windows are open.
- b) *In residential units provided with mechanical ventilation, air conditioning or other complying means of ventilation, when doors and windows are shut, the repeatable maximum  $L_{Aeq(1\text{ hour})}$  shall not exceed:*
- 38 dB(A) between 10pm and 7am in sleeping areas;
  - 46 dB(A) in living areas (24 hours).

*Details of compliance with the relevant criteria is to be included in the construction certificate application and written confirmation of compliance is to be provided to the Council and the Certifying Authority, by the Acoustic consultant, **prior to the construction certificate being issued.***

37. *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.*
38. *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.*
39. *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 have been applied to ensure that noise emissions from the development satisfy legislative requirements and maintain reasonable levels of amenity to the area:***

40. *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 ( $L_{A90}$ ), 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  $L_{Aeq, 15\text{ min}}$  and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).*

41. *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.*
42. *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:***

43. *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.*
44. *The location of the discharge point serving the car park mechanical ventilation system is to be not less than 6m from a property boundary and it must discharge vertically and satisfy the relevant provisions of the Building Code of Australia and AS 1668.*

*Details of compliance are to be provided in the relevant documentation for the construction certificate.*

45. *The location and height of the discharge of mechanical ventilation 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**.*

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

46. *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.***

47. *All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*
48. *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.*
49. *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.*

- 50. *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.*

- 51. *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".*
- 52. *An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*

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

53. *In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the provisions of the Home Building Act 1989.*

*Where the work is to be done by a licensed contractor, excavation or building work must not be carried out unless the Principal Certifying Authority (PCA):*

- has been informed in writing of the licensee's name and contractor number; and*
- is satisfied that the licensee has complied with the insurance requirements of Part 6 of the Home Building Act 1989, or*

*Where the work to be done by any other person (i.e. an owner-builder), excavation or building work must not be carried out unless the Principal Certifying Authority:*

- has been informed of the person's name and owner-builder permit number, or*
- has been given a declaration, signed by the owner of the land that states that the market cost of the labour and materials involved in the work does not exceed \$5,000.*

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

54. *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:***

55. *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.*

56. *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**.*

57. *A dilapidation report prepared by a professional engineer or suitably qualified and experienced building surveyor shall be submitted to the certifying authority **prior to the commencement of demolition, excavation or building works** detailing the current condition and status of all buildings, including ancillary structures (i.e. including dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandahs, fences, retaining walls, swimming pools and driveways etc.) located upon:*

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

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

58. *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**.*

***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:***

59. *All demolition work is to be carried out in accordance with the provisions of AS2601-1991. The Demolition of Structures, as in force at 1 July 1993.*
60. *Any building/demolition works involving asbestos cement are to be carried out in accordance with the Work Cover New South Wales "Guidelines for Practices Involving Asbestos Cement in Buildings".*
61. *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.*

62. *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.*

63. *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.*

64. *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.*

65. *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.*

66. *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.*

67. *Noise and vibration from any rock excavation machinery and pile drivers (or the like) must be minimised by using appropriate plant and equipment and silencers and a construction noise and vibration minimisation strategy, prepared by a suitably qualified consultant is to be implemented during the works, to the satisfaction of the Principal Certifying Authority.*

68. *A coloured works-as-executed fire services plan is to be submitted to the Council **prior to occupation** of the development, detailing the location of the essential fire safety measures installed within the building premises.*
69. *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.*
70. *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".*
71. *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.*
72. *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.*
73. *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.*
74. *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.*

75. *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.*

76. *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.*

77. *Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.*

*A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.*

*Hoarding or fences are to be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.*

*The public safety provisions and temporary fences must be in place **prior to the commencement of any demolition, excavation or building works** and be maintained throughout construction.*

*If it is proposed to locate any hoardings, site fencing or amenities upon a footpath or public place, the written consent from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.*

78. *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 soil and water 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.*

79. *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.*



80. *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.*
81. *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.*
82. *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.*

***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:***

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

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

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

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

a) \$1000.00 - *Damage / Civil Works Security Deposit*

*The damage/civil works security deposit may be provided by way of a cash or cheque with the Council and is refundable upon:*

*Completion of the civil works as conditioned in this development consent by Council; and*

*A satisfactory final inspection by Council that no un-repaired damage has occurred to the Council assets such as roadway, kerb, guttering, drainage pits footway, or verge during the construction works on the site.*

*The applicant is to advise Council, in writing, of the completion of all building works and/or obtaining an occupation certificate, if required.*

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

85. *A report must be submitted to and approved by the Certifying Authority, prior to issuing the Construction Certificate, detailing the proposed method of excavation and dewatering. This report is to be prepared by suitably qualified and experienced Geotechnical, Hydrological and Structural Engineers and is to include but not be limited to:*

- *The proposed method of shoring/piling and dewatering.*
- *The zone of influence of any possible settlement.*
- *The location of any proposed re-injection points in relation to the property boundaries (where re-injection equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).*
- *Monitoring of fluctuations of the water table during dewatering/construction to be undertaken by consulting engineers to ensure that the conditions of consent and other relevant requirements are satisfied.*
- *The location of all proposed monitoring equipment in relation to the property boundaries (where monitoring equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).*
- *Details of any consultation and arrangements made with owners of any potentially affected nearby premises (i.e. in relation to access, monitoring and rectification of possible damage to other premises)*
- *Details of groundwater quality and proposed disposal of any potentially contaminated groundwater in accordance with relevant requirements of the Department of Environment & Conservation, Council and the Protection of the Environment Operations Act 1997, in an environmentally sensitive manner.*
- *The location of all pumping equipment in relation to the property boundaries.*
- *The proposed method of noise attenuation for all pumping equipment, so as not to be more than 5dB (A) greater than the A – weighted L90 background sound pressure level between the hours of 7am to 10pm within any residential premises and not to be audible at all between the hours of 10pm and 7am within any residential dwelling.*
- *Confirmation that the proposed methods of dewatering and excavation are appropriate and in accordance with 'best practice' principles and should not result in any unacceptable levels of settlement or damage of the adjoining or nearby buildings within the zone of influence.*

*Any practices or recommendations made by the consulting Engineer/s must be implemented accordingly.*

*The dewatering process must be monitored by the consulting Engineer/s to the satisfaction of the principal certifying authority and documentary evidence of compliance with the relevant conditions of consent and dewatering requirements must be provided to the principal certifying authority and the Council.*

*The site conditions and fluctuations in the water table are to be reviewed by the consulting Engineer prior to and during the excavation/construction process, to ensure the suitability of the excavation and dewatering process and compliance with Council's conditions of consent.*

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

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86. *The applicant must meet the full cost for Council or a Council approved contractor to:*
- a) *Construct a full width concrete heavy duty vehicular crossing and layback at kerb opposite the vehicular entrance to the site.*
  - b) *Remove the redundant concrete vehicular crossings and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.*
  - c) *Re-construct a kerb and gutter for the full site frontage except opposite the vehicular entrance and exit points.*
  - d) *Carry out a full depth road construction in front of the kerb and gutter along the full site frontage.*
  - e) *Construct a new 1.3m wide concrete footpath along the full site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*

***Important note: Following removal of the old crossings, footpath and kerb and gutter, the applicant shall contact Council's Landscape Technician (9399 0613) to inspect the location of existing tree roots and organise (if appropriate) for root grinding and/or cutting of roots prior to constructing the new infrastructure. All costs associated with root grinding and/or root cutting shall be met by the applicant.***

87. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.*
88. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*
89. *All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.*
90. *The internal driveway must be a minimum 5.50m wide (clear width) for the first 6 metres inside the property so as to allow entering & exiting vehicles to pass within the site. Should the driveway narrow after this point it is then to be designed with a minimum 1.5m x 1.5m splay to allow the passing to work.*

91. *A Works Zone is to be provided in Duke Street for the duration of the construction works. The 'Works Zone' shall be provided to the satisfaction of the Randwick Traffic Committee and shall have a minimum length of 12 metres. The prescribed fee for the Works Zone must be paid to Council at least four (4) weeks prior to the commencement of work on the site.*

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

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

92. *The Council's Department of Asset & Infrastructure Services has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, must be as follows:*

*At RL 26.18 (AHD) on the eastern edge of the proposed driveway;  
At RL 26.20 (AHD) on the western edge of the proposed driveway;  
Match the back of the existing footpath at the western site boundary; and  
Grade linearly:  
i) Across the driveway; and  
ii) Between the western edge of the proposed driveway and the western site boundary.*

93. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the construction certificate.*
94. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$754.40 calculated at \$33.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*
95. *The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the alignment level as specified for the vehicular access.*

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

96. *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.*
97. *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.*
98. *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.*
  99. *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.*
  100. *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:***

101. *The floor level of all habitable and storage areas (excluding areas in the basement carpark) shall be at a minimum RL of 26.65 (AHD) or suitably waterproofed up to this same level. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
102. *The proposed internal driveway (and any other openings into the basement carpark from Duke Street) must be designed with a high point at least 300 mm above the adjacent top of kerb levels (i.e. to a minimum RL of 26.50 (AHD)). The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
103. *All structural walls on the ground floor level shall be designed to **structurally** withstand hydrostatic pressure/stormwater inundation from floodwater during the probable maximum flood (PMF) event as defined in the Floodplain Management Manual (New South Wales Government, January 2001). Structural Engineering certification confirming that this condition has been complied with shall be submitted to the certifying authority prior to the issuing of a construction certificate.*

*It is noted that this requirement does not necessitate the development being flood proof/water tight up to the PMF event, rather the requirement is to ensure that the development will not be structurally damaged in manner that could endanger lives during the PMF event.*

104. *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.*
105. *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.*
106. *All site stormwater must be discharged (by gravity) to either:*

- a) *The kerb and gutter or drainage system at the front of the property; OR*
- b) *A suitably sized infiltration system (subject to geotechnical investigation confirming that the ground conditions are suitable for an infiltration system).*

107. *Should stormwater be discharged to Council's street drainage system, on-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a **1 in 10** year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by the Director of Assets and Infrastructure Services. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.*

***Should no formal overland escape route be provided for storms greater than the design storm, the on-site detention system shall be sized for the 1 in 100 year storm event.***

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

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

108. *Should stormwater be discharged to an infiltration system, the infiltration area shall be sized for all storm events up to the 1 in 20 year storm event with provision for a formal overland flow path to Council's Street drainage system.*

***Should no formal overland escape route be provided for storms greater than the design storm, the infiltration system shall be sized for the 1 in 100 year storm event.***

109. *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.*

110. *The detention area/infiltration system must be regularly cleaned and maintained to ensure it functions as required by the design.*

111. *The maximum depth of ponding in above ground detention areas (and/or infiltration systems with above ground storage) shall be as follows:*

- a) *300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)*
- b) *600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10.*
- c) *1200mm in landscaped areas where a childproof fence is provided around the outside of the detention area*

*Notes:*

*It is noted that above ground storage will not be permitted in basement car parks or in any area which may be used for storage of goods.*

*Mulch/bark must not be used in onsite detention areas*

112. *Any above ground stormwater detention areas (and/or infiltration systems with above ground storage) must be suitably signposted where required, warning people of the maximum flood level.*
113. *The floor level of all habitable and storage areas adjacent to the detention area (and/or infiltration systems with above ground storage) must be a minimum of 300mm above the maximum water level in the detention area for the design storm or alternately a permanent 300mm high water proof barrier is to be constructed.*
114. *(In this regard, it must be noted that this condition must not result in any increase in the heights or levels of the building. Any variations to the heights or levels of the building will require a new or amended development consent from the Council prior to a construction certificate being issued for the development).*
115. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
116. *A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention/infiltration area.*
117. *A reflux valve shall be provided (within the site) over the pipeline discharging from the site to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system. (TO BE INCLUDED IF CONNECTING TO COUNCIL'S UNDERGROUND DRAINAGE SYSTEM)*
118. *Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.*

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

119. *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.**

120. *Prior to occupation of the development, a "restriction on the use of land" and "positive covenant" (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property to ensure that the onsite detention/infiltration system is maintained and that no works which could affect the design function of the detention/infiltration system are undertaken without the prior consent (in writing) from Council. Such restriction and positive covenant shall not be released, varied or modified without the consent of the Council.*

*Notes:*

- a. The “restriction on the use of land” and “positive covenant” are to be to the satisfaction of Council. A copy of Council’s standard wording/layout for the restriction and positive covenant may be obtained from Council’s Asset and Infrastructure Services Department.*
- b. If new linen plans are being prepared for the site, the plans shall indicate the location and dimensions of the detention/infiltration areas.*

121. *Two covered car washing bays shall be provided for this development.*

- a) The car washing bays must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to a construction certificate being issued for the proposed development.*
- b) The car washing bays must be located outside any required/approved stormwater detention system.*
- c) The car washing bays must be signposted with ‘Exclusive Carwash Bay Use Sat 2:00pm – 5:00pm and Sunday 10:00am – 2:00pm, Visitor parking at other times’*
- d) The car washing bays must be constructed with a minimum 20mm bund around the perimeter of the car washing bays (or equivalent)*
- e) A water tap shall be located adjacent to the car washing bays.*

122. *Prior to the issuing of an occupation certificate, the applicant shall submit to Council's Director of Asset and Infrastructure Services, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:*
- a) The location of the detention basin with finished surface levels;*
  - b) Finished site contours at 0.2 metre intervals;*
  - c) Volume of storage available in the detention areas;*
  - d) The location, diameter, gradient and material (i.e PVC, RC etc) of all stormwater pipes;*
  - e) The orifice size(s) (if applicable);*
  - f) Details of any infiltration/absorption systems; and*
  - g) Details of any pumping systems installed (including wet well volumes).*
123. *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 following inspection/s of the site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the PCA.*
124. *As the above site may encounter groundwater 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 ground water to drain around the basement carpark (to ensure that the basement will not dam or slow the movement of the ground water through the development site).*
125. *A dilapidation survey of the surrounding properties and infrastructure shall be undertaken by a suitably qualified person prior to the commencement of work.*

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

126. *The waste storage areas shall be sized to contain a total of 18 x 240 litre bins (9 garbage bins & 9 recycle bins) whilst providing satisfactory access to these bins.*
127. *The waste storage areas shall be clearly signposted.*

128. *The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.*
129. *Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste a Waste Management Plan detailing waste and recycling storage and disposal for both the residential and commercial components of the development site, post construction.*

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

130. *The landscaped areas shown on the sheet number LSK 01, job number 03.754, prepared by GreenPlan Landscape Architects Pty Ltd, dated 22.06.04 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 tree 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.*

***Notes:***

*The landscape plan shall show the provision of continuous decorative hedge around the perimeter of the site using a species that will attain a minimum height of 3 metres at maturity.*

*The landscape plans shall show deletion of the proposed nature strip planting beneath the Fig tree along the Duke Street frontage. This area shall be turfed along the length of the full site frontage.*

- 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.*

**Note:**

*The 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.*

- 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.*

1. *Note:*

2. *In order to reduce the amount of stormwater generated by the site, as well as to recharge groundwater supplies, porous paving shall be used in all paved areas not over slab. Details are to be provided with the construction certificate application.*

- 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.*

*Note:*

*All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm. Planter box details shall be submitted with the detailed landscape plans.*

- g. *Location of easements within the site and upon adjacent sites (if any).*

131. *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.*

132. *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.*

133. *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.*

134. *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.*
135. *Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*
136. *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.*

137. *Approval is granted for the removal of the following trees subject to the planting of 6 x 100 litre broad canopied replacement trees (not palms) suitably located within the deep soil zones around the perimeter of the site. The species selected shall be those that will attain a minimum height of 6 metres at maturity.*
  - a) *One Jacaranda mimosifolia (Jacaranda) in the rear yard of 12 Duke Street*
  - b) *One Lagerstroemia indica (Crepe Myrtle) in the rear yard of 12 Duke Street*
138. *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.*
139. *Should pruning of any branches on the Fig tree's located in Council's road reserve in front of 12 Duke Street or 8 Duke Street be necessary in order to accommodate site access/machinery, the applicant will be required to contact Council's Landscape Technician (9399-0613) at least 2 full working days prior to needing the work conducted, so that the necessary arrangements can be made for such work. The applicant shall meet all cost associated with pruning the trees.*
140. *In order to ensure the retention of the Ficus microcarpa var. 'Hillii' (Hills Weeping Fig) in Council's road reserve in front of 12 Duke Street in good health, the following measures are to be undertaken:*
  - a. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing tree specimen with the position of the tree trunk and full diameter of the tree canopy clearly shown on all drawings.*
  - b. *The tree is to be physically protected by the installation of protective fencing around the tree using 1.8 metre high steel mesh/chainwire fencing. This fencing shall be located to a minimum radius of 1 metre from the outside edge of the tree trunk.*

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

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

*Any works required within this zone (only as approved on the construction certificate) shall be under the direction of, and to the satisfaction of Council's Officer.*

- d. *Any excavations required for footings, structures, retaining walls, services, pipes, paving etc within 4 metres of the tree trunk shall be undertaken by hand and under the direction of, and to the satisfaction of Council's Officer.*

*Notes:*

- *Any detention tanks/infiltration areas proposed along the front property boundary shall be setback at least 6 metres from the outside edge of the tree trunk.*
  - *All sections of the proposed new front fence located within 6 metres of the outside edge of the tree trunk, shall be constructed using pier a beam footings to minimise damage to the tree roots.*
- e. *The erection of signage on the protective fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".*
- f. *A refundable deposit in the form of cash or cheque of \$6,340.00 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the preservation of the tree in accordance with the requirements described in this condition.*

<b>QUANTITY</b>	<b>SPECIES</b>	<b>AMOUNT</b>
1	<i>Ficus microcarpa var. 'Hillii' (Hills Weeping Fig)</i>	\$6,340.00
	<b>TOTAL</b>	\$6,340.00

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

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

141. *A refundable deposit in the form of cash, cheque or bank guarantee (with no expiry date) for the amount of \$13,000.00 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 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.*

142. *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.*

#### **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:*

- |                   |          |   |
|-------------------|----------|---|
| <i>a) Part B1</i> | <i>-</i> | <i>Structural provisions</i>                                |
| <i>b) Part C1</i> | <i>-</i> | <i>Fire resistance and stability</i>                        |
| <i>c) Part C2</i> | <i>-</i> | <i>Compartmentation and separation</i>                      |
| <i>d) Part C3</i> | <i>-</i> | <i>Protection of openings</i>                               |
| <i>e) Part E1</i> | <i>-</i> | <i>Fire fighting equipment</i>                              |
| <i>f) Part E2</i> | <i>-</i> | <i>Smoke Hazard Management</i>                              |
| <i>g) Part E4</i> | <i>-</i> | <i>Emergency lighting, exit signs &amp; warning systems</i> |
| <i>h) Part F1</i> | <i>-</i> | <i>Damp and weatherproofing</i>                             |
| <i>i) Part F2</i> | <i>-</i> | <i>Sanitary and other facilities</i>                        |
| <i>j) Part F4</i> | <i>-</i> | <i>Light and ventilation</i>                                |
| <i>k) Part F5</i> | <i>-</i> | <i>Sound Transmission and Insulation</i>                    |

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

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

- A2. *The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*

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

**11.3 NOTICE OF RESCISSION MOTION BY COUNCILLORS BY ANDREWS, WHITE, BASTIC, SULLIVAN & DALEY – ORDINARY COUNCIL MEETING, TUESDAY, 26<sup>TH</sup> JULY, 2005 – ITEM 11.5 –MOTION PURSUANT TO NOTICE BY COUNCILLOR NOTLEY-SMITH – DUNNINGHAM RESERVE PLAYGROUND. (F2004/08256 XR F2005/00171)**

**MOTION: (Tracey/Procopiadis)** that the resolution passed at the Ordinary Council Meeting held on 26th July, 2005, reading as follows:-

that no works be undertaken on the proposed Dunningham Reserve playground.

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

**11.4 BY COUNCILLOR BELLELI – TOILET BLOCK AT LA PEROUSE. (F2004/06044 XR F2005/00171)**

- 380 **RESOLUTION: (Belleli/Kenny)** that a report be prepared for the Works Committee on the condition on the toilet block adjacent to the Snake Pit at La Perouse, addressing issues such as replacement/refurbishment and or relocation.

**MOTION: (Belleli/Kenny) CARRIED – SEE RESOLUTION.**

**11.5 BY COUNCILLOR ANDREWS – MOTION OF NO CONFIDENCE. (F2004/06570 XR F2005/00171)**

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

**12. URGENT BUSINESS.**

Nil.

**13. CONFIDENTIAL REPORTS.**

**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 Sections 10 A(2)(a) & 10 A(2)(c) & 10 A(2)(g) of the Local Government Act, 1993, that the press and public be excluded from the whole of this meeting of the Committee as the matters under consideration concerned respectively (a) personnel matters concerning particular individuals (other than Councillors), (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business and (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege, 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 10.21 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 10.40 p.m.

#### **15. REPORT ON CONFIDENTIAL ITEMS 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 MAYOR'S MINUTE 114/2005 - GENERAL MANAGER'S PERFORMANCE REVIEW. (PERSONNEL)**

381 **RESOLUTION: (Tracey/Woodsmith) that:**

- (a) *Council receive and note the General Manager's Performance Review;*
- (b) *the representatives on the Committee for the General Manager's Performance Review for 2006 be His Worship the Mayor, Cr M. Matson, Cr Seng and a nominee put forward by the ALP to the General Manager; and*
- (c) *based on the General Manager's Performance Review committee evaluation of the more than satisfactory performance of the General Manager and the contractual obligations between Council and the General Manager that the General Manager's total remuneration package be increased by the amount determined by the Remuneration Tribunal for the State Executive Service effective on the 6 October, 2005.*

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

**CONFIDENTIAL GENERAL MANAGER'S REPORT 37/2005 - GOLD'S GYM, HEFFRON PARK. (F2004/07755)**

382 **RESOLUTION:** *(Kenny/Nash) that this matter be deferred for three (3) months until the time for an appeal has lapsed.*

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

**CONFIDENTIAL GENERAL MANAGER'S REPORT 45/2005 – 88A BEACH STREET, COOGEE – COURT CASE. (D/230/2002)**

383 **RESOLUTION:** *(Nash/Belleli) that Council enter into consent orders as per our barrister's advice and delegate approval to the Director, City Planning to finalise the conditions of consent to be provided to the court.*

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

**CONFIDENTIAL DIRECTOR, CITY SERVICES' REPORT 95/2005 – TENDER T040/05 SUPPLY OF TROMMEL SCREEN. (F2005/00296)**

384 **RESOLUTION:** *(Tracey/Woodsmith) that Council accept the tender submitted by Powerscreen Australasia Pty Ltd for the supply and delivery of one (1) Orion 1400 Trommel Screen for the sum of \$246,500.00.*

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

**CONFIDENTIAL DIRECTOR, CITY SERVICES' REPORT 96/2005 - VOLUNTEER CONTROLLER PERFORMANCE REVIEW - 2005. (F2004/06416)**

385 **RESOLUTION:** *(Tracey/Woodsmith) that Council agree to propose Mr Peter Gray to the Director General of the State Emergency Service as the preferred candidate for the position of SES Unit Controller for the Randwick Unit.*

**MOTION: (Tracey/Woodsmith) 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 10.42 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 27<sup>TH</sup> SEPTEMBER, 2005.

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CHAIRPERSON