

**MINUTES OF ORDINARY COUNCIL MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 27TH FEBRUARY 2007 AT 6:17 PM.**

PRESENT:

The Mayor, Cr P. Tracey (Chairperson) (North Ward)

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

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| North Ward | - | Crs J. Kenny & M. Woodsmith |
| South Ward | - | Crs R. Belleli, M. Daley (from 7.43 pm) & A. White (from 6.46 pm) |
| East Ward | - | Crs B. Notley-Smith & D. Sullivan (from 6.46 pm) |
| West Ward | - | Crs B. Hughes, S. Nash & J. Procopiadis |
| Central Ward | - | Crs A. Andrews & C. Bastic (from 6.46 pm) |

OFFICERS PRESENT:

| | |
|---|-------------------|
| General Manager | Mr. R. Brownlee. |
| Director, City Planning | Ms. S. Truuvert. |
| Director, Governance & Financial Services | Mr. G. Banting. |
| Acting Director, City Services | Mr. M. Shaw. |
| Manager, Administrative Services | Mr. D. Kelly. |
| Communications Manager | Ms. D. Brien. |
| Manager, Development Assessment | Mr. K. Kyriacou. |
| Manager, Strategic Planning | Ms. K. Armstrong. |
| Manager, Organisational Staff Services | Ms. K. Walshaw. |

1. PRAYER & ACKNOWLEDGEMENT OF LOCAL INDIGENOUS PEOPLE.

The Council Prayer was read by Cr Procopiadis.

The Acknowledgement of Local Indigenous People was read by the Mayor, Cr. P. Tracey.

2. APOLOGIES/GRANTING OF LEAVE OF ABSENCES.

An apology was received from Cr Seng.

RESOLVED: (Procopiadis/Andrews) that the apology from Cr Seng for non-attendance at the Ordinary Council Meeting of the Council held on Tuesday, 27th February 2007 be received & accepted.

3. CONFIRMATION OF THE MINUTES.

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY, 12TH DECEMBER, 2006.

- 1 **RESOLUTION: (Andrews/Kenny)** that the Minutes of the Ordinary Council Meeting held on Tuesday, 12th December, 2006 (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) Crs Andrews, Procopiadis, Sullivan and the Mayor, Cr. P. Tracey declared a non-pecuniary interest in Item 12.2 as the applicant is an ALP election campaign donor.
- (b) Cr Sullivan declared a non pecuniary interest in Item 12.7.
- (c) Cr Nash declared a non pecuniary interest in Item 7.1 as he lives in the vicinity and a non pecuniary interest in Item 12.3 as he lives in this street.

5. ADDRESSING OF COUNCIL BY MEMBERS OF THE PUBLIC.

Item 12.7 Motion By Councillor Matson – Arden Street Retaining Wall.

| | | |
|---------|---------------------|------------------------------|
| Against | Ms Marianne Reardon | 3/159 Arden Street, Coogee. |
| For | Ms Kay Ransome | 4/21 Arcadia Street, Coogee. |

The meeting was adjourned at 6.28 p.m. and was resumed at 6.46 p.m.

6. MAYORAL MINUTES.

6.1 MAYOR'S MINUTE 1/2007 - MAYOR'S FUTURE CHAMPIONS FUND - REQUEST FOR FINANCIAL ASSISTANCE. (F2004/07396)

- 2 **RESOLUTION:** *(Mayor, Cr. P. Tracey) that Council donate \$300.00 to help cover the costs involved in allowing Victoria Zerbst to represent Australia at the "International Future Problem Solving Program" competition in Colorado, USA in June 2007.*

MOTION: *(Mayor, Cr. P. Tracey) CARRIED – SEE RESOLUTION.*

6.2 MAYOR'S MINUTE 2/2007 - REQUEST FOR WAIVING OF FEES FOR USE OF COOGEE BEACH FOR FILMING - TROPFEST FILM FESTIVAL. (F2004/07608)

- 3 **RESOLUTION:** *(Mayor, Cr. P. Tracey) that:*

- a) *Council assist UNSW student Renae Begent by waiving the fees associated with the student filming made for the Tropfest Film Festival amounting to \$681.00 and the funds be charged to the Contingency Fund 2006/07;*
- b) *the film maker undertakes to appropriately and prominently acknowledge and promote Council's contribution to the filming for the Tropfest Film Festival; and*
- c) *a report be brought back to Council on the possible exemption from application fees of low impact or minimum budget films, such report to also distinguish between commercial and non commercial use.*

MOTION: *(Mayor, Cr. P. Tracey) CARRIED – SEE RESOLUTION.*

6.3 MAYOR'S MINUTE 3/2007 - WAIVING OF FEES - MAROUBRA SURFERS ASSOCIATION, SOUTHEND BOARDRIDERS INC & SURFING NSW. (F2004/08302)

- 4 **RESOLUTION:** *(Mayor, Cr. P. Tracey) that:*

- (a) *fees in the amount of \$7,068.00 associated with Surfing NSW, the Maroubra Surfers Association and Southend Boardriders Inc, be waived and funds be charged to the 2006/07 Contingency Fund;*

- (b) *the event organisers undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and*
- (c) *the Mayor or his representative be given the opportunity to address the events on behalf of Council.*

MOTION: (Mayor, Cr. P. Tracey) CARRIED – SEE RESOLUTION.

6.4 MAYOR'S MINUTE 4/2007 - BUSINESS ENTERPRISE PROJECT/YOUNG ACHIEVEMENT AUSTRALIA 2007 - REQUEST FOR SUPPORT. (F2004/06574)

5 **RESOLUTION: (Mayor, Cr. P. Tracey) that Council:**

- a) *provide Young Achievement Australia with a meeting space for 2 hours per week for 24 weeks during the 2007 school year and \$600.00 contribution towards staging of this program through Council's Contingency Fund;*
- b) *publicity relating to the program acknowledges Council's contribution by displaying the logo; and*
- c) *the Mayor or his representative shall be given the opportunity to address programmed Young Achievement of Australia events on behalf of Council.*

MOTION: (Mayor, Cr. P. Tracey) CARRIED – SEE RESOLUTION.

6.5 MAYOR'S MINUTE 5/2007 - WAIVING OF FILMING COSTS FOR BEYOND PRODUCTIONS. (F2004/07608)

6 **RESOLUTION: (Mayor, Cr. P. Tracey) that in this instance, Council agree to waive the \$510.00 (excl GST) fee for Beyond Productions filming for the "Cool Aid – National Carbon Test" program in Randwick and that in return Beyond Productions acknowledge and thank Randwick Council on the program.**

MOTION: (Mayor, Cr. P. Tracey) CARRIED – SEE RESOLUTION.

6.6 MAYOR'S MINUTE 6/2007 - MAROUBRA JUNCTION UNITING CHURCH REQUESTING SUPPORT TO PROVIDE FREE HOME MOWING SERVICE FOR ELDERLY AND INFIRMED RESIDENTS OF RANDWICK. (F2004/06114)

7 **RESOLUTION: (Mayor, Cr. P. Tracey) that:**

- a) *Council note the payment of \$340.00 to the Maroubra Junction Uniting Church for the purchase of an eco friendly lawn mower in support of their free home mowing service for elderly and infirmed residents of Randwick; and*
- b) *Maroubra Junction Uniting Church agree to provide appropriate acknowledgment of Randwick Council's support for this service and organise an opportunity to promote this positive initiative to local media.*

MOTION: (Mayor, Cr. P. Tracey) CARRIED – SEE RESOLUTION.

6.7 MAYOR'S MINUTE 7/2007 - SOLAR CLOCK AT COOGEE BEACH. (F2004/07347)

8 **RESOLUTION: (Mayor, Cr. P. Tracey) that Council accepts the offer from Randwick Rotary Club of the solar powered clock and will liaise with the executives to organise its installation.**

MOTION: (Mayor, Cr. P. Tracey) CARRIED – SEE RESOLUTION.

**6.8 MAYOR'S MINUTE 8/2007 - LIVING IN HARMONY FESTIVAL.
(F2004/07703)**

- 9 **RESOLUTION:** *(Mayor, Cr. P. Tracey) that Council endorse the Harmony Day event, Living in Harmony Festival, to be held at Arthur Byrne Reserve, Maroubra Beach on 31 March 2007.*

MOTION: *(Mayor, Cr. P. Tracey) CARRIED – SEE RESOLUTION.*

6.9 MAYOR'S MINUTE 9/2007 - \$1.9 MILLION FUNDING PROJECT APPROVED FOR RANDWICK COUNCIL. (F2005/00916)

- 10 **RESOLUTION:** *(Mayor, Cr. P. Tracey) that Councillors note the success of the funding application.*

MOTION: *(Mayor, Cr. P. Tracey) CARRIED – SEE RESOLUTION.*

6.10 MAYOR'S MINUTE 10/2007 - RANDWICK COUNCIL INVOLVEMENT IN EARTH HOUR 2007. (F2005/00230)

- 11 **RESOLUTION:** *(Mayor, Cr. P. Tracey) that:*

- a) *Council support Earth Hour by agreeing to turn off lights at the Administration Building and other buildings where appropriate, for one hour from 7.30pm to 8.30pm on Saturday, 31 March, 2007;*
- b) *Council encourage other businesses and householders in Randwick to turn off their lights where appropriate and safe, for one hour from 7.30pm to 8.30pm during Earth Hour;*
- c) *Council agree to host the Earth Hour Ambassador, Ms Sarah Bishop, from Saturday 31 March, to Tuesday 3 April, 2007 and that as part of this hosting arrangement Ms Bishop will make her Sydney public presentation at UNSW as the guest of Randwick Council;*
- d) *this public presentation be held on Monday, 2 April 2007, and that invitations be extend to both Federal members to speak at the event with Ms Bishop as well as an invitation to Climate Action Coogee; and*
- e) *Randwick Councillors be provided the opportunity to meet and talk with the Earth Hour Ambassador, Ms Bishop at an afternoon tea on Tuesday, 3 April, 2007 and, as part of the afternoon tea on 3 April, the Mayor extends an invitation to Councillors of adjacent Council areas to meet and hear from Ms Bishop.*

MOTION: *(Mayor, Cr. P. Tracey) CARRIED – SEE RESOLUTION.*

6.11 MAYOR'S MINUTE 11/2007 - PREFERRED PARKING SPACES FOR CARSHARE AND HYBRID VEHICLES IN COUNCIL CAR PARKING AREAS. (F2005/00230)

- 12 **RESOLUTION:** *(Mayor, Cr. P. Tracey) that:*

1. (a) *Council endorse designated parking spaces at the six areas mentioned in the report, for vehicles clearly identified as GoGet carshare vehicles;*
- (b) *Council endorse designated parking spaces being allocated at the six areas mentioned in the report for registered hybrid or electric vehicles;*
2. *these combined designated parking spaces form part of the marketing of Council's support of the carshare operation in Randwick; and*

3. *the status of these parking spaces be reviewed in twelve (12) months.*

MOTION: (Mayor, Cr. P. Tracey) CARRIED – SEE RESOLUTION.

6.12 MAYOR'S MINUTE 12/2007 - RANDWICK CITY COUNCIL WINS THE A. R. BLUETT MEMORIAL AWARD 2005/06. (F2004/08051)

13 **RESOLUTION: (Mayor, Cr. P. Tracey) that:**

- a) *Council formally thanks all the Council staff for their excellent work which has contributed to the Council's progress, achievements and success in winning the A.R. Bluett Memorial Award; and*
- b) *Council promotes its award-winning status and arranges suitable acknowledgements and celebrations for the Council's staff and the community.*

MOTION: (Mayor, Cr. P. Tracey) CARRIED – SEE RESOLUTION.

7. DIRECTOR, CITY PLANNING REPORTS.

7.1 DIRECTOR, CITY PLANNING REPORT 5/2007 - 25-31 RAGLAN STREET, MALABAR. (DA/1076/2006 & PROP040086)

14 **RESOLUTION: (Sullivan/Andrews) that:**

- A. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No DA/1076/2006 for ground and first floor alterations and additions to the existing aged care facility to provide 62 high care resident bed spaces, a community day respite care centre and upgrading of access and parking area at 25-31 Raglan Street, Malabar subject to the following conditions:*
1. *The development must be implemented substantially in accordance with the plans numbered 563DA-01a to 563DA-06a, dated December 2006 and stamped received by Council on 11 December 2006, the application form and on any supporting information received with the application, except as may be amended by the following conditions:*
 2. *The colours, materials and finishes of the external surfaces to the building are to be consistent with that indicated in the external finishes accompanying the subject development application and received by Council on 11 December 2006.*
 3. *Detailed drawings and specifications shall be provided with the construction certificate application demonstrating compliance with the standards concerning access and useability for residential care facilities under Commonwealth aged care accreditation standards. Certification of compliance of the plans and specifications with the requirements of Commonwealth aged care accreditation standards by a qualified and experienced aged care certification consultant shall be provided to the certifying authority **prior to the issue of the construction certificate.***
 4. *In accordance with the provisions of State Environmental Planning Policy (Seniors Living) 2004 only seniors (people aged 55 years or more) or people who have a disability or people who live within the same household with seniors or people who have a disability may occupy dwellings in the development.*
 5. *There must be no encroachment of the structure/s onto any adjoining premises or onto Council's road reserve, footway or public place, unless permission has been obtained from the owner/s of the adjoining land accordingly.*

6. *Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.*

The following conditions are applied to ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulations and to provide for reasonable levels of safety and amenity:

Regulatory

7. *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.

8. *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.*
9. ***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.***

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.

10. ***Prior to the commencement of any building works, the person having the benefit of the development consent must:***
 - i) *appoint a Principal Certifying Authority for the building work, and*
 - ii) *appoint a principal contractor for the building work, or in relation to residential building work, obtain an owner-builder permit in accordance with the requirements of the Home Building Act 1989, and notify the Principal Certifying Authority and Council accordingly in writing, and*
 - iii) *unless the person having the benefit of the consent is the principal contractor (i.e. owner-builder), notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority, and*
 - iv) *give at least two days notice to the Council, in writing, of the person's intention to commence building works.*

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

11. *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.

12. *A sign must be erected and maintained in a prominent position on the site for the duration of the works, 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".*

13. *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.

14. ***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.

15. *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):

- a) *has been informed in writing of the licensee's name and contractor number; and*

- b) *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:

- 1) has been informed of the person's name and owner-builder permit number, or*
- 2) 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.*

16. *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 0.35% of the cost of the works.

Fire safety

17. *In accordance with clause 94 of the Environmental Planning and Assessment Regulation 2000 the fire safety upgrading works specified in the report prepared by David Blackett from Blackett Maguire and Associates Pty Ltd dated 7 December 2006 that accompanied the application being incorporated in the plans for a Construction Certificate. The works are to be completed prior to the issue of an Occupation Certificate and all new works must comply with all relevant provisions of the Building Code of Australia.*
18. *A coloured works-as-executed fire services plan is to be submitted to the Council and posted in a conspicuous location in the entry foyer **prior to occupation** of the development, which shows the location of the essential fire safety measures installed within the building premises.*
19. *Upon completion of the fire safety upgrading works and **prior to the issuing of an occupation certificate**, a single, complete fire safety certificate is to be submitted to Council. A copy of the fire safety certificate and fire safety schedule are to be displayed in a prominent position within the building (i.e. entrance area) and a copy must be forwarded to the NSW Fire Brigades, in accordance with the provisions of the Environmental Planning and Assessment Act 1979.*

Structural adequacy

20. *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.*

21. A Certificate prepared by a professional engineer, shall be submitted to the Council **prior to the issuing of an occupation certificate**, certifying the structural adequacy of the,
- a) building
 - b) external balconies
 - c) balustrading & handrails to the external balconies [and stairway]

Construction site management

22. Demolition work and the removal, storage, handling and disposal of building materials must be carried out in accordance with the relevant requirements of WorkCover NSW, the NSW Department of Environment & Conservation (formerly the Environment Protection Authority) and Randwick City Council policies and conditions, including:

- Occupational Health and Safety Act 2000
- Occupational Health and Safety (Hazardous Substances) Regulation 2001
- Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
- WorkCover NSW Code of Practice for the Safe Removal of Asbestos
- Australian Standard 2601 (2001) – Demolition of Structures
- The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.
- Relevant Department of Environment & Conservation (DEC) / Environment Protection Authority (EPA) and WorkCover NSW Guidelines.
- Randwick City Council Asbestos Policy (adopted 13 September 2005)

A copy of Council's Asbestos Policy is available on Council's web site at www.randwick.nsw.gov.au in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.

23. In accordance with Council's Asbestos Policy, the following requirements are to be satisfied if any materials containing asbestos are present in the building:

- A Demolition Work Plan must be developed and implemented in accordance with Australian Standard AS2601-2001, Demolition of Structures.
- A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 200 m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
- Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996. Asbestos waste must be disposed of at an approved waste disposal depot (refer to the DEC or Waste Service NSW for details of sites). Copies of all receipts detailing method and location of disposal must be maintained on site and be provided to Council officers upon request, as evidence of correct disposal.
- On demolition sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.
- A certificate or Statement, prepared by a suitably qualified person (ie an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council upon completion of the works (prior to an Occupation Certificate being issued), which confirms that the relevant requirements and

conditions of consent, in relation to the safe removal and disposal of asbestos, have been satisfied.

24. *Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all building, demolition and associated site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and (except as detailed below) between 8.00am to 5.00pm on Saturdays.*

All building, demolition and associated site works are strictly prohibited on Sundays, Public Holidays and also on Saturdays adjacent to a Public Holiday.

In addition, the use of any rock excavation machinery or any mechanical pile drivers or the like is restricted to the hours of 8.00am to 5.00pm (maximum) on Monday to Friday only, to minimise the noise levels during construction and loss of amenity to nearby residents.

25. *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.*

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

- a) *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.*
- b) *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.*
- c) *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.*
- d) *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. Applications to place a waste container in a public place can be made to Council's Building Services section.*
- e) *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. Sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction.*
- f) *Public safety must be maintained at all times and public access to demolition/building works, materials and equipment on the site is to be restricted. If required, a temporary 1.8m high safety fence or hoarding must be provided to protect the public, located between the work site and the public place. An awning may also be required to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises.*

- g) *Temporary fences or hoardings or the like 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.*
- h) *The public safety provisions and temporary fences or hoardings must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.*
- i) *If it is proposed to locate any hoardings, site fencing or amenities upon any part of the footpath, nature strip or any 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.*

Amenity

27. *Toilet facilities are to be available for patrons and staff at all times and adequate signage is to be provided accordingly. Toilet facilities must be maintained in a clean and sanitary condition at all times.*

Access and facilities for people with disabilities

28. *Access and toilet facilities for people with a disability are to be provided for patrons and staff, in accordance with Parts D3 & F2 of the Building Code of Australia & AS1428.1 (as applicable). Details are to be included in the **construction certificate**.*

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:

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

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background ($L_{A90, 15 \text{ min}}$) noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an $L_{Aeq, 15 \text{ min}}$ and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

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

- a) *The operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.*

In this regard, the operation of the plant and equipment shall not give rise to an $L_{Aeq, 15 \text{ min}}$ sound pressure level at any affected premises that exceeds the background $L_{A90, 15 \text{ min}}$ noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Department of Environment & Conservation Noise Control Guidelines.

- b) *Plant and equipment associated with rainwater tank(s) and greywater treatment systems are to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.*
- c) *The operation of plant and equipment associated with the rainwater tank(s) and greywater treatment systems are to be restricted to the following hours if the noise emitted can be heard within a habitable room in any other residential premises:*
- *before 8.00am or after 8.00pm on weekends or public holiday; or*
 - *before 7.00am or after 8.00pm on weekdays.*

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:

31. *The use and operation of the premises shall not give rise to an environmental health or public nuisance and there are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.*
32. *Warm water systems must be designed, installed and maintained in accordance with the requirement of the Public Health Act 1991 (Part 4 Microbial Control) and Regulations. The air handling system cooling tower must be designed, installed and operated in accordance with the relevant requirements of AS/NZS 3666.1 (2002), AS/NZS 3666.2 (2002) and AS/NZS 3666.3 (2000).*

Details of compliance must be provided with the construction certificate application. Waste water from warm water systems are to be discharged to the sewer under a Trade Waste Agreement from Sydney Water.

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

33. *Prior to the issuing of an occupation certificate the applicant must meet the full cost for Council or a Council approved contractor to:*
- b. *Reconstruct the concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site in McGowan Avenue.*
34. *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.*
35. *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:

36. *The Council's Development Engineer has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, shall be:*
 - **20mm above the back of the concrete footpath at all points opposite the kerb, along the full site frontage.**
37. *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. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
38. *The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$121.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.*

Service Authority Conditions

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

39. *A public utility impact assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.*
40. *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*

Drainage Conditions

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

41. *Detailed drainage plans shall be submitted to and approved by the certifying authority prior to the issue of a construction certificate. The drainage plans shall demonstrate compliance with the conditions of this development approval.*
42. *Stormwater runoff from the redeveloped portion of the site shall be discharged either:*
 - *To the kerb and gutter along the site frontage by gravity (without the use of a charged system); OR*
 - *Through a private drainage easement(s) to Council's kerb and gutter (or underground drainage system); OR*
 - *To a suitably sized infiltration area. As a guide the infiltration area shall be sized based on a minimum requirement of 1 m² of infiltration area (together*

with 1 m³ of storage volume) for every 20 m² of roof/impervious area on the site.

Prior to the use of infiltration in rear draining lots (where there is no formal overland escape route to Council's kerb and gutter/street drainage system), a geotechnical investigation will be required to determine whether the ground is suitable for infiltration. Should rock and/or a water table be encountered within two metres of the proposed base of the infiltration pit, or the ground conditions comprise low permeability soils such as clay, infiltration may not be appropriate.

NOTE: Should the applicant be unable to obtain a private drainage easement over properties to the rear of the development site (to facilitate stormwater discharge in accordance with option b)); and ground conditions preclude the use of infiltration (Option c), consideration may be given to the use of a charged system or a pump out system to drain that portion of the site that cannot be drained by gravity to the kerb and gutter at the front of the property.

43. *Should a charged system be required to drain any portion of the site, the charged system must be designed with suitable clear-outs/inspection points at pipe bends and junctions.*
44. *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 required 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 Randwick City Council's Stormwater Code.

45. *All pump out water must pass through a stilling pit prior to being discharged by gravity to the kerb and gutter.*

Landscape Conditions

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

46. *Landscaping at the site shall be installed substantially in accordance with the Landscape Plan prepared by MG of Zenith Landscape Designs, drawing number 06-1963, sheets 1-4, dated November 2006 and stamped received at Council on 11th December 2006, subject to the following amendments being shown on an amended plan which shall be submitted to the satisfaction of the certifying authority, prior to the issue of a construction certificate:*
 - a. *A site plan clearly showing those trees (and correlating number references) which are to be either retained or removed, as stipulated by this development consent.*
 - b. *A planting schedule listing only those species to be used at the site, pot sizes for all proposed plants, the estimated size of the plants at maturity (height & spread), and proposed maintenance practices such as topiary, hedging etc which are applicable to the form or function of the landscape design.*
 - c. *In order to reduce the amount of stormwater generated by the site, as well as to recharge groundwater supplies, areas of porous paving should be maximized for any hard surfacing.*
 - d. *In order to permit the establishment of landscaping on top of all detention tanks and sub-surface ground stormwater systems, a minimum soil cover*

of 600mm shall be provided.

- e. *In order to maintain an acceptable level of environmental amenity both within the site and between adjoining properties, a minimum number of the following shall be provided in the locations specified;*
- i) *An additional 2 x 25 litre (pot size at the time of planting) trees (not palms) along the eastern boundary, in the area currently occupied by trees 33 & 34 as identified on the submitted landscape plan, using those species which will attain a minimum height of 4 metres at maturity.*
 - ii) *An additional 2 x 25 litre (pot size at the time of planting) trees (not palms) along the southern boundary, to the west of existing tree number 38 as identified on the submitted landscape plan, using those species which will attain a minimum height of 6 metres at maturity.*
 - iii) *An additional 2 x 75 litre (pot size at the time of planting) feature trees (not palms) within the internal paved courtyard fronting Raglan Street, using those species which will attain a minimum height of 6 metres at maturity.*
47. *Documentary evidence is to be obtained from a suitably qualified Landscape Architect and submitted to the principal certifying authority (PCA) (and a copy forwarded to Council if Council is not the PCA) prior to the issuing of a final occupation certificate, which confirms that the landscape works have been completed in accordance with the approved landscaping plans and relevant conditions of development consent.*
48. *That part of the naturestrip upon Council's Raglan Street or McGowen Avenue footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant's expense prior to the issue of a final Occupation Certificate.*

Tree Management

49. *The applicant shall submit a total payment of \$429.00 (including GST) to Council,*
- a. *Being the cost for Council to supply and install a total of 4 x 25 litre street trees, Eucalyptus haemastoma (Scribbly Gums) along the Raglan Street frontage at the completion of all works, comprising one to the east of the most eastern existing vehicle crossing, and three evenly spaced between both existing vehicle crossings (\$390.00 + GST).*

*The contribution shall be paid into **Tree Amenity Income account no 4001.768401** at the Cashier on the Ground Floor of the Administrative Centre prior to a construction certificate being issued for the development.*

Upon completion of all site works, the applicant will be required to contact Council's Landscape Development Officer on 9399-0613, giving at least two working weeks notice, to arrange for the planting of these street trees.

NOTE: Prior to the issue of a final occupation certificate, the applicant will be required to remove (at their cost) the small, existing Acacia saligna (Wattle, tree 22 on the submitted landscape plan) on the Raglan Street nature strip, between both existing vehicle crossings, in order to facilitate new street tree plantings along this frontage as detailed in this condition.

Tree Management

50. *The applicant shall remove the following trees to accommodate the proposed site works, as well as to facilitate the proposed landscape treatment, on the basis that landscaping throughout the site will be installed substantially in accordance with the landscape plan which is approved by the certifying authority for the construction certificate application:*

(NOTE; a site plan showing those trees which are to be removed or retained/protected shall be provided for the construction certificate application, refer Landscape Conditions)

- a) *The various existing shrubs around the perimeter of the existing carpark fronting onto McGowen Avenue, being trees 1-7, as shown on the submitted landscape plan, as they are all too small to be covered by Council's Tree Preservation Order (TPO).*
- b) *Two Sapium sebiferum (Chinese Tallowoods, trees 12-13) and one Melia azederach (White Cedar, tree 14) along western boundary, beyond the rear boundary of 5 McGowen Avenue, as they are in conflict with the proposed works and are all too small to be covered by the TPO.*
- c) *The group of four Archontophoenix cunninghamiana (Bangalow Palms, tree group 19), beyond the northwest corner of the existing building to accommodate the proposed pump room and reconfigured pedestrian entry and garden area. Transplanting will not be required as suitable replacements could replicate their size and function within a relatively short period of time.*
- d) *One Melaleuca bracteata (Black Tea Tree, tree 18) immediately to the northwest of the group of palms described above, due to its small size and to being in direct conflict with the proposed works.*
- e) *One Eucalyptus nicholii (Willow Peppermint, tree 24) at the northwest corner of the existing internal paved courtyard fronting onto Raglan Street, due to poor form and structure as a result of past pruning.*
- f) *One Metrosideros excelsa 'Variegata' (Variegated NZ Xmas Tree, tree 29) at the northeast corner of the existing internal paved courtyard, due to average condition, as well as to facilitate more desirable replacement plantings.*
- g) *The stand of Archontophoenix cunninghamiana (Bangalow Palms, trees 25-28) at the northeast corner of the existing internal paved courtyard due to being in direct conflict with the proposed works. Transplanting is not required as detailed earlier in this report.*
- h) *The variety of shrubs/small trees along the eastern boundary, comprising trees 32-35, as they are all too small to be covered by the TPO, with replacement planting seen as more appropriate for the long term amenity of the site.*
- i) *One Jacaranda mimosifolia (Jacaranda, tree 37) along the southern boundary, due to average form, as well as to facilitate more desirable and suitable replacements.*
- j) *Further to the west, still along the southern boundary, the variety of shrubs/small trees being 39-43, to allow for replacement planting in this area of the site which is keeping with the overall landscape scheme.*
- k) *One small Melaleuca stypheloides (Prickly Leafed Papebark, tree 44) along the southern boundary, adjacent the eastern edge of the existing carpark*

area, due to its small size and conflict with the proposed ground floor terrace.

- l) The group of Archontophoenix cunninghamiana (Bangalow Palms, trees 44 & 45), to the west of the tree described above, due to conflict with the proposed works. Transplanting is not required as detailed earlier in this report.*
- 51. Prior to the physical commencement of any site works, details, to the satisfaction of the certifying authority, shall be submitted, showing that a suitably qualified and professional Arborist (minimum qualification of Certificate 4 in Arboriculture), who is a registered member of a nationally recognized organisation, has been engaged to both supervise and perform all site works which have the potential to impact those trees listed for retention and protection in this development consent. All site staff will be required to comply with the instructions, either written or verbal, given by the site Arborist during the course of the proposed works.*
- 52. All pruning must only be undertaken by the site Arborist, to the requirements of Australian Standard AS 4373-1996 'Pruning of Amenity Trees.'*
- 53. Upon completion of all site works, and prior to the issue of a final occupation certificate, the site Arborist shall submit a brief written statement, to the satisfaction of the certifying authority (with a copy forwarded to Council, if Council is not the PCA) confirming that all works relating to trees were performed in accordance with the relevant conditions listed in this development consent.*
- 54. Permission is granted for the selective and minimal pruning of only those overhanging branches from the eastern side of the Liquidambar styraciflua (Liquidambar, tree 15 in the Arborist Report prepared by Tree Wise Men, reference 1758, dated December 2006 and stamped received at Council on 11th December 2006, "The Arborists Report") located in the rear yard of 5 McGowen Avenue, close to the common boundary, which need to be removed in order to avoid damage/conflict during the course of the proposed works.*
- 55. This approval does not imply any right of entry onto a neighbouring property nor does it allow pruning beyond a common boundary; however, where such measures are desirable in the best interests of correct pruning procedures, it shall be necessary for the applicant to negotiate with the tree owner prior to undertaking such work.*
- 56. Permission is granted for the minimal and selective under-pruning of only those lower growing branches from the Agonis flexuosa (Willow Myrtle, tree 21 in the Arborists Report), located near the northwest corner of the site, fronting onto Raglan Street, in order to provide sufficient clearance for the installation of planting and associated works, with the amount of pruning not to substantially affect the existing broad, pendulous canopy which is a desirable characteristic of this specimen.*
- 57. Permission is granted for the minimal and selective pruning of only those branches from the western side of the Melaleuca quinquinervia (Broad Leafed Paperbark, tree 31 in the Arborists Report) located along the eastern boundary, beyond the northeast corner of the existing dwelling, which need to be removed in order to avoid damage/conflict during the course of the proposed works.*

Tree Protection Measures

- 58. In order to ensure the retention of the Cinnamomum camphora (Camphor Laurel, tree 11 in the Arborists Report) located in the rear yard of 5 McGowen Avenue, close to the common boundary, in good health, the following measures are to be undertaken:*

- a. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the specimen with the position of its trunk and full diameter of its canopy clearly shown on all drawings.*
 - b. *There is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble beneath the extent of its canopy which overhangs the common boundary.*
 - c. *Any excavations required for footings, structures, pipes, paving etc beneath the extent of its dripline shall be initially undertaken by hand by the site Arborist, with any roots with a diameter of 50mm or greater which need to be removed to be cut cleanly by hand, dressed with "eco-matting" or a similar alternative, and the affected area backfilled as soon as practically possible.*
59. *In order to ensure the retention of the Liquidambar styraciflua (Liquidambar, tree 15 in the Arborists Report) located in good health, the following measures are to be undertaken:*
- a. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the specimen with the position of its trunk and full diameter of its canopy clearly shown on all drawings.*
 - b. *There is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble beneath the extent of its canopy which overhangs the common boundary.*
 - c. *Any excavations required for footings, structures, pipes, paving etc beneath the extent of its dripline shall be initially undertaken by hand by the site Arborist, with any roots with a diameter of 50mm or greater which need to be removed to be cut cleanly by hand, dressed with "eco-matting" or a similar alternative, and the affected area backfilled as soon as practically possible.*
 - d. *In order to preserve soil moisture content as well as prevent compaction of the soil profile, woodchip mulch to a depth of 75mm shall be maintained beneath the extent of its dripline for the duration of the proposed works, and shall be provided once the existing surfacing in this area has been removed.*
60. *In order to ensure the retention of the Agonis flexuosa (Willow Myrtle, tree 21 in the Arborists Report) located at the northwest corner of the site, fronting onto Raglan Street in good health, the following measures are to be undertaken:*
- a) *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing specimen with the position of its trunk and full diameter of its canopy clearly shown on all drawings.*
 - b) *The tree is to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing which shall be located a minimum distance of 2 metres off the northern, western and southern sides of its trunk, matching up with the courtyard fence to the east of its trunk, to completely enclose the tree.*

- c) *This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until such time as planting beneath its canopy is taking place, with the words "TREE PROTECTION ZONE", "DO NOT ENTER", clearly displayed.*
 - d) *Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble.*
 - e) *Detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the sub-surface stormwater line proposed to the west of its trunk being maintained a minimum distance of 3 metres from the outside edge of its trunk.*
 - f) *Any excavations required for footings, structures, pipes, paving etc within 3.5 metres of the outside edge of its trunk shall be initially undertaken by hand by the site Arborist, with any roots with a diameter of 50mm or greater which need to be removed to be cut cleanly by hand, dressed with "eco-matting" or a similar alternative, and the affected area backfilled as soon as practically possible.*
 - g) *In order to preserve soil moisture content as well as prevent compaction of the soil profile, woodchip mulch to a depth of 75mm shall be maintained within the fenced off area for the duration of the proposed works.*
61. *In order to ensure the retention of the Melaleuca quinquinervia (Broad Leafed Paperbark, tree 31 in the Arborists Report) located along the eastern boundary, beyond the northeast corner of the existing dwelling in good health, the following measures are to be undertaken:*
- a) *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing specimen with the position of its trunk and full diameter of its canopy clearly shown on all drawings.*
 - b) *The tree is to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing which shall be located a minimum distance of 2 metres off the western side of its trunk, as well as a minimum distance of 3 metres off the northern and southern sides of its trunk, matching up with the existing boundary fence to its east, to completely enclose the tree.*
 - c) *This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until such time as planting beneath its canopy is taking place, with the words "TREE PROTECTION ZONE", "DO NOT ENTER", clearly displayed.*
 - d) *Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble.*
 - e) *Any excavations required for footings, structures, pipes, paving etc within 3.5 metres of the outside edge of its trunk shall be initially undertaken by hand by the site Arborist, with any roots with a diameter of 50mm or greater which need to be removed to be cut cleanly by hand, dressed with "eco-matting" or a similar alternative, and the affected area backfilled as soon as practically possible.*

- f) *In order to preserve soil moisture content as well as prevent compaction of the soil profile, woodchip mulch to a depth of 75mm shall be maintained within the fenced off area for the duration of the proposed works.*
62. *In order to ensure the retention of the Callistemon viminalis (Weeping Bottlebrush, tree 36 in the Arborists Report) located in the southeast corner of the site in good health, the following measures are to be undertaken:*
- a) *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing specimen with the position of its trunk and full diameter of its canopy clearly shown on all drawings.*
 - b) *The tree is to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing which shall be located a minimum distance of 2 metres off the northern and western sides of the outside edge of its trunk, matching up with the eastern and southern boundaries respectively, to completely enclose the tree.*
 - c) *This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until such time as planting beneath its canopy is taking place, with the words "TREE PROTECTION ZONE", "DO NOT ENTER", clearly displayed.*
 - d) *Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble.*
 - e) *Any excavations required for footings, structures, pipes, paving etc within 2 metres of the outside edge of its trunk shall be initially undertaken by hand by the site Arborist, with any roots with a diameter of 20mm or greater which need to be removed to be cut cleanly by hand, dressed with "eco-matting" or a similar alternative, and the affected area backfilled as soon as practically possible.*
 - f) *In order to preserve soil moisture content as well as prevent compaction of the soil profile, woodchip mulch to a depth of 75mm shall be maintained within the fenced off area for the duration of the proposed works.*
63. *In order to ensure the retention of the Brachychiton acerifolius (Flame Tree, tree 38 in the Arborists Report) located about halfway along the southern boundary in good health, the following measures are to be undertaken:*
- a) *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing specimen with the position of its trunk and full diameter of its canopy clearly shown on all drawings.*
 - b) *The tree is to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing which shall be located a minimum distance of 1.5 metres off the northern side of the outside edge of its trunk, as well as a minimum distance of 2.5 metres off the western and eastern side of the outside of its trunk, matching up with the southern boundary, to completely enclose the tree.*
 - c) *This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until such time as planting beneath its canopy is taking place, with the words "TREE PROTECTION ZONE", "DO NOT ENTER", clearly displayed.*

- d) *Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble.*
- e) *Detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the sub-surface stormwater line proposed to the north of its trunk being maintained a minimum distance of 3 metres from the outside edge of its trunk.*
- f) *Any excavations required for footings, structures, pipes, paving etc within 3.5 metres of the outside edge of its trunk shall be initially undertaken by hand by the site Arborist, with any roots with a diameter of 50mm or greater which need to be removed to be cut cleanly by hand, dressed with "eco-matting" or a similar alternative, and the affected area backfilled as soon as practically possible.*

ADVISORY MATTERS:

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

2. *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.

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

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

7.2 DIRECTOR, CITY PLANNING REPORT 6/2007 - EXHIBITION OF DRAFT S94A DEVELOPMENT CONTRIBUTIONS PLAN. (F2006/00093)

- 15 **RESOLUTION: (Matson/Woodsmith)** *that Council endorse the Draft s94A Plan to be publicly exhibited in accordance with the Environmental Planning and Assessment Act.*

MOTION: (Andrews/Sullivan) *that:*

- (a) Council endorse the Draft s94A Plan to be publicly exhibited in accordance with the Environmental Planning and Assessment Act; and

- (b) the schedule be amended to exempt alterations and additions carried out by individual owner occupiers of units and dwelling houses in 2A, 2B and 2C zones from incurring section 94 charges. **LOST.**

AMENDMENT: (Belleli/Nash) that investment properties also be exempt from incurring section 94 charges. **LOST.**

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

Crs Andrews and Sullivan requested that their names be recorded as opposed to the resolution.

8. GENERAL MANAGERS' REPORTS.

8.1 GENERAL MANAGER'S REPORT 1/2007 - DECEMBER 2006 QUARTERLY REVIEW - MANAGEMENT PLAN 2006-09. (F2006/00339)

- 16 **RESOLUTION: (Woodsmith/Andrews)** that the information contained in the report of the December 2006 Quarterly Review, 2006-09 Management Plan be received and noted.

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

8.2 GENERAL MANAGER'S REPORT 2/2007 - AFFIXING OF THE SEAL. (F2004/06336)

- 17 **RESOLUTION: (Woodsmith/Matson)** that:

- (a) authority be granted for the Council's Common Seal to be affixed to the agreements between Council and:
1. Kindaburra Pty Ltd T/As Kindaburra Childrens Centre in relation to a lease of land adjoining 1 Jersey Lane, Matraville for use as a children's play area and vehicular access;
 2. Warong Laungtawatkul (T/As Ummarin Thai Restaurant) in relation to a licence for the purpose of outdoor dining at 66 Perouse Road, Randwick;
 3. The Trustees of the Roman Catholic Church for the Archdiocese of Sydney – Marcellin College Randwick in relation to a deed of agreement for use of the irrigation system at Heffron Park playing fields;
 4. The Randwick & District Historical Society in relation to a licence agreement for the use of the Level 2 office at Bowen Library, 669-673 Anzac Parade, Maroubra Junction;
 5. Omega Environmental Pty Ltd in relation to a licence agreement for the use of Office 1, Level 3 at Bowen Library, 669-673 Anzac Parade, Maroubra Junction;
 6. Hua Lan Lou (T/As Hakata Japanese Restaurant) in relation to a licence for the purpose of outdoor dining at 51 McKeon Street, Maroubra;
 7. George Mavrocordatos (T/As Café on Parade) in relation to a licence for the purpose of outdoor dining at 765A Anzac Parade, Maroubra;
 8. Nancy Faraj (T/As Lebanon & Beyond) in relation to a licence for the purpose of outdoor dining at 187 Alison Road, Randwick;
 9. Helen Ablett & Andrew Damianos (T/As The Pool Café) in relation to a licence for the purpose of outdoor dining at 94 Marine Parade, Maroubra;
 10. Roger Wjsong (T/As Meeks Café) in relation to a licence for the purpose of outdoor dining at 2-4 Meeks Street, Kingsford;
 11. Pasquale Stramandinoli (T/As Seahorse Seafood) in relation to a licence for the purpose of outdoor dining at 26 St Pauls Street, Randwick;
 12. Frank Flick of Almost Artic Pty Ltd in relation to a lease over the garage at 6 Barrett Place, Randwick
 13. Gordon's Bay Amateur Fishing & Sea Rescue Club Inc. in relation to a licence for the purpose of conducting an amateur fishing club & volunteer sea rescue operation at 1R Major Street, Coogee; and

- (b) *relevant staff be delegated authority to investigate the legality and affix Council's Common Seal to the agreement between Council and Europa Construction Solutions Pty Ltd in relation to a licence for the purpose of quasi industrial/commercial purposes directly servicing the development site at 125-125A Boyce Road, Maroubra at the rear of 127 Boyce Road, Maroubra.*

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

9. DIRECTOR, CITY SERVICES' REPORTS.

9.1 DIRECTOR, CITY SERVICES' REPORT 5/2007 - BLENHEIM PARK - PLAYGROUND UPGRADE. (F2005/00098)

- 18 **RESOLUTION: (Sullivan/Procopiadis)** *that the playground at Blenheim Park be constructed in accordance with the current design.*

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

9.2 DIRECTOR, CITY SERVICES' REPORT 6/2007 - RE-NAMING OF PART OF CHALLIS LANE, RANDWICK NORTH. (F2004/07140)

- 19 **RESOLUTION: (Sullivan/Andrews)** *that:*

- (a) *the re-naming of part of Challis Lane, Randwick North to Power Lane proceed;*
- (b) *the Geographical Names Board and all relevant authorities be advised of the re-naming;*
- (c) *the re-naming be advertised in the "Southern Weekly Courier";*
- (d) *arrangements be made for the re-naming to be gazetted;*
- (e) *appropriate signposting be arranged; and*
- (f) *the Power family of Randwick North be advised of Council's decision in acknowledgement of the Power Family's contribution to the area over many years.*

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

10. DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORTS.

10.1 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 7/2007 - COUNCILLORS' ACCESS TO INFORMATION & INTERACTION BETWEEN COUNCILLORS AND STAFF - POLICY (F2004/06110)

- 20 **RESOLUTION: (Sullivan/Andrews)** *that:*

- (a) *the "Councillors' Access to Information & Interaction between Councillors and Staff" policy be adopted; and*
- (b) *the "Councillors/Staff Liaison Listing" be updated by the General Manager, as and when required.*

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

10.2 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 8/2007 - RECORDS MANAGEMENT POLICY & PROCEDURES FOR COUNCILLORS. (F2004/06110)

21 **RESOLUTION: (Procopiadis/Bastic)** that the "Records Management Policy and Procedures for Councillors" policy be adopted.

MOTION: (Procopiadis/Bastic) CARRIED – SEE RESOLUTION.

AMENDMENT: (Notley-Smith/Matson) that this matter be deferred to the next ordinary council meeting to clarify expectations of councillors and give examples. **LOST.**

10.3 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 9/2007 - CLOVELLY BOWLING & RECREATION CLUB PROPOSED BUILDING WORKS (F2004/06336)

22 **RESOLUTION: (Sullivan/Andrews)** that authority be granted for the Clovelly Bowling & Recreation Club Ltd to pour a slab measuring approximately 47m2 adjoining the south side of the clubhouse premises, within their licensed area, to be utilised for placement of removable tables and chairs for patrons of the Bowling Club.

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

10.4 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 10/2007 - COUNCILLORS' EXPENSES & FACILITIES POLICY (F2005/00176)

23 **RESOLUTION: (Sullivan/Andrews)** that:

- (a) the revised Councillors' Expenses & Facilities Policy be adopted; and
- (b) a copy of the revised policy be forwarded to the Department of Local Government in accordance with requirements.

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

10.5 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 11/2007 - 2006/2007 - BUDGET REVIEW AS AT 31 DECEMBER 2006 (F2006/00689)

24 **RESOLUTION: (Sullivan/Andrews)** that:

- (a) the report in relation to the December 2006 budget review be received and noted; and
- (b) the proposed December 2006 budget variations shown in Attachment 3 to this report be adopted.

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

11. PETITIONS.

11.1 PETITION SUBMITTED BY THE MAYOR, CR P. TRACEY ON BEHALF OF RESIDENTS CONCERNED WITH PARKING PROBLEMS IN WOLSELEY ROAD, COOGEE. (F2004/06793 xr F2005/00172)

25 **RESOLUTION: (Mayor, Cr P. Tracey/Notley-Smith)** that the petition tabled be received and noted.

MOTION: (Mayor, Cr P. Tracey/Notley-Smith) CARRIED – SEE RESOLUTION.

12. MOTIONS PURSUANT TO NOTICE.

12.1 Notice of Rescission Motion by Councillors Bastic, Procopiadis and White – Health, Building & Planning Committee - 13th February, 2007 - Item 6.7

**– Development Application Report – 11 Liguria Street, Maroubra.
(DA/514/2006 xr PROP004568)**

26 **RESOLUTION: (Procopiadis/White)** that the resolution passed at the Health, Building and Planning Committee meeting held on Tuesday, 13th February, 2007, reading as follows:-

- A. Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No DA/514/2006 for Alterations and new upper floor addition including new ground and first floor balconies and deck at the front and rear and new rear pool and landscaping at 11 Liguria Street, Maroubra 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 06/0015-1B, 06/0015-2B, 06/0015-3B and 06/0015-4B, dated 18 November 2006, and received by Council on 4 December 2006, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:
2. The 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 City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the relevant building works.

3. Metal roof sheeting is to be painted or colour bonded to minimise reflection and to be sympathetic and compatible with the building and surrounding environment.
4. There must be no encroachment of the structure/s onto any adjoining premises or onto Council's road reserve, footway or public place, unless permission has been obtained from the owner/s of the adjoining land accordingly.
5. 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.
6. The first floor bathroom and kitchen windows shall be of obscure glazing. Details of compliance are to be noted in the **construction certificate** plans or specifications.
7. The rear first floor balcony shall be reduced in depth by 1m from the southern side of the structure so that it does not protrude further than 2.8m from the outside face of the rear first floor wall. The roof structure above the balcony shall be amended so that is setback from the southern side of the amended balcony by 1m. Details of compliance are to be noted in the **construction certificate** plans or specifications.

The following condition is imposed to satisfy relevant requirements of the Sydney Water Corporation.

8. *All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.*

The approved Construction Certificate plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to commencing any building or excavation works, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

If suitable, the plans will be appropriately stamped. For Quick Check agent details please refer to Sydney Water's web site at www.sydneywater.com.au and go to the Building, Developing and Plumbing, then Quick Check or Building and Renovating or telephone 13 20 92.

The principal certifying authority is required to ensure that a Quick Check Agent/Sydney Water has appropriately stamped the plans before commencing works.

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

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

10. *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 manufacturer's details.*

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

11. *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:

12. *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.

13. *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:

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

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

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

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

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.

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

- i) *appoint a Principal Certifying Authority for the building work; and*
- ii) *appoint a principal contractor for the building work, or in relation to residential building work, obtain an owner-builder permit in accordance with the requirements of the Home Building Act 1989, and notify the Principal Certifying Authority and Council accordingly in writing; and*
- iii) *unless the person having the benefit of the consent is the principal contractor (i.e. owner-builder), notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority; and*
- iv) *give at least two days notice to the Council, in writing, of the person's intention to commence building works.*

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

18. *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.

19. *A sign must be erected and maintained in a prominent position on the site for the duration of the works, 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".*

20. *An **Occupation Certificate** must be obtained from the Principal Certifying Authority **prior to any occupation of the building work** encompassed in this development consent (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.

21. ***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.

22. *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.

23. 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 0.35% of the cost of the works.

24. Smoke alarms are required to be installed in each Class 1 building or residential 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:

25. The demolition, removal, storage, handling and disposal of building products and materials must be carried out in accordance with the relevant requirements of WorkCover NSW, the NSW Department of Environment & Conservation (formerly the Environment Protection Authority) and Randwick City Council policies and conditions, including:

- Occupational Health and Safety Act 2000
- Occupational Health and Safety (Hazardous Substances) Regulation 2001
- Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
- WorkCover NSW Code of Practice for the Safe Removal of Asbestos
- Australian Standard 2601 (2001) – Demolition of Structures

- *The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.*
- *Relevant Department of Environment & Conservation (DEC) / Environment Protection Authority (EPA) and WorkCover NSW Guidelines.*
- *Randwick City Council Asbestos Policy (adopted 13 September 2005)*

A copy of Council's Asbestos Policy is available on Council's web site at www.randwick.nsw.gov.au in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.

26. *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.

27. *Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all building, demolition and associated site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and Public Holidays.*

In addition, the use of any rock excavation machinery or any mechanical pile drivers or the like, is restricted to the hours of 8.00am to 5.00pm (maximum) on Monday to Friday only, to minimise the noise levels during construction and loss of amenity to nearby residents.

28. *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.*

29. *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.

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.

30. *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.

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.

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

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. *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:

34. A Certificate of Adequacy supplied by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) **prior to a construction certificate being issued** for the development, certifying the structural adequacy of the existing structure to support the additional storey.

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

35. The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with Randwick City Council's Asbestos Policy and the relevant requirements of WorkCover NSW and the NSW Department of Environment & Conservation (formerly the Environment Protection Authority), including:

- Occupational Health and Safety Act 2000
- Occupational Health and Safety (Hazardous Substances) Regulation 2001
- Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
- WorkCover NSW Code of Practice for the Safe Removal of Asbestos
- Australian Standard 2601 (2001) – Demolition of Structures
- The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.
- Relevant Department of Environment & Conservation (DEC) / Environment Protection Authority (EPA) and WorkCover NSW Guidelines.

A copy of Council's Asbestos Policy is available on Council's web site at www.randwick.nsw.gov.au in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.

36. A **Demolition Work Plan** must be prepared for the development in accordance with Australian Standard AS2601-2001, Demolition of Structures.

The Work Plan must include the following information (as applicable):

- The name, address, contact details and licence number of the Demolisher /Asbestos Removal Contractor
- Details of hazardous materials, including asbestos
- Method/s of demolition and removal of asbestos
- Measures and processes to be implemented to ensure the health & safety of workers and community
- Measures to be implemented to minimise any airborne asbestos and dust
- Methods and location of disposal of any asbestos or other hazardous materials
- Other relevant details, measures and requirements to be implemented as identified in the Asbestos Survey
- Date the demolition and removal of asbestos will commence

The Demolition Work Plan must be submitted to Council and the Principal Certifying Authority (PCA) if the Council is not the PCA, not less than two (2) working days **before commencing any demolition works** involving asbestos products or materials. A copy of the Demolition Work Plan must also be maintained on site and be made available to Council officers upon request.

Note it is the responsibility of the persons undertaking demolition work to obtain

the relevant WorkCover licences and permits.

37. *A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 200 m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.*
38. *On demolition sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.*
39. *Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996.*

Asbestos waste must be disposed of at an approved waste disposal depot (refer to the DEC or Waste Service NSW for details of sites). Copies of all receipts detailing method and location of disposal must be maintained on site and be provided to Council officers upon request, as evidence of correct disposal.

40. *A Certificate or Statement, prepared by a suitably qualified person (ie an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council **upon completion of the works** (prior to an Occupation Certificate being issued), which confirms that the relevant requirements contained in the Asbestos Survey and conditions of consent, in relation to the safe removal and disposal of asbestos, have been satisfied.*

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

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

The swimming pool is to be surrounded by a fence having a minimum height of 1.2m, that separates the pool from any residential building situated on the premises and from any place (whether public or private) adjoining the premises; and that is designed, constructed and installed in accordance with AS 1926-1986.

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

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

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

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

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

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

- *Backwash of the pool filter and other discharge of water is to be drained to the sewer in accordance with the requirements of the Sydney Water Corporation; and*
- *All pool overflow water is to be drained away from the building and adjoining premises, so as not to result in a nuisance or damage to premises; and*
- *Pool plant and equipment is to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents; and*
- *The pool plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:*
 - ***before 8.00am or after 8.00pm on any Sunday or public holiday; or***
 - ***before 7.00am or after 8.00pm on any other day.***

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

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

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

45. *Detailed drainage plans shall be submitted to and approved by the certifying authority prior to the issue of a construction certificate. The drainage plans shall demonstrate compliance with the conditions of this development approval.*
46. *Stormwater runoff may be discharged through a private drainage easement(s) to the coastal reserve to the rear of the site, provided that:*
- a. *All stormwater runoff is taken through a sediment/silt arrestor pit located within the site prior to being discharged through the private drainage easement;*

b. A headwall and appropriate scour protection is provided around the outlet pipe in the reserve.

47. *Should the applicant be unable to obtain a private drainage easement over properties to the rear of the development site (to facilitate stormwater discharge in accordance with the above condition); and ground conditions preclude the use of infiltration, consideration may be given to the use of a pump out system.*

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 required 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 Randwick City Council's Stormwater Code.

48. *All pump out water must pass through a stilling pit prior to being discharged by gravity to the kerb and gutter.*

49. *The sediment/silt arrestor pit shall be constructed with: -*

- *The base of the pit located a minimum 300mm under the invert level of the outlet pipe.*
- *The pit must be constructed from cast in-situ concrete, precast concrete or double brick.*
- *The grate is to be a galvanised heavy-duty grate that has a provision for a child proof fastening system.*
- *A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.*
- *A galvanised heavy-duty screen located over the outlet pipe (Mascot GMS Multi-purpose filter screen or similar).*
- *A child proof and corrosion resistant fastening system for the access grate (spring loaded j-bolts or similar).*
- *The inlet pipeline located on the side of the pit so that the stormwater will discharge across the face of the screen.*
- *A sign adjacent to this pit stating that:*

"This sediment/silt arrestor pit shall be regularly inspected and cleaned."

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

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

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

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

51. *That part of the naturestrip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant's expense prior to the issue of a final*

Occupation Certificate.

52. *The naturestrip upon Council's footway shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but not be limited to, watering, mowing, fertilising, and the removal of weeds.*

ADVISORY MATTERS:

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

Failure to obtain a Construction Certificate and appoint a PCA before commencing works is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million under the Environmental Planning & Assessment Act 1979.

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

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

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

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

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

BE AND IS HEREBY RESCINDED.

MOTION: (Procopiadis/Bastic) CARRIED – SEE RESOLUTION.

- 27 ***RESOLUTION FURTHER: (Procopiadis/Bastic) that the recommendation be adopted subject to the deletion of condition 7.***

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

12.2 Notice of Rescission Motion by Councillors Hughes, Matson and Woodsmith – Health, Building & Planning Committee - 13th February, 2007 - Item 6.7 – Development Application Report – 147 Avoca Street, Randwick. (DA/529/2005/A xr PROP022109)

MOTION: (Hughes/Matson) that the resolution passed at the Health, Building and Planning Committee meeting held on Tuesday, 13th February, 2007, reading as follows: -

That Council as the responsible authority grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to Modify Development Consent No. 529/2005 on property 147 Avoca Street, Randwick, in the following manner:

Amend Condition No. 1 to read:

1. The development must be implemented substantially in accordance with plans numbered DWG.NO-WD05 to DWG.NO-WD07, DWG.NO-WD09 & DWG.NO-WD10, Issue D, dated 31 January 2005 and received by Council on 29 June 2005 and amended plan numbered DWG.NO-WD13, Issue A, dated 24 October 2005 and received by Council on 4 November 2005, the application form and on any supporting information received with the application, as amended by the **Section 96 plans numbered DWG. NO-WD110, DWG. NO-WD111, DWG. NO-WD117, dated 31 January 2005, DWG. NO-WD120, dated 24 October 2005 and DWG. NO-WD142, dated 9 June 2006 and received by Council on 8 September 2006, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application**, except as may be amended by the following conditions and as may be shown in red on the attached plans:

Amend Condition 7 to read:

7. Video surveillance devices must be installed in the first floor outdoor area and ground floor smoking area with monitors placed within the Hotel to ensure the staff can effectively supervise activities on the outdoor area.

Amend Condition 8 to read:

8. A member of staff must be stationed on or near the first floor outdoor area and ground floor smoking area whenever there are more than 10 persons on it to ensure that they do not cause disturbance to amenity of the locality.

Condition 9 is deleted.

Condition 11 is deleted.

Amend Condition 12 to read:

12. All seating and tables provided to the first floor outdoor area shall comply with the provisions of the Building Code of Australia.

Amend Condition 13 to read:

13. A maximum number of 60 patrons is permitted on the first floor outdoor area between 10:00am and 12 midnight Monday to Sunday and a maximum number of 10 patrons is permitted on the first floor outdoor area between 12 midnight and 10:00am Monday to Saturday. The maximum number of 40 patrons is permitted on the ground floor smoking area at any time.

Amend condition 14 to read:

14. The entry/exit doors to the ground floor smoking area and first floor outdoor area shall remain closed at all times other than in cases of emergency or entering and exiting the area.

Amend Condition 15 to read:

15. The entry/exit doors to the ground floor smoking area and first floor outdoor area shall be provided with acoustically treated seals, designed and installed by a suitably qualified person.

Amend Condition 16 to read:

16. The entry/exit doors to the ground floor smoking area and first floor outdoor area shall be fitted with self-closing devices.

Condition 17 is deleted.

Amend Condition 23 to read:

23. The L₁₀ noise level emitted from the licensed premises shall not exceed the background noise level (L₉₀) in any Octave Band Centre Frequency (31.5Hz – 8kHz

inclusive) by more than 5dB between 7.00am and 12.00 midnight at the boundary of any affected residence. The background noise level shall be measured in the absence of noise emitted from the licensed premises.

The L_{A10} noise level emitted from the licensed premises shall not exceed the background noise level (L_{A90}) in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) between 12.00 midnight and 7.00am at the boundary of any affected residence. The background noise level shall be measured in the absence of noise emitted from the licensed premises.

Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am.

Amend Condition 24 to read:

24. Recommended acoustic attenuation measures detailed in acoustic reports titled 'Acoustic Assessment – Proposed Refurbishment Coach & Horses' dated 26th August 2005, 'Provision of Mechanical Plant Upgrading Coach & Horses' dated 4th October 2005, 'Acoustic Assessment - Proposed Smoking Area Coach & Horses Hotel, Randwick' dated 26 September 2005 shall be fully complied with. Details of acoustic design compliance shall be submitted to the certifying authority prior to a construction certificate being issued.

Amend Condition 25 to read:

25. A compliance report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council:
- i. 1 month after occupation of the premises;
 - ii. 6 months after occupation of the premises.

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 Industrial Noise Policy Noise Control Manual (sleep disturbance) recommended design noise goals detailed in acoustic reports by the Acoustic Group Titled 'Acoustic Assessment – Proposed Refurbishment Coach & Horses' dated 26th August 2005, 'Provision of Mechanical Plant Upgrading Coach & Horses' dated 4th October 2005, 'Acoustic Assessment - Proposed Smoking Area Coach & Horses Hotel, Randwick' dated 26 September 2005 and conditions of Council's approval, to the satisfaction of Council's Manager Environmental Health & Building Services.

Add the following Conditions:

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

- 74. *The smoking area at ground floor level and the bar, pool/snooker table and outdoor areas at first floor level are permitted to operate between:***

Monday to Saturday: 24 hours a day.
Sunday: 10.00 am to 12 Midnight.

- 75. *That no amplified speakers for music or similar are permitted in the ground floor smoking area and first floor outdoor area.***

- 76. *The proposed door from the gaming area to Alison Road shall be kept closed between 10.00pm and 8.00am except in cases of emergency use.***

The following conditions are applied to ensure that the development complies with the Crime Prevention Guidelines of the New South Wales Environmental

Planning and Assessment Act 1979 and the Safer by Design Crime Risk Evaluation undertaken by the NSW Police Force:

77. Mirrors or mirrored tiles shall be fitted to the corners outside the lift foyers within the car park areas to enable staff and patrons to view activities around the corners, reducing concealment and entrapment opportunities.
78. Lighting in and around the hotel should meet Australian and New Zealand Lighting Standards and be commensurate with a moderate crime risk. Lighting objectives relevant to crime and fear reduction are outlined in Australian lighting standard AS 1158. This and other standards specify the types and quantities of lighting that can be used in different applications.
79. The existing surveillance system should be expanded to enhance the physical security of the hotel and assist in the identification of people involved in anti-social or criminal behaviour. The system should also comply with the Surveillance and Privacy requirements of legislation.
80. Additional cameras should be installed in the hotel to maximise surveillance opportunities. One or more cameras should be strategically mounted in the following areas:
 - Outside the cashiers office to monitor the entry point and customer service area.
 - At the rear of the cashier's office to monitor customers in of the counter.
 - On the external courtyards to monitor activities within these area.
81. Digital or analogue technology should be used to record images from these cameras. Recording equipment should be installed away from the counter area to avoid tampering. Videotapes need to be replaced quarterly to maintain quality images.
82. The external wall of the club may be the target of malicious damage offences, graffiti artists. With this in mind the wall area from ground to the first floor level should be constructed or non porous materials or treated with anti graffiti materials to reduce opportunities for this type of activity.
83. Signs providing directional information should not be located at decision making points and not near concealment points.
84. Access control measures should be used to restrict, channel and encourage people, and motor vehicles throughout the facility. Access control should be used to increase the time and effort required to commit crime and to increase the risk to criminals. With this in mind strong consideration should be given to the installation of an access control system (code or card operated locksets) into the overall security plan for the proposed development to control the movement of people within the facility. This type of system can provide an audit trail of those who has used the area at anytime and also make it easier to remove people access to certain areas by simply recoding or removing the card access.
85. Fire exit doors to the hotel needs to be of reasonable construction and fitted with quality locking devices which comply with the Building Code of Australia (fire regulations) and Australian Standards - Lock Sets. AS:4145. This Standard is intended for use when assessing the security and durability of a lockset. Locksets for use in fire doors, egress doors and emergency exits are subject to further requirements or regulations in the interests of personal safety. Other documents which should be consulted are AS:1428, General requirements for access – Building, AS:1905, Fire resistant door sets and the Building Code of Australia for specific purpose doors in buildings.

86. There does not appear to be any access control behind the bar areas. With this in mind a door or gate fitted with a quality lock set which comply with the Building Code of Australia (fire regulations) and Australian Standards Lock Sets AS:4145 should be installed to restrict access behind the counter area, access to money and alcohol.
87. The cash handling area should be designed to the Australian Standard for Safes & Strongrooms, Australian Standards - Safes & Vaults AS:3809:1998. This Standard is used to determine the extent or requirements of security features of the premises with the proviso that, depending upon the criminal, the conditions at the place of the crime and the availability of tools, considerably longer times are likely to occur in real burglary attacks.
88. The door to this office should be of solid construction and fitted with quality locking devices which comply with the Building Code of Australia (fire regulations) and Australian Standards – Lock Sets. AS:4145. Further consideration should also be given to the installation of a door viewing device to enable staff to identify visitors prior to admitting them to the office.
89. The doors to external courtyard and additional door at Alison Road should be of solid construction and fitted with quality locking devices which comply with the Building Code of Australia (fire regulations) and Australia Standards - Lock Sets. AS:4145.
90. The existing monitored intruder alarm system designed and installed to the Australian Standard Intruder alarm systems – Systems installed in client's premises; AS:2001:1998; which specifies the minimum requirements for the construction, installation, operation and maintenance of intruder alarm equipment and installed systems. It applies to intruder alarm systems suitable for private premises, commercial premises and special installations, and provides guidance for the preparation of a maintenance contract between a client and an alarm company should be expanded to the proposed development areas to enhance the physical security of the hotel.
91. Detectors should be incorporated into the systems design. The light emitting diodes (LEDs) (red lights) within the detectors should be deactivated, to avoid offenders being able to test the range of the system.
92. Duress facilities should be incorporated into the system design to enable staff to activate the system manually in the event of an emergency, such as a robbery. NB Duress devices should only be used when it is safe to do so. Devices should be considered for the front reception desk, cashiers office, counting room and secure room.
93. As a number of hotels across the state have had telephone lines cut to prevent alarms being reported to the security monitoring company, a supplementary system such as Global Satellite Mobile (GSM) or Radio Frequency (RF) systems should be used to Transmit alarm signal by either mobile telephone or radio frequency.

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

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

| | |
|--------------|----------------|
| For | Against |
| Hughes | Andrews |
| Matson | Bastic |
| Notley-Smith | Belleli |
| Woodsmith | Kenny |
| | Nash |
| | Procopiadis |

12.3 Motion By Councillor Belleli – Funding for kerb and guttering, Herbert Street, Malabar. (PROP030254 xr F2004/06115 xr F2005/00171)

- 28 **RESOLUTION: (Belleli/Andrews)** that funding for the construction of kerb and guttering and associated roadworks for the length of Herbert Street, Malabar be considered for inclusion in the 2007/08 Budget.

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

12.4 Motion By Councillor Belleli – Kerb and guttering, Willis Lane, Kingsford (along side Sydney Legacy). (PROP032197 xr F2004/07719 xr F2005/00171)

- 29 **RESOLUTION: (Belleli/Notley-Smith)** that concrete kerbing and guttering be installed, as soon as possible in Willis Lane, Kingsford (along side 20 Rainbow Street, Kingsford), at the side of the Sydney Legacy building to facilitate drop offs for elderly, frail and less mobile attendees. As Sydney Legacy, Kingsford is a long standing charitable organisation that provides a wide range of social, recreational and welfare services, all fees and costs associated with the works be waived (in accordance with the recommendation of the Access Committee).

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

12.5 Motion By Councillor Belleli – Pavement replacement, Matraville Town Centre. (F2004/08020 xr F2005/00171)

- 30 **RESOLUTION: (Belleli/Notley-Smith)** that Council consider in the 2007/2008 Budget, making new pavement (replace old un-even concrete slabs, as they are due for upgrading) to match the rest of the pavement of Matraville Town Centre, including:
1. the strip of shops at the corner of Bunnerong Road and Perry Street;
 2. from the Pet shop at Bunnerong Road, to the corner of Franklin Street, where needed; and
 3. any other section of Matraville Town Centre in front of shops that have missed out on new paving and the footpath is due for replacing.

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

12.6 Motion By Councillor Matson – Fostering Community Debate on local responses to Climate Change, Water Shortage and Peak Oil Production Issues. (F2006/00507 xr F2005/00171)

- 31 **RESOLUTION: (Matson/Sullivan)** that:
- (a) Council set up an Environment Committee consisting of Councillors with the mandate of responding to community and government directions at a local level to emerging issues in areas such as climate change, water supply and energy shortages; and
 - (b) the General Manager report to this Committee options for setting up a community consultation process on how Council should respond to local issues around climate change, water supply and energy shortages.

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

12.7 Motion By Councillor Matson – Arden Street Retaining Wall. (F2005/00306 xr DA/611/2006 xr F2005/00171)

32 **RESOLUTION: (Andrews/Bastic)** that a draft LEP not be commenced with the intent of adding the Arden Street retaining walls to Council's Local Environment Plan (LEP) as listed heritage items.

MOTION: (Matson/Hughes) that Council continue with it's previous resolution on the matter of the Arden Street retaining walls and the Godden Mackay Logan Heritage Consultant report of the 16th January 2007 be used as a resource in the consultation process.

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

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

| For | Against |
|----------------------|----------------|
| Andrews | Kenny |
| Bastic | Hughes |
| Belleli | Matson |
| Daley | Woodsmith |
| Notley-Smith | |
| Procopiadis | |
| Mayor, Cr. P. Tracey | |
| White | |

12.8 Motion By Councillor Matson – Response to environmental impact of four wheel drive vehicles. (F2005/00230 xr F2004/07237 xr F2005/00171)

33 **RESOLUTION: (Matson/Hughes)** that:

- (a) a report be brought back to a Council meeting assessing attempts by the LGSA and other Councils such as North Sydney, Leichhardt and Woollahra to address the need to reduce the impact of four wheel drive vehicles on the urban environment and to limit Greenhouse gas emissions', such report to also address which four wheel drive vehicles might be more environmentally sensitive than the average sedan, examine emissions from all other high impact vehicles and to include the whole environmental cost of vehicles; and
- (b) the Pedestrian Council of Australia, Climate Action Coogee and the Australia Institute be advised of Council's resolution.

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

12.9 Motion By Councillor Matson – Follow up to Council submission on improved public transport such as light or standard light rail to the City. (f2004/08175 xr F2005/00171)

MOTION: (Matson/Hughes) that, in order to further advance Council's recent advocating by submission to the Legislative Council of the need for improved public transport such as light or standard light rail to the City:

- (a) State election candidates for the seats of Coogee, Maroubra and Heffron be written to and asked to commit to working to either achieve or to surpass the NSW Government Action for Air Management Plan goal of reducing motor vehicles by half by 2020;
- (b) replies or non-replies to these questions be indicated as such on the Council web site, at least one week prior to the election; and
- (c) the Southern Courier Newspaper be informed of the responses at least one week prior to the election. **LOST.**

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

| For | Against |
|--------------|--|
| Belleli | Daley |
| Hughes | Kenny |
| Matson | Sullivan |
| Notley-Smith | Mayor, Cr. P. Tracey (used casting vote) |
| Woodsmith | White |

12.10 Motion By Councillor Hughes – Code of Conduct – Monetary limit for donations. (F2004/06569 xr F2005/00171)

34 **RESOLUTION: (Hughes/Matson)** that this motion be deferred to the next ordinary council meeting to allow for consideration of legal advice.

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

13. CONFIDENTIAL REPORTS.

13.1 CONFIDENTIAL DIRECTOR, CITY SERVICES' REPORT 7/2007 - SCHEDULE OF RATES TENDER FOR PERIOD SUPPLY OF INFRASTRUCTURE, PARKS, WASTE, CLEANING, RECYCLING, PLANT HIRE, MATERIALS, SERVICES AND SKILLS TENDER NO T023/2006. (F2006/00511)

35 **RESOLUTION: (Sullivan/Andrews)** that:

- a) *the tenderers listed in the relevant tender schedule be pre-qualified with Council to undertake various works and services as required;*
- b) *the General Manager be permitted to enter into separate contracts with each pre-qualified tenderer for the two year contract period with options to extend the contract period year to year for two additional years;*
- c) *authority is granted for the General Manager to sign and affix Council's Common Seal on the contract documents and enter into period supply contracts on behalf of Council with the pre-qualified contractors listed in the relevant tender schedule; and*
- d) *the unsuccessful tenderers (Late Tenders) be notified of the Tender result.*

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

14. NOTICE OF RESCISSION MOTIONS.

Nil.

There being no further business, His Worship the Mayor, Cr P. Tracey, declared the meeting closed at 8.20 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 27th MARCH 2007.

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CHAIRPERSON