

**MINUTES OF ORDINARY COUNCIL MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 27TH SEPTEMBER 2005 AT 6:04 P.M.**

PRESENT:

His Worship the Mayor, Cr. T. Seng (Central Ward) (Chairperson)

Councillor M. Matson (East Ward) (Deputy Mayor)

North Ward	-	Crs J. Kenny, P. Tracey & M. Woodsmith
South Ward	-	Crs R. Belleli & A. White
East Ward	-	Cr B. Notley-Smith & D. Sullivan (from 6.21 p.m.)
West Ward	-	Crs B. Hughes (from 7.32 p.m.), S. Nash & J. Procopiadis
Central Ward	-	Crs A. Andrews & C. Bastic

OFFICERS PRESENT:

General Manager	Mr. R. Brownlee.
Director, City Services	Mr. J. Frangoples.
Director, City Planning	Ms. S. Truuvvert.
Director, Governance & Financial Services	Mr. G. Banting.
Manager, Administrative Services	Mr. D. Kelly.
Communications Manager	Ms. D. Brien.
Manager Development Assessment	Mr. K. Kyriacou.

1. COUNCIL PRAYER

The Council Prayer was read by His Worship the Mayor, Cr T. Seng.

2. APOLOGIES.

Nil.

2A. LEAVE OF ABSENCE.

388 **RESOLUTION:** (*Notley-Smith/Andrews*) that Leave of Absence be granted to Cr Daley from the Ordinary Council Meeting held on 27th September, 2005.

2B. PASSING OF FORMER MAYOR, JOHN FORD.

389 **RESOLUTION:** (*Andrews/White*) that one minute's silence be observed for former Mayor, John Ford who passed away 25th September, 2005.

3. MINUTES

CONFIRMATION OF THE MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON TUESDAY, 20TH SEPTEMBER, 2005.

- 390 **RESOLUTION:** (*Tracey/Belleli*) that the Minutes of the Extraordinary Council Meeting held on Tuesday, 20th September, 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, 23RD AUGUST, 2005.

- 391 **RESOLUTION:** (*Belleli/Kenny*) that the Minutes of the Ordinary Council Meeting held on Tuesday, 23rd 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.

4. DECLARATION OF PECUNIARY & NON-PECUNIARY INTERESTS.

- (a) Cr Belleli declared a Non-Pecuniary interest in Item No. 14.1, General Manager's Report 48/2005 - Maroubra Beach Pavilion - Cafe & Kiosk - Lease Tender Evaluation - T036/05, as one of the tenderers if a member of the Maroubra Chamber of Commerce with Cr Belleli.

5. ADDRESSES TO THE COUNCIL BY THE PUBLIC.

1. Ms Ann Grant, 5/2 Ethne Avenue, Randwick on Item 8.3, Director, City Services' Report 111/2005 - Provision of Deck Chairs or Related Hire Facilities at Council's Beaches.
2. Ms Rona Wade, 4/138 Beach Street, Coogee on Item 10.1, Director, City Planning Report 59/2005 - Licensed Premises and Alcohol Related Anti-Social Behaviour in the Coogee Area.
3. Mr Bill Henningham, 129 Riverview Street, Riverview on Item 10.2, Director, City Planning Report 60/2005 - 22 Minneapolis Cres Maroubra.
4. Mr Gene Ransom, 3 Caerleon Crescent, Randwick on Item 10.3, Director, City Planning Report 61/2005 - 1 Caerleon Crescent, Randwick.
5. Edward White, 1 Caerleon Crescent, Randwick on Item 10.3, Director, City Planning Report 61/2005 - 1 Caerleon Crescent, Randwick.
6. Ms Lorraine Rivlin, 58 Melody Street, Coogee on Item 10.4, Director, City Planning Report 62/2005 - 54-56 Melody Street, Coogee.
7. Mr Colin Magee, 54 Melody Street, Coogee on Item 10.4, Director, City Planning Report 62/2005 - 54-56 Melody Street, Coogee.

The meeting was adjourned at 6.43 p.m. and was resumed at 7.13 p.m.

6. MAYORAL MINUTES.

6.1 MAYOR'S MINUTE 124/2005 - WAIVING OF FEES - ST PAULS ANGLICAN CHURCH - CAROLS BY THE SEA. (F2004/07843)

- 392 **RESOLUTION:** (*His Worship the Mayor, Cr T. Seng*) that:

- (a) Council vote \$1,593.50 to cover the fees associated with the event and funds be allocated from the 2005/2006 Contingency Fund Budget;
- (b) the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and
- (c) the Mayor or his representative shall be given the opportunity to address the event on behalf of Council.

MOTION: (His Worship the Mayor, Cr T. Seng) CARRIED – SEE RESOLUTION.

6.2 MAYOR'S MINUTE 125/2005 - COOGEE FAMILY FUN DAY - WAIVING OF FEES. (F2004/07550)

393 **RESOLUTION: (His Worship the Mayor, Cr T. Seng) that:**

- (a) Council vote \$6,057.50 to cover the fees associated with the Coogee Family Fun Day and that these funds be allocated from the 2005/06 Contingency Fund budget;
- (b) the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and
- (c) the Mayor's representative be given the opportunity to address the event on behalf of Council.

MOTION: (His Worship the Mayor, Cr T. Seng) CARRIED – SEE RESOLUTION.

6.3 MAYOR'S MINUTE 126/2005 – HEFFRON PARK PLAN OF MANAGEMENT UPDATE ON SOIL SURVEYS. (F2004/08398)

394 **RESOLUTION: (His Worship the Mayor, Cr T. Seng) that Council receive and note the General Manager's Report 49/2005.**

MOTION: (His Worship the Mayor, Cr T. Seng) CARRIED – SEE RESOLUTION.

7. GENERAL MANAGERS' REPORTS.

7.1 GENERAL MANAGER'S REPORT 46/2005 - AFFIXING OF THE COUNCIL SEAL. (F2004/06336 xr F2004/07593)

395 **RESOLUTION: (Andrews/Nash) that authority be granted for the Council's Common Seal to be affixed to the agreements between Council and:**

1. Mr Tony Patellis (T/As Café Congo) in relation to a licence for the purpose of outdoor dining at 208 Arden Street, Coogee;
2. George & Chrisi Kotsidis (T/As Gloria Jeans Coffees) in relation to a licence for the purpose of outdoor dining at Shop 3/73 Belmore Road, Randwick;
3. Sam Kern (T/As Parc Café) in relation to a licence for the purpose of outdoor dining at 30 Clovelly Road, Clovelly;
4. Maroubra Diggers Junior Swimming Club in relation to two licences for part of Lots 1211, 7026-7027 DP 752015 more particularly known as the Des Renford Aquatic Centre Club room; and

5. *Kensington Bowling Club in relation to a lease for part of Kensington Park Reserve, more particularly known as Kensington Bowling Club.*

MOTION: (Andrews/Nash) CARRIED – SEE RESOLUTION.

7.2 GENERAL MANAGER'S REPORT 47/2005 - E-BUSINESS STRATEGY FOR RANDWICK CITY COUNCIL. (F2005/00422)

- 396 **RESOLUTION: (Belleli/Andrews)** *that the General Manager's Report 47/2005 be received and noted.*

MOTION: (Belleli/Andrews) CARRIED – SEE RESOLUTION.

8. DIRECTOR, CITY SERVICES' REPORTS.

8.1 DIRECTOR, CITY SERVICES' REPORT 109/2005 - NAMING OF AREA LOCATED AT 1613 ANZAC PARADE, LA PEROUSE. (F2004/06044 xr F2005/00171)

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

- (a) *submissions and suggestions be sought from residents and other interested people, by placing an advertisement in the local paper of the proposal to name the area located at 1613 Anzac Parade, La Perouse Timbery (Timbere) as it is an area of aboriginal significance and all the guidelines of the Geographical Names Board be met prior to a further report being prepared for Council's consideration;*
- (b) *after consultation with the same Elders mentioned in the report, the plaque should now read: -*

“Timberey - The first recorded Australian Aboriginal Name.

This was the name given to the famous French explorer La Perouse by the aboriginal people working on the French ships during their stay in Botany Bay, New South Wales in 1778.

The Timberey tribe members were recruited by the French to assist in finding water, fishing, hunting kangaroos & emus and helping to prepare the ships for their further discovery voyages.

La Perouse recorded the Timberey tribe as such in his diaries and requested the British Commander Captain Philip to present his papers to the French Government when he returned to England. Commander Philip duly delivered the diary to the French.”

- (c) *a progress report be brought back to Council on the following:*
- i. the arrangements that have been made for the area at 1613 Anzac Parade to be landscaped, the disused road pavement to be removed, the guard rail to be realigned and interruptive signage to be designed, subject to consultation with relevant local group;*
 - ii. the design of the area, after consultation with the same Elders, includes enough seating to look over Frenchmans Bay, Yarra Bay and Botany Bay; and*
 - iii. the commencement and completion dates of this project.*

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

8.2 DIRECTOR, CITY SERVICES' REPORT 110/2005 - ROADS TO RECOVERY GRANT FUNDING. (F2004/07154)

398 **RESOLUTION: (Belleli/White)** that Council accept the Roads to Recovery Grant Funding in the amount of \$387,000 to undertake the reconstruction of Ferguson Street inclusive of kerb and guttering between Fitzgerald Avenue and Wade Street, Maroubra.

MOTION: (Belleli/White) CARRIED – SEE RESOLUTION.

8.3 DIRECTOR, CITY SERVICES' REPORT 111/2005 - PROVISION OF DECK CHAIRS OR RELATED HIRE FACILITIES AT COUNCIL'S BEACHES. (F2004/07610)

399 **RESOLUTION: (Matson/Notley-Smith)** that:

- (a) a proposal for the hire of deck chairs be prepared and publicly exhibited for a period of four weeks to determine the level of community and stakeholder support for the proposal;
- (b) following the exhibition period, a further report be submitted to the Works Committee to consider the outcomes of the exhibition period and any submissions received and to determine whether tenders should be called for the hiring of deck chairs at Clovelly Bay; and
- (c) an upper limit be set on the number of deckchairs in the proposal to be exhibited and that no specific area be defined for their exclusive use on the promenade. This upper limit be set at the number of deckchairs proposed for the defined areas in the Director City Services Report 111/2005.

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

8.4 DIRECTOR, CITY SERVICES' REPORT 112/2005 - USE OF GOLDSTEIN RESERVE, FOR MAJOR SAND SCULPTING AUSTRALIA EVENT. (F2004/08145)

400 **RESOLUTION: (Notley-Smith/Sullivan)** that Council refuse the major sand sculpting event at Goldstein Reserve, Coogee, from 3 March through to 25 April, 2006.

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

9. DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORTS.

9.1 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 38/2005 - LOCAL GOVERNMENT ASSOCIATION OF NEW SOUTH WALES - 2005 ANNUAL CONFERENCE. (F2005/00646)

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

- a) Councillors Hughes, Woodsmith, Belleli, Seng and Andrews be elected as the five (5) delegates to attend the Local Government Association's Conference at Mudgee

in October 2005;

- b) Councillors Notley-Smith, Nash, Kenny, White and Procopiadis be nominated as the five (5) “alternate delegates” to attend the Conference; and*
- c) other interested Councillors attend the Conference in the capacity of “observers”.*

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

9.2 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 39/2005 - LA PEROUSE LAND COUNCIL - REQUEST FOR RATE EXEMPTION. (F2004/07687)

402 **RESOLUTION:** *(Andrews/Nash) that Council responds to requests for rate adjustments from the La Perouse Local Aboriginal Land Council by writing to them clarifying that:*

- (a) Council cannot retrospectively adjust rates paid by the Land Council between the 25th October, 2002 and the 23rd July, 2003 because the 25th October, 2002 rate exemption period did not apply to these residential dwellings; and*
- (b) there is not seen to be any advantage to the local Aboriginal community in future rate adjustments as it understood that the NSW Land Council is covering rate debts incurred by the La Perouse Local Aboriginal Land Council.*

MOTION: (Andrews/Nash) CARRIED – SEE RESOLUTION.

10. DIRECTOR, CITY PLANNING REPORTS.

10.1 DIRECTOR, CITY PLANNING REPORT 59/2005 - LICENSED PREMISES AND ALCOHOL RELATED ANTI-SOCIAL BEHAVIOUR IN THE COOGEE AREA. (F2005/00515)

403 **RESOLUTION:** *(Matson/Woodsmith) that:*

- a) this Director, City Planning Report 59/2005 be noted;*
- b) this matter be the subject of a further report to Council at the conclusion of the implementation and analysis of the strategies proposed in the Coogee Safety Committee’s “Action Plan”;*
- c) Randwick City Council continues to support and participate in the Coogee Safety Committee and the Eastern Beaches Local Area Command Liquor Accord to reduce alcohol related harm and anti-social behaviour throughout the City of Randwick; and*
- d) that a report be brought before the next Ordinary Council meeting or appropriate Committee meeting addressing the following matters;*
 - i. Council place on public exhibition a range of possible options to be put to the Liquor Administration Board for both winding back liquor licensing hours and implementing more stringent liquor licensing conditions for the Coogee Bay Hotel and Beach Palace Hotel;*

- ii. *options including strategies for avoiding the flow-on of patrons to the Royal Hotel and Coach and Horse Hotel that might arise from the proposal;*
- iii. *following the invited input of Councillors, the adoption of suitable options prior to the exhibition process;*
- iv. *submissions be collected from residents living within 400 metres of the Coogee Bay Hotel, Beach Palace, Royal Hotel and Coach and Horses Hotel; and*
- v. *options for the establishment of an “incident register database” to allow residents to phone in and report anti-social incidents.*

MOTION: (Matson/Woodsmith) CARRIED – SEE RESOLUTION.

AMENDMENT: (Sullivan/Andrews) that Council seek input from the Licensing Police on the options outlined at this meeting. **LOST.**

10.2 DIRECTOR, CITY PLANNING REPORT 60/2005 - 22 MINNEAPOLIS CRES MAROUBRA. (D1176/2003)

404 **RESOLUTION: (Belleli/Andrews)** that Council, as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify conditions of Development Consent No. 1176/03 on property 22 Minneapolis Cres. Maroubra, in the following manner:

Delete Deferred Commencement Conditions 2, 3, 4 and 5

Amend Condition No. 1 to read:

1. *The development must be implemented substantially in accordance with the plans numbered Job 0387 Plan A01 through to A05 dated 25/3/04 and submitted 23/4/04 and A05 and 06 dated 25/3/04 and submitted 20/05/04, the application form and on any supporting information received with the application, plans as amended by the Section 96 plans numbered Sheet 1C through to 8C of job number 0387 dated 23 August 2005, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application, except as may be amended by the following conditions and details/amendments approved pursuant to the deferred commencement conditions and as may be shown in red on the attached plans:*

MOTION: (Belleli/Andrews) CARRIED – SEE RESOLUTION.

10.3 DIRECTOR, CITY PLANNING REPORT 61/2005 - 1 CAERLEON CRESCENT, RANDWICK. (D0200/2005)

405 **RESOLUTION: (Matson/Tracey)** that this application be deferred to the next Ordinary Council Meeting on Tuesday, 18th October, 2005 to allow mediation between the applicant and objector.

MOTION: (Matson/Tracey) CARRIED – SEE RESOLUTION.

10.4 DIRECTOR, CITY PLANNING REPORT 62/2005 - 54-56 MELODY STREET, COOGEE. (D0295/2005)

406 **RESOLUTION: (Andrews/Woodsmith)** that:

- A. *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. 295/2005 for Alterations and first floor addition to pair of semi-detached dwelling houses, including a car space and front first floor balconies. at 54-56 Melody Street, Coogee subject to the following conditions:-*

Deferred Commencement Conditions

The consent shall not operate until the following amendments and details have been submitted to and approved by the Director of City Planning:-

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

Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of Planning & Community Development.

2. *A consolidated set of plans shall be prepared and submitted reflecting the amended roof form detailed in Drawing: Option B SK 04 dated August 05 and received by Council on 11 August 2005.*

Development Consent Conditions

Subject to compliance with the deferred commencement conditions to the satisfaction of the Director of Planning and Community Development, development consent is granted under Section 80 and 80A of the Environmental Planning and Assessment Act 1979, subject to the following conditions:

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. *The development must be implemented substantially in accordance with the plans numbered DA01, through to DA06, DD07 and DA08 dated April 05 and submitted 21/04/05 Sk02, 03 & 04 undated and submitted to Council 11/08/05 and the application form and on any supporting information received with the application, except as may be amended by the details/amendments approved pursuant to the deferred commencement conditions and the following conditions and as may be shown in red on the attached plans:*
2. *The first floor addition to each semi-detached dwelling shall be constructed concurrently and shall be the subject of one construction certificate application for the entirety of the works proposed .*
3. *Eaves, gutters, hoods and similar structures or attachments are required to be setback from the side boundaries of the allotment a minimum distance of 500mm and details of compliance are to be included in the construction certificate details.*

4. *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.*

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

5. *The consumption of water within the building shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be noted in the **construction certificate** plans or specifications.*
6. *New external timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturers details.*

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

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

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

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

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

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

9. *External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the building, or cause a nuisance or damage to the adjoining premises.*

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

10. *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.

11. *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.*
12. ***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.***
13. ***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.

14. *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.

15. *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; and*
 - *a statement stating that "unauthorised entry to the work site is prohibited".*
16. *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.

17. *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.

18. *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.*

19. *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.

20. *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**.*

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

21. *All demolition work is to be carried out in accordance with the provisions of AS2601-1991. The Demolition of Structures, as in force at 1 July 1993.*
22. *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.*

23. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.*
24. *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.

25. *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.*

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.

26. *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.*

27. *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.

28. *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.*

29. *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.*
30. *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*
31. *Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line or any public place and the stockpiles must be protected with adequate sediment control measures.*

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

A warning sign for soil and water management must be displayed in a prominent position on the building site, visible to both the public and site workers. The sign must be displayed throughout the construction period. Copies of a suitable warning sign are available at Council's Customer Service Centre for a nominal fee.

32. *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.

33. *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.*
34. *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.*

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

35. *A Certificate of Adequacy supplied by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) **prior to a construction certificate being issued** for the development, certifying the structural adequacy of the existing structure to support the additional storey.*
40. *The applicant must meet the full cost for Council or a Council approved contractor to:*
 - a) *Construct concrete vehicular crossings and laybacks at kerb opposite the vehicular entrances to the sites.*
41. *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.*
42. *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:

43. *The applicant must meet the full cost for Council or a Council approved contractor to install vehicular crossings and 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.*

Advisory Conditions

- A1. *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.*
- A2. *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.*
- A3. *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.

MOTION: (Andrews/Woodsmith) CARRIED – SEE RESOLUTION.

10.5 DIRECTOR, CITY PLANNING REPORT 63/2005 - 10-40 PINE AVENUE, LITTLE BAY AND LOT 26 IN DP 270427. (DA/0331/2005)

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

- A. *Council support the objection under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with Clause 30D of the Randwick Local Environmental Plan 1998 (as amended), relating to building envelope, 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 under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No DA/331/2005 for Alterations and additions to existing heritage items on the site and adaptive reuse for residential purposes (13 units), basement parking for 19 cars and at ground parking for 3 cars, stratum land subdivision to incorporate part of Lot 26 at basement level only, and boundary adjustment at 10-40 Pine Avenue, Little Bay and Lot 26 in DP 270427 subject to the following conditions:-*

Heritage Office Conditions

1. *The development is to be in accordance with the following documents:*
 - a) *Drawings: AR.DA.00/A, AR.DA.01/B, AR.DA.03/A, AR.DA.04/B, AR.DA.05/B, AR.DA.06/B, AR.DA.07/A, AR.DA.08/B, AR.DA.09/B AND AR.DA.11/A; LA.DA.00 revision 0 dated 29 April, 2005 prepared by PSB.*
 - b) *Statement of Environmental Effects (SEE) prepared by Helen Mulcahy Urban Planning Pty Ltd dated April 2005;*
 - c) *Heritage Impact Statement (HIS) dated April 2005, prepared by Tanner Architects; and*
 - d) *Specific Element Conservation Policy (SECP) Lot 14 Prince Henry Site dated April 2005, prepared by Tanner Architects*
 - e) *Landmark Features Group and Former Water Reservoir Specific Element Conservation Policy (SECP) dated November 2004, prepared by Godden Mackay Logan;*
 - f) *Conservation Management Plan dated February, 2003 and Archaeological Management Plan dated August, 2002 prepared by Godden Mackay Logan and both endorsed by the NSW Heritage Council; and*
 - g) *Bushland Management Plan, dated November 2004 prepared by Manidis Roberts.*

Design Revisions

2. *The following revisions are to be submitted to the Director of the Heritage Office and approved prior to the release of the construction certificate:*
 - a) *The design of the proposed western extension to ensure that the element is not only contemporary but responds more to the design, materials, colours and tone of the McIlrath building;*
 - b) *The design of the western entry path (and letterboxes) to interpret the earlier path and beds removed as a result of the recent remediation works and the letterboxes are to be positioned and designed to be as unobtrusive as possible; and*
 - c) *The design and layout of the proposed plantings and structures positioned between the McIlrath building and Pine Avenue to reduce the impact on the significant open setting.*

Further Information

3. *Further information is to be submitted to confirm the design of the proposed link between the McIlrath building and the reservoir which will close the gap and the view between the buildings to ensure its appearance is as unobtrusive and lightweight as possible;*
4. *A Cyclic Maintenance and Monitoring Plan, to implement the recommendations of the Prince Henry CMP and Lot 14 SECP. The Strata Management Statements (or any building management documents) for the site are to include By-laws or other measures to implement the Plan's recommendations and ensure that adequate funds are provided in any building maintenance fund for this work. This information is to be submitted to the Director of the Heritage Office and approved prior to release of the occupancy certificate;*

Nominated Heritage Consultant

5. *A heritage consultant shall be nominated for the works. The consultant shall have appropriate qualifications and experience commensurate with the scope of the works. The name and experience of this consultant shall be submitted to the Director of the Heritage Office and approved prior to the release of the construction certificate;*
6. *The consultant shall advise on the detail design resolution of new elements, undertake on site heritage inductions, inspect the demolition and removal works to maximise reuse and protection of salvageable material, construction of new elements, design and installation of services (to minimise impacts on significant fabric and views), and manage the implementation of the conditions of approval;*
7. *A report by the consultant (illustrated by works' photographs) shall be submitted to the Director of the NSW Heritage Office for approved prior to the release of the construction certificate which describes the work, any impacts/damage and remedial works carried out;*

Aboriginal Archaeology

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

Historical Archaeology

12. *Prior to the commencement of any subsurface disturbance (excavation), all those involved are to be made of the potential for historical archaeological relics to survive within the area. This is to be done through a site induction by the nominated heritage consultant, which also notifies all involved of their obligations under the Heritage Act 1977 (NSW);*
13. *In the event that historical archaeological remains or deposits are exposed during the works, the excavation work shall cease immediately and an evaluation of their potential extent and significance should be undertaken and the Heritage Council of NSW notified under the requirements of the Heritage Act.*

Conservation Works

14. *Information scheduling and describing the proposed conservation works is to be submitted to the Director of the Heritage Office and approved prior to the release of the construction certificate:*
- h) The conservation works are to be implemented in accordance with the McIlrath (former Pathology) Building and Water Reservoir Specific Element Conservation Policy (SECP) dated April 2005;*
 - i) The conservation works documents are to be prepared by a qualified practitioner and the work inspected by the nominated heritage consultant;*
 - j) The conservation works are to include proposed painting schedule guided by the historic colour scheme analysis and paint scapes prepared in consultation with the nominated heritage consultant;*
 - k) The works are to be undertaken by qualified contractors in accordance with the conditions of approval; and*
 - l) The conservation works are to be completed by practical completion of the construction works.*

Works

15. *The construction works and installation of services are to be undertaken in accordance with McIlrath (former Pathology) Building and Water Reservoir Specific Element Conservation Policy (SECP) dated April 2005. In addition:*
- a) Significant building elements, features and fragile materials shall be adequately protected during the works from potential damage;*
 - b) The demolition and removal of materials is to be carried out in such a manner as to prevent runoff, damage to or removal of significant heritage fabric;*
 - c) Significant fabric and features in the vicinity of the development and wherever construction vehicles are used are to be protected during the works;*
 - d) The installation of services shall be carried out in such a manner as to minimise damage to or removal of historic fabric and shall not obscure historic features;*
 - e) Service runs should be grouped and concealed within the new work; and*
 - f) Proposed service reticulation is to minimise interface with retained significant fabric. Penetrations through heritage fabric should be minimised.*

Inductions

16. *Prior to the commencement of the proposed works, all involved parties are to be made fully aware, by way of an induction by the nominated heritage consultant, of the location, importance, condition and fragility of all significant natural, landscape, built and archaeological features in the vicinity of the site and access roads. Attendance at the induction is compulsory. The induction is to include a synopsis of the history and importance of the whole site, nature of the work and the care required to prevent damage to significant features;*

Moveable Heritage

17. *Items identified in the Moveable Heritage Survey and Salvageable Materials Survey of the Prince Henry Site undertaken in 2003/2004 to satisfy consent conditions issued for Demolition DA No.1 and Demolition DA No.2 are to be carefully relocated to a safe,*

weatherproof location prior to the works or if fixed in position (the McIlrath Plaque and Avery Scales) protected in-situ for the duration of the works. Management of any moveable heritage items is to be in accordance with the future Moveable Heritage SECP;

Interpretation and signage

18. *A site specific plan interpretation and signage plan is to be prepared in accordance with the Prince Henry site wide strategy and submitted to the Director of the Heritage Office and approved within 3 months following commencement of the works.*
 - a) *The plan is to include site specific interpretation and signage to promote an understanding of the significance of the buildings, their history, appearance, nature of the recent changes, former and new use and setting.;*
 - b) *Site-specific interpretation at the McIlrath building is to be carefully worded to present the building's values should not affect the amenity of future residents;*
 - c) *To mitigate the extent of demolition and loss of evidence of the McIlrath building's and Water Reservoir former uses and contribution to the hospital, suitable in depth presentation and interpretation is be recommended within the site specific plan to be provided off-site as part of the site wide strategy; and*
 - d) *Site specific signage is to be installed prior to the release of the occupation certificate; and*

S60 application

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

Development Consent Conditions

20. *The development must be implemented substantially in accordance with Issue A of the plans numbered AR.DA.00, AR.DA.03, AR.DA.07, AR.DA.11 dated 29.04.05, stamped received by Council on 3 May 2005 and Issue B of the plans numbered AR.DA.01, AR.DA.04, AR.DA.05, AR.DA.06, AR.DA.08, AR.DA.09; dated 30.08.05 prepared by Tanner Architects and stamped received by Council on 1 September 2005 and Landscape Sketch Plan LA.DA.01 revision 0 dated 29 April, 2005 prepared by PSB and stamped received by Council on 3 May 2005 and the Draft Plan of Subdivision, surveyors reference C392-005b.dwg, prepared by Whelans and stamped received by Council on 9 September 2005, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

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:

21. *The preparation of the Plan of Management is a condition of DA No. 274/2005 - community title subdivision in Release Areas 2 & 3 to ensure site wide consistency with the care of heritage resources especially where they cross property boundaries.*

Management and care of the site's significant fabric is to be in accordance with the site wide Plan (or Plans) of Management which is/are to be prepared by Landcom in

consultation with the site's major stakeholders, including owners of private lots that either contain heritage elements or are within or are part of the setting and/or curtilage of heritage elements. The Cyclic Maintenance and Monitoring Plan requested in the Heritage Office conditions is to be appended to the Plan (or Plans) of Management. The Plan (or Plans) of Management are to be adopted by any future Owners Management Association.

This condition is imposed to clarify the agreement between the applicant and the Heritage Office in terms of ongoing management of heritage at the Prince Henry Hospital site.

22. *The northern wall adjacent the pedestrian carpark egress is to be terminated so that there is 2 metres of open grassed verge between the egress passage and the western street alignment of the site. This condition is imposed to maintain the openness of the site and minimise the number walls and structures on the Jenner Street frontage of the site. Details are to be submitted with the Construction Certificate application.*
23. *A maximum of 17 spaces are to be provided in the basement with the following allocation:*

Resident Parking	
1 bedroom	3 spaces
2 bedroom	7 spaces
3 bedroom	6 spaces
Dedicated Car Wash Bay	1 space

Two adjacent parking spaces are to be deleted from the northern half of the basement in order to achieve compliance with the above requirement. In place of the two spaces, deep soil landscaping is to be provided on the site.

The three open air parking spaces at ground level are to be retained and signposted as visitors' spaces.

This condition is imposed to ensure the proposal maximises deep soil planting and to minimise the impact of basement structures on the site. Details are to be provided with the Construction Certificate application.

24. *A tree with a minimum mature height of 10 metres is to be planted in the new deep soil zone created by deletion of parking spaces in accordance with Condition 23. The tree species shall be provided to Council prior to the issue of a Construction Certificate to ensure it will not detract from the heritage values of the site. Details are to be provided with the Construction Certificate application.*
25. *Storage is to be provided to the development in accordance with the following minimum requirements:*
- *8m³ for each 1 bedroom unit*
 - *10m³ for each 2 bedroom unit*
 - *12m³ for each 3 bedroom unit*

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

26. *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 without approval.*
27. *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.*
28. *All plumbing and drainage pipes, other than rainwater heads, gutters and downpipes, must be concealed within the building.*
29. *No cooking facilities or sanitary fittings other than those indicated on the approved plans are to be installed in the premises without the prior written consent of the Council.*
30. *Television aerials, and/or satellite dishes are not to be installed without the prior consent of Council, unless they are consistent with the provisions of the Exempt and Complying Development Control Plan.*
31. *Power supply and telecommunications cabling to the development shall be underground.*
32. *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.
33. *The finished ground levels external to the building shall not be raised 300mm to accommodate the erection of the building and paving works or the like, without the written consent of Council.*
34. *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. Lighting is to be sympathetic to the heritage values of the site.*

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

35. *21 solar panels are to be provided within the Prince Henry Hospital site to offset the energy used by the development. Details of the location of the solar panels are to be provided prior to the issue of a Construction Certificate. This condition is imposed to clarify the requirements of the Sustainable Building Report.*
36. *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.

37. *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.*
38. *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.*
39. *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 star*
 - *Fridge minimum 4 star*
40. *An application, in accordance with Section 68 of the Local Government Act 1993 and the Local Government (Approvals) Regulation 1999, must be submitted to and approved by Council prior to a **Construction Certificate** being issued for the development, for the installation and operation of a Greywater Treatment/Diversion System. Details of compliance with relevant NSW Health Department Guidelines are to be provided with the application.*
41. *The greywater system is to be designed, installed and operated in accordance with the requirements of relevant NSW Health Guidelines for Greywater and Sewage Recycling systems and devices.*
42. *Installation of domestic greywater treatment systems must comply with the NSW Department of Health, Domestic Greywater Treatment Systems Accreditation Guidelines, 2001.*

Details of compliance with the above criteria must be provided with the local approval application.

The following condition is applied to satisfy the increased demand for public amenities and public services:

43. *Works covered by this consent are to take place in accordance with the Developer Agreement (Deed of Agreement between Landcom and Randwick City Council dated 4/03/2005) for public open space and services.*

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

44. *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.

45. *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.*
46. *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.*
47. *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.

48. *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.

49. *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”.*

50. *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.

51. *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 must also be provided to Council with the occupation certificate.

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

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

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

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

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

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

53. *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.

54. *The building is required to be provided with a smoke alarm system complying with Clause 3 of Specification E2.2a of the Building Code of Australia or a smoke detection system complying with Clause 4 of Specification E2.2a of the Building Code of Australia or a combination of a smoke alarm system within the sole-occupancy units and a smoke detection system in areas not within the sole-occupancy units. The smoke detectors located within the stairway, corridors or the like must be interconnected.*

Additional requirements regarding the design and installation of the smoke detection and alarm system may be specified in the construction certificate for the development.

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

55. *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 and existing building for the proposed building works and certifying the suitability and adequacy of the proposed design and construction of the building for the site.*
56. *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.

57. *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**.*

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

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

60. *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.*
61. *Any demolition works involving asbestos products are to be carried out in accordance with relevant WorkCover New South Wales requirements, guidelines and codes of practice.*
62. *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.*
63. *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.

64. *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.*
65. *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.*
66. *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.*
67. *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.*
68. *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.*
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. *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.*

71. *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.

72. *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.*
73. *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.*
74. *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.

75. *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.*
76. *During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing*

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

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

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

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

A warning sign for soil and water management must be displayed in a prominent position on the building site, visible to both the public and site workers. The sign must

be displayed throughout the construction period. Copies of a suitable warning sign are available at Council's Customer Service Centre for a nominal fee.

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

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

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

Temporary fences or hoardings 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.

79. *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 or 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 (greater than 3m in length) or any container or other article.*

The following conditions are applied to provide reasonable levels of access for people with disabilities:

80. *To provide reasonable access for persons with disabilities, suitable access ramp/s are to be provided from the entry to the premises and to the building entrance to the satisfaction of the certifying authority and details are to be included in the **construction certificate**.*

81. *Any fill importation onto the site (for landscaping purposes or otherwise) is to be monitored and classified by a suitably qualified environmental consultant or similar.*

Only 'Virgin Excavated Natural Material' (VENM) is to be imported to the site, as defined within the NSW EPA 'Environmental Guidelines; Assessment, Classification and management of Liquid and Non-Liquid Wastes. 1999'.

82. *Any new information which comes to light during demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.*
83. *Hazardous or intractable wastes arising from any demolition or construction 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).*
84. *The works shall not give rise to environmental pollution or public nuisance or, result in an offence under the Protection of the Environment Operations Act 1997 or NSW Occupational Health & Safety Act (2000) & Regulations (2001).*

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:

85. *The use and operation of plant and equipment on 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.*

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:

86. *The residential units are to achieve the following internal acoustic amenity criteria:*
- a) *In naturally ventilated residential units; the repeatable maximum L_{Aeq} (1 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 hour) shall not exceed:*
- *38 dB(A) between 10pm and 7am in sleeping areas;*

- 46 dB(A) in living areas (24 hours).

87. *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.*

The project specific criteria for noise emissions from mechanical plant and equipment associated with the proposal shall be in accordance with the acoustical report dated 2 May 2005, prepared by Vipac Engineers and Scientists Ltd when measured at the nearest affected boundary:

<i>Period</i>	<i>Day (7am–10pm)</i>	<i>Evening (6pm–10pm)</i>	<i>Night (10pm-7am)</i>
<i>Project Specific Level</i>	45.5 L_{Aeq} (15mins)	42.5 L_{Aeq} (15mins)	37.0 L_{Aeq} (15mins)

88. *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.*

89. *A report/correspondence prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council **prior to a construction certificate being issued for the development**, which demonstrates that noise and vibration emissions from the mechanical plant and equipment (the development) will comply with the relevant provisions of the Protection of the Environment Operations Act 1997, Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and relevant conditions of approval. This report/correspondence is to incorporate the acoustic report submitted with the development application, namely: report number 242911-TRP-003928-01 dated 2 May 2005, prepared by Vipac Engineers and Scientists Ltd.*

90. *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 provide adequate provisions for access, transport and infrastructure:

91. *The applicant shall:*

- Remove any redundant sections of concrete vehicular crossing and layback and reinstate the area with concrete footpath, turf and integral kerb and gutter; and*
- Construct a heavy-duty concrete vehicular crossing and layback at the kerb opposite the proposed vehicular entrance to the site in Jenner Street (NR3).*

Note: It appears that the new crossing may be located over an existing kerb inlet pit. If the final design shows the new layback being located over the existing drainage pit, the applicant will be required to:

- i) Convert the existing kerb inlet pit to a grated inlet pit in the new layback; and*
- ii) Construct a new kerb inlet pit immediately to the south of the new crossing to compensate for the lost inlet capacity.*

All civil works are to be in accordance with Australian Standard specifications for driveways, and in general accordance with Randwick City Council's 'Standard Kerb and Gutter and Vehicular Crossing Detail' (Drawing SD4) and Council's 'Standard DGGP with Extended Kerb Inlet Detail' (Drawing SD7).

- 92. All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines.*
- 93. 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.*

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

- 94. The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, shall match the back of the approved footpath levels along the site frontage in Jenner Street (NR3).*

Any enquiries regarding this matter should be directed to Council's Development Engineer on 9399 0923.

- 95. The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the footpath must be indicated on the building plans for the construction certificate.*
- 96. 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:

- 97. 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.*
- 98. 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.*

99. *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.*
100. *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 to determine whether or not an electricity substation is required for the development.*
101. *A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.*

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the website www.sydneywater.com.au then refer to "Water Servicing Coordinator" under Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure 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:

102. *Engineering calculations and plans (for Lot 14) 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 the 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 the underground drainage system in Pine Avenue.*
 - 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 (i.e. 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.*
103. *All stormwater run-off naturally draining to Lot 14 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.*
104. *All site stormwater leaving Lot 14 must be discharged to the new storage pond (located adjacent to Fairway 7 within the Coast golf course), via the street drainage system in Pine Avenue. The stormwater shall be discharged directly to the underground drainage system in Pine Avenue via a kerb inlet pit (in accordance with the Prince Henry drainage strategy prepared by Connell Wagner). It is noted that all kerb inlet pits shall be constructed in general accordance with Council's standard drawing SD7.*
105. *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.*
106. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
107. *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.*
108. *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 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.*
- *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.*

109. *One covered car washing bay shall be provided for this development.*

- a) *The car washing bay must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to a construction certificate being issued for the proposed development.*
- b) *The car washing bay must be located outside any required/approved stormwater detention system.*
- c) *The car washing bay must be clearly signposted.*
- d) *The car washing bay must be constructed with a minimum 20mm bund around the perimeter of the car washing bay (or equivalent)*
- e) *A water tap shall be located adjacent to the car washing bay.*

110. *Prior to the issuing of an occupation certificate, the applicant shall submit to Council 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) *Finished site contours at 0.2 metre intervals (over Lot 14);*
- b) *The location, diameter, gradient and material (i.e PVC, RC etc) of all stormwater pipes;*

- c) *Details of any infiltration/absorption systems; and*
- d) *Details of any pumping systems installed (including wet well volumes).*

111. *Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council 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.*

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

- 112. *The garbage room shall be sized to contain a total of 14 x 240 litre bins (7 garbage bins & 7 recycle bins) whilst providing satisfactory access to these bins.*
- 113. *The waste storage area/s 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.*
- 114. *The waste storage area/s shall be clearly signposted.*
- 115. *Details showing how full garbage bins will be safely transported to the kerbside for collection shall be submitted to the certifying authority for approval prior to the issue of a construction certificate. This condition is required as the ramp grades are too steep to facilitate manual wheeling of bins up to the street.*

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

- 116. *The boundary between Lots 14 and 26 shall be adjusted to satisfy the following requirements prior to the issuing of an occupation certificate for the development:*
 - a) *The parcel of ground containing the basement carpark shall be allocated to Lot 14 (as a stratum allotment); and*
 - b) *The boundary shall be realigned at the western end to match the edge of the access driveway serving Lot 26.*

To satisfy this requirement the applicant will be required to submit to Council for approval and have approved a formal subdivision application for the boundary adjustment.

117. *The applicant shall create suitable rights of way, rights of carriageway, easements for services and internal stormwater lines, as required.*

Note: This shall include creating a right of carriageway over Lot 26 (benefiting Lot 14) to facilitate access to the three proposed street level parking spaces.

118. *The basement carpark shall be constructed prior to endorsement of the subdivision plans.*

119. *The applicant shall provide Council with a survey plan of the property (including appropriate sections through the basement carpark) prior to endorsement of the subdivision plans.*

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

120. *The landscaped areas shown on the Landscape Sketch Plan (Drawing LA.DA.01, issue 0 by PSB Landscape Architects Pty Ltd, dated April 29th 2005) shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by, the certifying authority, prior to the issue of a construction certificate. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:*

a. *A site plan (for Lot 14) at an appropriate scale showing existing trees within the property (clearly identified as being removed or retained), proposed areas of pavement, and proposed landscaped areas.*

The plan shall clearly show the position, canopy spread (location of dripline), trunk diameter and height 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. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.*

c. *A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*

d. *Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*

e. *Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*

f. *Sectional elevations through Lot 14 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 and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape plans.

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

121. *The detailed landscape planting plan and schedule submitted in accordance with the above condition shall demonstrate compliance with the following additional requirements:*
- a) *The planting plan and schedule shall not contain any invasive species or those which may threaten the areas of Eastern Suburbs Banksia Scrub (ESBS).*
 - b) *The plan shall respect the prevailing coastal influences and the coast's special design considerations and requirements, and shall be designed accordingly. Generally, species selection shall be restricted to local indigenous coastal species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.*
 - c) *The planting plans and schedule shall show:*
 - *Deletion of *Metrosideros excelsa* (NZ Xmas Tree) from the plan and plant schedule due to this species susceptibility to Jewel Beetle attack which has resulted in the death of a large number of this species in the Randwick LGA recently. This species shall be replaced with a cultivar or an alternative species of similar form and dimensions as they are resistant to this particular pest attack.*
 - *Deletion of *Phoenix canariensis* (Canary Island Date Palm) from the plan and planting schedule due to this species susceptibility to the water borne fungal disease *Fusarium sp*, which has resulted in the death of a large number of this species from the Randwick LGA, and is to be replaced with an alternative feature species of similar dimensions.*
 - *Deletion of *Coprosma repens* (Mirror Bush) and *Erigeron karvinskyanus* (Mexican Daisy) from the plan and planting schedule due to their invasive nature and the proximity to areas of ESBS, and are to be replaced with a more suitable, non-invasive species.*
122. *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.*
123. *To ensure satisfactory maintenance of landscaped areas, an automatic drip irrigation system shall be installed throughout all planted areas to provide full coverage, and shall comply with all Sydney Water requirements.*
124. *Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.*
125. *All detention tanks and stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping on top of these services as stipulated by these conditions of development consent.*

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

Tree Management

126. *Approval is granted for the removal of the following trees subject to the planting of 10 x 45 litre broad canopied replacement trees (not palms) strategically located within the private courtyards and around the perimeter of Lot 14. The trees selected shall be of a species that will attain a minimum height of 6-10 metres at maturity.*
- a) *Two Cupressus sempervirens (Italian Cypress) on either side of the existing brick entry area, at the southwest corner of the existing building.*
 - b) *One Allocasurina species (She-Oak) on the eastern side of this entry area.*
127. *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.*
128. *A refundable deposit in the form of cash or cheque, or bank guarantee (with no expiry date) for the amount of \$10,000.00 shall be lodged with Council prior to a construction certificate being issued for the proposed development to ensure the implementation and maintenance of the landscape works in accordance with the approved landscape documentation.*
- a. *The refundable deposit will be released twelve (12) months after the issue of a final occupation certificate by the principle certifying authority providing the landscape works have been successfully implemented and maintained in accordance with the approved landscape documentation. Throughout the maintenance/bond period, the applicant shall be responsible for all routine maintenance such as grass cutting, weeding, watering, fertilising, spraying, staking and replacement of all failed plant stock. There must be no alteration to the original design, including substitution of trees and shrubs, without the prior approval of the Principal Certifying Authority.*
 - b. *Any contravention of Council's landscape conditions at any time during the construction period or prior to the expiration of a period of twelve (12) months from the date a final occupation certificate is issued will result in the Council claiming all or part of the lodged security.*
129. *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 to council's landscape technician to organise for a further inspection to be undertaken.

Advisings

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

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

- a) *Part B1 - Structural provisions*
- b) *Part C1 - Fire resistance and stability*
- c) *Clause D1.4 - Exit travel distances in undercroft area*
- d) *Part E1 - Fire fighting equipment*
- e) *Part E2 - Smoke Hazard Management*
- f) *Part E4 - Emergency lighting, exit signs & warning systems*
- g) *Part F1 - Damp and weatherproofing*
- h) *Part F4 - Light and ventilation*
- i) *Part F5 - Sound Transmission and Insulation*

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 advised to ensure that the development is not inconsistent with Council's consent and if necessary consult with Council's Building Certification Services or your accredited certifier prior to submitting your construction certificate application to enable these matters to be addressed accordingly.

- A2 *The applicant/owner is advised that this approval does not guarantee compliance with the provisions of the Disability Discrimination Act 1992 and the applicant should therefore consider their liability under the Act. In this regard, the applicant is advised that compliance with the requirements of the Building Code of Australia and Australian Standard 1428.1 - Design for Access and Mobility does not necessarily satisfy the objectives of the Disability Discrimination Act 1992.*

The applicant/owner is requested to give consideration to providing access and facilities for people with disabilities in accordance with Australian Standard 1428 Parts 1, 2, 3 and 4 - Design for Access and Mobility, which may be necessary to satisfy the objectives of the Disability Discrimination Act 1992.

MOTION: (Nash/Andrews) CARRIED – SEE RESOLUTION.

11. PETITIONS.

11.1 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR T. SENG ON BEHALF OF RESIDENTS OPPOSING THE INSTALLATION OF A TELECOMMUNICATION FACILITY IN FRANKLIN STREET, MATRAVILLE. (F2005/00172 xr DA/639/2005)

- 408 **RESOLUTION: (His Worship the Mayor, Cr T. Seng/Notley-Smith)** *that the petition tabled be received and noted.*

MOTION: (His Worship the Mayor, Cr T. Seng/Notley-Smith) CARRIED - SEE RESOLUTION.

12. MOTIONS PURSUANT TO NOTICE.

12.1 By Councillor Tracey – Minimisation of Construction Hours. (F2004/08232 xr F2005/00171)

409 **RESOLUTION: (Matson/Belleli)** that this matter be deferred to the next Health, Building and Planning Committee meeting for a report detailing legal advice to be obtained by Council and the position of the union and its legal advice.

MOTION: (Tracey/Procopiadis) that Council in the public interest amends the hours allowed for construction work to control and mitigate the impacts of development on the amenity of the surrounding areas and neighbourhood.

In particular, Council will make a standard condition of development consent that a prohibition will apply for all construction works on:

- Saturdays & Sundays adjacent to Public Holidays and
- Public Holidays and
- The adjacent Construction Industry Awarded Rostered Days Off

This condition of development consent will not apply to:

- Minor renovations or refurbishments to single dwelling construction
- Owner occupier renovations or refurbishment to single dwelling construction
- Owner Builder construction of single dwelling construction and or
- Housing Estates consisting of predominantly unoccupied single dwellings.

AMENDMENT: (Notley-Smith/Belleli) that this matter be deferred to the next Health, Building and Planning Committee meeting for a report detailing legal advice to be obtained by Council. **LOST.**

FURTHER AMENDMENT: (Matson/Belleli) CARRIED & BECAME THE MOTION. MOTION CARRIED – SEE RESOLUTION.

12.2 By Councillor Andrews – Removal of Median Strip. (F2004/07750 xr F2005/00171)

410 **RESOLUTION: (Andrews/Nash)** that Council consider the removal of median strip at the intersection of Marine Parade and McKeon Street, Maroubra. Further, this matter be referred to the Traffic Committee for consideration.

MOTION: (Andrews/Nash) CARRIED - SEE RESOLUTION.

12.3 By Councillor Andrews – Installation of Angle Parking in Fenton Street, Maroubra. (F2004/07232 xr F2005/00171)

411 **RESOLUTION: (Andrews/Notley-Smith)** that Council install angle parking in Fenton Street, Maroubra. Further, this matter be referred to the Traffic Committee for consideration.

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

12.4 By Councillor Andrews – Review of Filming Policy. (F2004/07608 xr F2005/00171)

412 **RESOLUTION: (Andrews/Belleli)** that Council review its Filming policy and consider including the following amendments in order to protect the impact filming might have on local residents in the vicinity where filming takes place.

- (a) given the large number of personnel and support vehicles used in filming operations, all residents within 200 metres of the proposed site must be informed in writing at least one week prior to the commencement of filming;
- (b) all trucks, cars, trailers and any other support vehicles or equipment must be parked legally and not be obstructing driveway entrances or the visibility of drivers entering or exiting from side streets;
- (c) if equipment is going to be conveyed by trolleys down public streets, the traffic branch of the local police must be notified to ensure the safety of all filming personnel as well as local pedestrians;
- (d) filming personnel must at all time respect the visual and acoustic privacy of the local residents;
- (e) litter, including cigarette butts, coffee/tea cups and other catering utensils must be placed in litter bins/bags and removed from the filming area at the conclusion of operations;
- (f) any night time external lighting is subject to a DA (development application) and must be concluded by 9:00pm so as not to disturb sleeping hours of nearby residents; and
- (g) fines: first offence, \$250; second offence, \$500; third offence, \$1000; and all subsequent offences, \$5000.

MOTION: (Andrews/Belleli) CARRIED - SEE RESOLUTION.

13. URGENT BUSINESS.

Nil.

14. CONFIDENTIAL REPORTS.

15. COMMITTEE-OF-THE-WHOLE.

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

EXCLUSION OF PRESS AND PUBLIC.

At the commencement of the meeting, the Committee-of-the-Whole **RESOLVED**, pursuant to Section 10 A(2)(d) 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 (d) commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it or confer a commercial advantage on a competitor of the Council or reveal a trade secret, 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: (Sullivan/Notley-Smith) that the Ordinary Meeting of the Council be adjourned at 8.43 p.m. to consider the confidential items in closed session.

RESOLVED: (Sullivan/Notley-Smith) that the Ordinary Meeting of the Council be resumed at 9.14 p.m.

16. 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.

16.1 CONFIDENTIAL GENERAL MANAGER'S REPORT 48/2005 - MAROUBRA BEACH PAVILION - CAFE & KIOSK - LEASE TENDER EVALUATION - T036/05. (F2005/00198)

(NOTE: A NOTICE OF RESCISSION MOTION WAS HANDED TO THE GENERAL MANAGER PRIOR TO THE CONCLUSION OF THE MEETING AND WILL BE CONSIDERED AT THE ORDINARY COUNCIL MEETING ON TUESDAY, 18TH OCTOBER, 2005.)

(Cr Belleli had previously declared a non-pecuniary interest in this item – see Agenda Item 3 of these minutes.)

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

- (a) *Council not accept any tenders; and*
- (b) *tenders be called again, requesting that all tenderers secure a bank guarantee for their rent for the full four and a half (4½) year period.*

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

16.2 CONFIDENTIAL DIRECTOR, CITY SERVICES' REPORT 113/2005 - CONCRETE FOOTPATH WORKS - VARIOUS STREETS TENDER NO T047/05. (F2005/00658)

414 **RESOLUTION: (Belleli/Sullivan) that:**

- (a). *the tenderer K K Consultants Pty Ltd is accepted for Concrete Footpath Works Various Streets T047/05 and that Council enter into a Contract under Clause 19 of the Local Government (Tendering) Regulation 1999;*
- (b). *authority is granted for the General Manager in conjunction with the Mayor, to sign and affix Councils Common Seal to enter into a contract on behalf of Council with the recommended tenderer for Concrete Footpath Works Various Streets T047/05; and*
- (c). *the unsuccessful tenderers be notified of the Tender result.*

MOTION: (Belleli/Sullivan) CARRIED – SEE RESOLUTION.

17. NOTICE OF RESCISSION MOTIONS.

A Notice of Rescission Motion on Confidential General Manager's Report 48/2005 - Maroubra Beach Pavilion - Cafe & Kiosk - Lease Tender Evaluation - T036/05 was handed to the General Manager prior to the conclusion of the Meeting and will be considered at the Ordinary Council Meeting on Tuesday, 18th October, 2005.

There being no further business, His Worship the Mayor, Cr T. Seng, declared the meeting closed at 9.17 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 18TH OCTOBER, 2005.

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CHAIRPERSON