

**MINUTES OF ORDINARY COUNCIL MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 26TH JUNE 2007 AT 6:20 PM**

PRESENT:

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

Councillor M Matson (Deputy Chairperson) (East Ward)

North Ward	-	Crs J Kenny & M Woodsmith
South Ward	-	Crs R Belleli & A White
East Ward	-	Crs B Notley-Smith & D Sullivan
West Ward	-	Crs B Hughes & S Nash (arrived 6.30 pm)
Central Ward	-	Crs A Andrews, C Bastic & T Seng

OFFICERS PRESENT:

General Manager	Mr. R. Brownlee
Director City Services	Mr. J. Frangoplos
Director Governance & Financial Services	Mr. G. Banting
Director City Planning	Ms. S. Truuvvert
Manager Strategic Planning	Ms. K. Armstrong
Communications Manager	Ms. D. Brien
Manager Development Assessment	Mr. K. Kyriacou
Senior Administrative Coordinator	Ms. J. Hartshorn
Manager Technical Services	Mr. M. Shaw
Property Officer	Ms. I. Vidovich
Manager Organisational Performance	Ms K. Walshaw
Manager Health, Building & Regulatory Services	Mr R. Werezczynski

1. PRAYER & ACKNOWLEDGEMENT OF LOCAL INDIGENOUS PEOPLE.

The Council Prayer was read by Cr Sullivan.

The acknowledgement of local indigenous people was read by Cr Woodsmith.

2. APOLOGY/GRANTING OF LEAVE OF ABSENCES.

An apology was received from Cr Daley.

RESOLVED: (Andrews/Bastic) that the apology from Cr Daley for non-attendance at the Ordinary Council Meeting held on Tuesday, 26 June, 2007 be received & accepted.

It was noted that Cr Procopiadis had previously been granted a leave of absence from the meeting (see Minute No. 60 – Ordinary Council Meeting of 24 April 2007).

3. CONFIRMATION OF THE MINUTES.

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY, 22ND MAY 2007.

122 **RESOLUTION: (Matson/Woodsmith)** that the Minutes of the Ordinary Council Meeting held on Tuesday, 22nd May 2007 (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.

Cr Belleli declared a non-pecuniary interest in Item 8.1 (Director City Planning Report 33/2007 - 1160 - 1198R Anzac Parade, Malabar (Pioneer Park)) as one of the objectors worked closely with him on his state election campaign and indicated that, in order to be consistent, he would leave the Chamber during the debate and the vote on the matter.

Cr Bastic declared a non-pecuniary interest in Item 8.1 (Director City Planning Report 33/2007 - 1160 - 1198R Anzac Parade, Malabar (Pioneer Park)) as he knows that many members of the South Eastern Football Club have supported him and indicated that he would be participating in the debate and voting on the matter.

Cr Andrews declared a non-pecuniary interest in Item 8.1 (Director City Planning Report 33/2007 - 1160 - 1198R Anzac Parade, Malabar (Pioneer Park)) as he knows a number of residents who live in the vicinity of Pioneer Park and indicated that he would be participating in the debate and voting on the matter.

5. ADDRESSING OF COUNCIL BY MEMBERS OF THE PUBLIC.

8.1 DIRECTOR, CITY PLANNING REPORT 33/2007 - 1160 - 1198R ANZAC PARADE, MALABAR (PIONEER PARK).

Against Mr Russell Delacey
For Mr Roy Belcher

Having declared a non-pecuniary interest in this item earlier in the meeting, Cr Belleli left the Chamber during the public address on the matter.

8.2 DIRECTOR, CITY PLANNING REPORT 34/2007 - 2-4 GUBBUTEH ROAD, LITTLE BAY.

Against Mr Charles Abela

8.3 DIRECTOR, CITY PLANNING REPORT 35/2007 - 29 BYRNE CRESCENT, MAROUBRA.

Objector Mr Allan Wing
Applicant Mr Rick Cinelli - on behalf of the Applicant

8.4 DIRECTOR, CITY PLANNING REPORT 36/2007 - 62 GALE ROAD, MAROUBRA.

Applicant Mr Roel Mulder – Architect on behalf of the Applicant

8.5 DIRECTOR, CITY PLANNING REPORT 37/2007 - 1 MONMOUTH STREET, RANDWICK.

Objector Mr John Brooks
Applicant Mr Gary Vouris

11.1 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 34/2007 - BURNIE PARK COMMUNITY CENTRE HOURS OF OPERATION.

Against Ms Dianne Kersting-Nevery
For Ms Rae Morgan

The meeting was adjourned at 8.10pm and was resumed at 8.25pm.

6. MAYORAL MINUTES.

6.1 MAYOR'S MINUTE 42/2007 - INVITATION TO ATTEND 2007 CLIMATE CHANGE SUMMIT. (F2005/00646)

123 **RESOLUTION:** *(Cr. Paul Tracey, Mayor)* that:

- (a) *interested Councillors be invited to attend the 2007 Climate Change Summit to be held at Darling Harbour, Sydney from Wednesday 25th to Thursday 26th July, 2007; and*
- (b) *interested councillors advise the General Manager as soon as possible for registration purposes.*

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

6.2 MAYOR'S MINUTE 43/2007 - BASTILLE DAY 2007 REQUEST FOR SPONSORSHIP. (F2007/00128)

124 **RESOLUTION:** *(Cr. Paul Tracey, Mayor)* that Council:

- (a) *provide a sponsorship amount of \$5,000 toward the 2007 Bastille Day Event to be held at La Perouse and be included as a sponsor on all promotional material.*
- (b) *provide to the Consul General's office the current list of Randwick City Councillors.*

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

6.3 MAYOR'S MINUTE 44/2007 - COOGEE SURF LIFE SAVING CLUB CENTENARY DINNER. (F2007/00001)

125 **RESOLUTION:** *(Cr. Paul Tracey, Mayor)* that:

- (a) *Council purchase tickets for a table to both acknowledge and support the Coogee Surf Life Saving Club on reaching its centenary year, such funds to come from the 2007/2008 Council Contingency Fund; and*
- (b) *interested Councillors contact the General Manager's Office by Monday 2nd July to confirm their attendance.*

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

6.4 MAYOR'S MINUTE 45/2007 - RANDWICK GIRLS & BOYS HIGH SCHOOLS - 2007 ROCK EISTEDDFOD - REQUEST FOR FINANCIAL ASSISTANCE. (F2004/07396)

126 **RESOLUTION:** *(Cr. Paul Tracey, Mayor)* that Council donate \$5,000.00 to the Randwick Girls and Boys High School Rock Eisteddfod Team for their 2007 production, such funds to come from the Council Contingency Fund.

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

6.5 MAYOR'S MINUTE 46/2007 - UPDATE ON RANDWICK'S HOME ENERGY MAKEOVER. (F2004/08350)

127 **RESOLUTION:** *(Cr. Paul Tracey, Mayor)* that:

- (a) *Council note the current progress of Randwick's Home Energy Makeover; and*
- (b) *Councillors consider taking the Home Energy Pledge if they haven't already*

completed it.

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

6.6 MAYOR'S MINUTE 47/2007 - THE USE OF BARRETT HOUSE AS A DEMONSTRATION SUSTAINABILITY HOUSE FOR RANDWICK RESIDENTS AND RESIDENTS OF NEIGHBOURING COUNCIL AREAS. (F2005/08350)

128 **RESOLUTION: (Cr. Paul Tracey, Mayor) that:**

- (a) *Council approve the use of Barrett House as a demonstration Sustainability House for Randwick residents and other visitors to Randwick;*
- (b) *an agreement be drawn up for the use of Barrett House as a demonstration Sustainability House identifying the terms and conditions for such a use;*
- (c) *the agreement include all formal requirements as set out in the offer to Council by the late Harrie Sylvia Marrett;*
- (d) *the transition of Barrett House to a demonstration sustainability house be carried out as part of Council's Sustaining our City initiative; and*
- (e) *regular reports be provided to Council on the progress of creating and operating Barrett House as a demonstration sustainability house.*
- (f) *a report be prepared in relation to the feasibility of making the garden at Barrett House available to the community as a community garden.*

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

6.7 MAYOR'S MINUTE 48/2007 - AUSTAG LOCAL SCHOOLS GALA DAY IN CELEBRATION OF NAIDOC WEEK. (F2004/06278)

129 **RESOLUTION: (Cr. Paul Tracey, Mayor) that Council support this localised initiative to increase engagement with the Aboriginal community.**

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

6.8 MAYORS MINUTE 49/2007 - DES RENFORD AQUATIC CENTRE - FACILITY OF THE YEAR. (F2007/00114)

130 **RESOLUTION: (Cr. Paul Tracey, Mayor) that:**

- (a) *the report be received and noted; and*
- (b) *a letter of congratulations be sent from Council to the Manager and staff at the Des Renford Aquatic Centre.*

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

6.9 MAYORS MINUTE 50/2007 - INSTALLATION OF BANNER - EASTERN SUBURBS TEACHERS ASSOCIATION. (F2004/06527)

131 **RESOLUTION: (Cr. Paul Tracey, Mayor) that:**

- (a) *the fees associated with the installation and dismantling of a banner for the New South Wales Teachers Association be waived and \$1,132.00 be allocated from the Contingency Fund 2007/08;*
- (b) *the wording on the banner be presented to Council for approval prior to being ordered; and*

- (c) *the organiser undertake to appropriately and prominently acknowledge and promote Council's contribution*

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

6.10 MAYORS MINUTE 51/2007 - WORLD YOUTH DAY - CROSS AND ICON EASTERN REGION. (F2004/07550)

132 **RESOLUTION: (Cr. Paul Tracey, Mayor) that:**

- (a) *Council vote \$1,371.29 to cover the fees associated with the "Journey of the World Youth Day Cross and Icon" event and funds be allocated from the Contingency Fund 2007/08;*
- (b) *the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and*
- (c) *the Mayor or Mayor's Representative be given the opportunity to address the event on behalf of Council.*

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

6.11 MAYORS MINUTE 52/2007 - MAROUBRA BEACH TRAM/BUS SHELTER INCORPORATION INTO MAROUBRA BEACH RESERVE 46111. (F2005/00756)

133 **RESOLUTION: (Cr. Paul Tracey, Mayor) that Council commences preparation of the Maroubra Beach Surf School tender and incorporate the refurbishment of the bus/tram shelter as a condition of the tender, after Council undertakes a clean-up and maintenance repairs.**

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

6.12 MAYORS MINUTE 53/2007 - A PROPOSAL TO PROVIDE INCENTIVE REBATES TO RANDWICK RESIDENTS FOR RAINWATER TANKS AND GREYWATER SYSTEMS. (F2004/07910)

134 **RESOLUTION: (Cr. Paul Tracey, Mayor) that:**

- (a) *Council agree to the development and implementation of Randwick's Water Saving Rebate providing incentive rebates for the installation of rainwater tanks or greywater systems in homes or units of Randwick residents;*
- (b) *Council approve an amount not exceeding \$80,000 from Randwick's Sustaining our City environmental levy for this scheme for a period of 12 months, after which a report on the success or learning of such a scheme be brought back to Council; and*
- (c) *Council staff use the 12 month trial of the Water Saving Rebate as the basis for funding applications to continue or support this scheme.*

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

6.13 MAYORS MINUTE 54/2007 - FORMER INCINERATOR LAND, MATRAVILLE - WAIVING OF DEVELOPMENT APPLICATION FEES. (F2006/00652)

135 **RESOLUTION: (Cr. Paul Tracey, Mayor) that:**

- (a) *Council waive the DA fees in relation to any future DAs which are required to be lodged with Council as a result of the implementation of Council's Policies,*

Local Environmental Plan 1998 and Development Control Plans, relating to the operation of the former incinerator at Matraville; and

- (b) *Council write to all of the property owners within the subject area, advising of this strategy and resolution.*

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

6.14 MAYORS MINUTE 55/2007 - ASSISTANCE GIVEN TO WYONG SHIRE COUNCIL. (F2004/06416)

- 136 **RESOLUTION: (Cr. Paul Tracey, Mayor)** *that the assistance given by Randwick City Council and Randwick SES to Wyong Shire Council be noted.*

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

6.15 MAYORS MINUTE 56/2007 - S.O.S PRESCHOOL REQUESTS FOR SPONSORSHIP. (F2004/06276)

- 137 **RESOLUTION: (Cr. Paul Tracey, Mayor)** *that Council:*

- (a) *provides funds to the total value of \$1,400.00 for the purchase of the Commemorative Opening Plaque, the cost of Children's Entertainment and Outside Electrical Setups;*
- (b) *provides in-kind support to the total value of \$1,175.00 for the use of hall space in the Community Centre, seating hire and waiving the cost of the application fee for local activities and events for parks, beaches and reserves and the registration fee for the three temporary food stalls;*
- (c) *be acknowledged in all publicity as a sponsor of the event; and*
- (d) *allocates \$1,400.00 from the 2007/2008 Contingency Fund.*

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

6.16 MAYORS MINUTE 57/2007 – HEFFRON PARK - PLAYGROUND CONSTRUCTION AND CHILDREN'S BICYCLE TRACK

- 138 **RESOLUTION: (Cr. Paul Tracey, Mayor)** *that \$180,000 be allocated for playground construction, including a children's bicycle track in Heffron Park, in the vicinity of Jersey Road, in accordance with the Master Plan, such funds to be made available from savings due to productivity improvements in the 2006/2007 financial year budget.*

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

6.17 MAYORS MINUTE 58/2007 - DUNNINGHAM RESERVE, COOGEE BEACH - INSTALLATION OF BRONZE SEAT TO COMMEMORATE ARTISTIC HISTORY OF COOGEE. (F2004/06574)

- 139 **RESOLUTION: (Cr. Paul Tracey, Mayor)** *that:*

- a) *approval be given to Ms Eileen Slarke to proceed with the design, construction, plus bronze casting and installation of the bronze seat to commemorate the Impressionists artists who produced a series of outstanding Coogee paintings at and around Coogee Beach in the early 1890's;*
- b) *Council officers confer with Ms Slarke regarding the appropriate location of the seat in Dunningham Reserve; and*

- c) *the design, construction and installation of the seat be funded from the 2006/07 budget.*

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

6.18 MAYORS MINUTE 59/2007 - MAYOR'S FUTURE CHAMPIONS FUND - REQUEST FOR FINANCIAL ASSISTANCE. (F2004/07396)

- 140 **RESOLUTION: (Cr. Paul Tracey, Mayor)** *that Council donate \$200.00 to help cover the costs involved in allowing Rhiaan Te Hira to represent Australia at the Under 16 Australian National Basketball Championship in Terrigal from 30th June – 7th July 2007.*

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

6.19 CONFIDENTIAL MAYORS MINUTE 60/2007 - GENERAL MANAGER'S PERFORMANCE REVIEW

This item was considered later in the meeting in Closed Session – see page 71 of these Minutes.

7. URGENT BUSINESS.

The Mayor rule Item 7.1 to be of great urgency given the requirement of Council to adopt its Management Plan by 30 June 2006.

7.1 GENERAL MANAGER'S REPORT 18/2007 - DRAFT MANAGEMENT PLAN 2007/11 AND BUDGET 2007/08. (F2007/00137)

For the resolution in relation to this matter see Item 9.2 – page 66 of these Minutes.

8. DIRECTOR, CITY PLANNING REPORTS.

8.1 DIRECTOR, CITY PLANNING REPORT 33/2007 - 1160 - 1198R ANZAC PARADE, MALABAR. (DA/90/2007 & PROP025397)

Note: A rescission motion in relation to this item was handed to the General Manager prior to midday on the following working day and will be considered at the Ordinary Council meeting to be held on Tuesday, 24 July 2007.

Having declared a non-pecuniary interest in this matter earlier in the meeting, Cr Belleli left the Chamber during the debate and the vote on item.

- 141 **RESOLUTION: (Hughes/Matson)** *that 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 90/2007 for development comprising remediation, landscaping, construction of pathways, construction of three carpark areas providing parking for a total of 159 cars at Pioneers Park.*

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 A1 Drawing No: 21-15005-C003 to 21-15005-C006 Revision A (inclusive) 21-15005-C100 to 21-15005-C108 Revision (inclusive), 21-15005-C200, 21-15005-C200 and 21-15005-C300 to 21-15005-C302 Revision C, the application form and on any supporting information received with the application, except as may be amended by the following conditions as may be shown in red on the attached plans.*

2. *The lighting towers, amenities building and playing fields shall be deleted from the plans.*

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

3. *Prior to issuing a construction certificate for the development OR prior to the use of the new fields (which ever comes first) the land must be remediated to meet the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 and the following requirements must be complied with:*
 - a) *A Remediation Action Plan (RAP) is required to be prepared and be submitted to Council prior to commencing remediation works. The RAP is also required to be reviewed by an independent NSW Department of Environment and Conservation (DEC) Accredited Site Auditor.*
 - b) *The RAP is to be prepared in accordance with the relevant Guidelines made or approved by the NSW Department of Environment and Conservation, including the Guidelines for Consultants Reporting on Contaminated Sites.*

This RAP is to include procedures for the following:

- *Excavation of Hydrocarbon-contaminated soil,*
 - *Site management planning,*
 - *Validation sampling and analysis,*
 - *Prevention of cross contamination and migration or release of contaminants,*
 - *Ground water remediation, dewatering, drainage, monitoring and validation,*
 - *Unexpected finds.*
- c) *Prior to commencing any remediation works, a written statement is to be provided to the Council by the Site Auditor, which confirms that the Remediation Action Plan satisfies the relevant legislative guidelines and requirements and that the land is able to be remediated to the required level and be suitable for the intended development and use.*
 - d) *The applicant is to engage a NSW Department of Environment and Conservation Accredited Site Auditor, accredited under sections 49 and 50 of the of the Contaminated Land Management Act 1997. The Site Auditor is to assess the suitability of the site for its intended development and use. The Site Audit Statement and Summary Site Audit Report is to be submitted to Council and must verify that the land has been remediated and the site is suitable for the intended development and satisfies the relevant criteria in the NEPM 1999.*

Any requirements contained within an Environmental Management Plan (EMP) which forms part of the Site Audit Statement and Site Audit Report, form part of this consent and Council must be consulted with prior to the development of the EMP.

- e) *Remediation works shall be carried out in accordance with the relevant requirements of the Contaminated Land Management Act 1997, environmental planning instruments applying to the site, guidelines made by the NSW Department of Environment and Conservation and Department of Infrastructure Planning & Natural Resources, Randwick City Council's Contaminated Land Policy 1999, the Protection of the Environment Operations Act 1997 and Guidelines for the Assessment of On-site Containment of Contaminated Soil, prepared by Australian and New Zealand Environment and Conservation Council, 1999.*

- f) *Any fill importation to the site is to be monitored and classified by the Site Auditor appointed for remediation of the site or a person with his qualifications. Only 'Virgin Excavated Natural Material' (VENM) is to be imported to the site, as defined within the NSW EPA 'Environmental Guidelines; Assessment, Classification and management of Liquid and Non-Liquid Wastes. 1999'.*
- g) *A Site Remediation Management Plan must be prepared prior to the commencement of remediation works by a suitably qualified environmental consultant and be implemented throughout remediation works. A copy is to be forwarded to Council. The Site Remediation Management Plan shall include measures to address the following matters:*
- *general site management, site security, barriers, traffic management and signage*
 - *hazard identification and control*
 - *worker health & safety, work zones and decontamination procedures*
 - *prevention of cross contamination*
 - *site drainage and dewatering*
 - *air and water quality monitoring*
 - *disposal of hazardous wastes*
 - *contingency plans and incident reporting*
 - *details of provisions for monitoring implementation of remediation works and persons/consultants responsible.*
- h) *The site remediation must be completed to the satisfaction of the Accredited Site Auditor and the written concurrence of Councils Manager Environmental Health and Building Services must be obtained prior to the issuing of the construction certificate.*
- i) *The works shall not give rise to environmental pollution or public nuisance or, result in an offence under the Protection of the Environment Operations Act 1997 or NSW Occupational Health & Safety Act (2000) & Regulations (2001).*
4. *The Site Audit Statement must, where no guideline made or approved under the NSW Contaminated Land Management Act is available (as with asbestos), clearly state the source of the standard adopted in determining the suitability of the land for the intended development and use and must also demonstrate its suitability to Council.*
5. *Site remediation must be carried out in accordance with the following general requirements (as applicable):*
- a) *Any variations to the proposed remediation works or remediation action plan shall be approved by the Site Auditor and a written statement is to be provided to the Council by the Site Auditor prior to the commencement of such works, which confirms the Site Auditors approval of the amended remediation action plan / works, and*
- b) *The Environmental Consultant and Auditor, in their assessment of appropriate soil investigation levels, must take into account all environmental concerns (for example, the potential effects on wildlife) and the protection of ground and surface water.*
- c) *Any odours from excavated materials shall be mitigated by the use of an odour suppressant, such as Biosolve, and shall not give rise to an offensive odour as defined in the Protection of the Environment Operations Act 1997. Stockpiles shall also be covered and dampened down to reduce odour and dust impacts.*

On-site land farming of contaminated soil is not permitted, except with the written approval of Council's Manager of Health, Building & Regulatory Services.

- d) *All trucks and service vehicles leaving the site shall go through a suitably constructed on site truck wash down area, to ensure no tracking of material occurs from the site onto roads adjoining the site. Details are to be submitted to Council in the Site Management Plan.*
 - e) *Prior to the commencement and throughout the duration of the remediation and construction works adequate sediment and stormwater control measures shall be in place and maintained on site at all times. Sediment laden stormwater shall be controlled using measures outlined in the manual Managing Urban Stormwater Soils and Construction produced by the NSW Department of Housing.*
 - f) *Remediation work shall be conducted within the following hours:
Monday – Friday 7am – 5pm
Saturday 8am – 5pm
No work permitted on Sundays or Public Holidays*
 - g) *A sign displaying the contact details of the remediation contractor (and the site manager if different to remediation contractor) shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works.*
 - h) *Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council immediately.*
6. *Hazardous or intractable wastes arising from the demolition, excavation and remediation process being removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, and with the provisions of:*
- *New South Wales Occupational Health and Safety Act, 2000;*
 - *The Occupational Health and Safety (Hazardous Substances) Regulation 2001;*
 - *The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;*
 - *Protection Of the Environment Operations Act 1997 (NSW) and*
 - *Environment Protection Authority's Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).*

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

7. *The proposed use of the park 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.*

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:

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

The RTA has reviewed the development application and granted its concurrence under Section 138(2) of the Roads Act to the development application subject to the following conditions:

9. *The proposed new entry and exit driveway crossings along Anzac Parade must be constructed generally in accordance with the Plans (Drawing No: 21-15005-c101, Rev: B, Dated: 02/02/07 and Drawing No: 21-15005-C102, Rev:B, Dated: 02/02/2007).*
10. *The proposed entry and exit driveways to Anzac Parade are to be appropriately signposted*
11. *The entry/exit points to Anzac Parade must comply with the appropriate sight distance criteria as stated within Section 3.2.4 of AS 2890.1 – 2004.*
12. *The layout of the off-street parking areas associated with the subject development (including, grades, turn paths, sight distance requirements, aisle widths, and parking bay dimensions) should be in accordance with AS 2890.1-2004.*
13. *Detailed civil design plans of the proposed driveway crossings, kerb and gutter works and fully pit re-construction should be submitted to Council for approval.*
14. *All works/regulatory signposting associated with the proposed development will be at no cost to the RTA.*
15. *Any traffic control during construction must be carried out by accredited RTA approved traffic controllers.*
16. *The proponent is to arrange with the RTA's Transport Management Centre any required road occupancy licenses during construction.*
17. *Council is to ensure that all vehicles during construction enter and exit the site in a forward direction.*
18. *The proposed on-street car parking should only comply with the requirements of AS 2890.5 – 1993.*

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

19. *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.
20. *All new 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.*
21. ***Prior to the commencement of any 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.*
22. ***Prior to the commencement of any works**, the person having the benefit of the development consent must:-*

- i) *appoint a Principal Certifying Authority for the work, and*
 - ii) *appoint a principal contractor for the work and notify the Principal Certifying Authority and Council accordingly in writing, and*
 - iii) *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 works.*
23. *The 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 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.

24. *A sign must be erected and maintained in a prominent position on the site, which contains the following details:*
- *name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours, or owner-builder permit details (as applicable)*
 - *name, address and telephone number of the Principal Certifying Authority,*
 - *a statement stating that "unauthorised entry to the work site is prohibited".*
25. *An **Occupation Certificate** must be obtained from the Principal Certifying Authority encompassed in this development consent, 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.

26. ***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.

27. *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.

28. *Prior to the issue of the Occupation Certificate or Final Certificate signage is to be installed in the vicinity of the open space at the northern end of the park. The signage shall be located in a clearly visible location and shall indicate that the extent of the "off-leash" dog exercise area and the times at which "off-leash" exercising is permitted.*

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:

29. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be made available to the Council officers and all contractors for assessment.*
30. *All excavations and backfilling associated with the erection of the works 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.*
31. *Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all 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 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.

32. *Noise and vibration emissions during the construction 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.*
33. *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.

34. 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.

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

The public safety provisions and temporary fences must be in place **prior to the commencement of any site works** and be maintained throughout construction.

If it is proposed to locate any site fencing, hoardings 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.

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

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

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

37. A separate written approval from Council is required to be obtained in relation to all works which are located externally from the site within the road reserve/public place, in accordance with the requirements of the Roads Act 1993. Detailed plans and specifications of the proposed works are to be

submitted to and approved by the Director of City Services prior to commencing any works within the road reserve/public place.

All works within the road reserve/public place must be carried out to the satisfaction of Council and certification from a certified practicing engineer is to be provided to Council upon completion of the works.

Relevant Council assessment and inspection fees, as specified in Council's adopted Pricing Policy, are required to be paid to Council prior to commencement of the works.

38. *Prior to the issue of a construction certificate, the applicant shall submit for approval and have approved by Council's Traffic Engineer a detailed construction traffic management plan. The plan shall demonstrate how construction and delivery vehicles will access the development site during the demolition and construction phase of the development.*

All traffic associated with the subject development shall comply with the terms of the approved construction traffic management plan.

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.*
41. *Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be suitably screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant must liaise with Energy Australia prior to lodging the construction certificate to determine whether or not an electricity substation is required for the development.*

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

42. *Landscape works at the site shall be installed substantially in accordance with the Landscape DA Plans, L01-2, drawing numbers 21-15005-C300 – 301, revision C, dated 22.02.07 and stamped received at Council on 27 February 2007, subject to the following additional information being shown on amended plans, to the satisfaction of the certifying authority, prior to the issue of a construction certificate:*
- a. *Confirmation, through the inclusion of existing and proposed levels, that re-grading/re-profiling works will not result in an increase of surface flows or runoff towards the area of bushland located beyond the northeast corner of the site.*
 - b. *The applicant will be required to demonstrate that any species proposed for use at the site, which have been identified as occurring naturally in the adjoining bushland reserve, will be sourced from local provenance stock through Randwick Council's Community Nursery who can be contacted on*

- c. *Provision of additional Banksia integrifolia (Coastal Banksia's) in the southwest corner of the site in order to compensate for the loss of the recently planted row of the same species on the Cromwell Place nature strip which need to be removed to accommodate the proposed car parking bay in the location shown.*
43. *Documentary evidence is to be obtained from a suitably qualified Landscape Architect, and submitted to the principal certifying authority (PCA), and Council, if Council is not the PCA, prior to the issuing of a final occupation certificate which confirms that the landscaping works have been completed in accordance with the approved landscaping plans and relevant conditions of development consent, to the satisfaction of the PCA.*
44. *Any areas of naturestrip upon either Council's footway or within the site which are damaged as a result 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 Couch CT2 var (Cynodon dactylon) for those areas within the site, and Kikuyu for the nature strip. Such works shall be installed prior to the issue of a final Occupation Certificate.*

Tree Management

45. *With the exception of the grove of five Eucalyptus botryoides (Bangalay), and three Banksia integrifolia (Coastal Banksia) towards the southwest corner of the site, fronting onto Cromwell Place, which are to be retained, approval is granted for the removal of all other existing trees within the site boundaries which need to be removed in order to accommodate remediation works as shown.*

Bushland Conditions

46. *In order to prevent damage or disturbance to the area of remnant bushland beyond the northeast corner of the site, the following measures are to be undertaken:*
 - a. *All detailed documentation submitted for the construction certificate application will be required to show that the subject area will be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing, where adjacent to the proposed works, finishing flush with the ground level.*
 - b. *Shade/silt cloth shall be permanently attached to this fencing for its full length and height, in order to prevent any foreign matter entering the area during the course of the works.*
 - c. *Both the fencing and filter fabric shall be installed prior to the commencement of construction works and shall remain in place until all works are completed, with the words "REMNANT BUSHLAND PROTECTION ZONE, DO NOT ENTER", clearly displayed.*
 - d. *There is to be no pedestrian or vehicular access to the bushland, as well as 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 adjacent to the bushland.*

Advisory Conditions

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

MOTION: (White/Sullivan) 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 90/2007 for development comprising remediation, landscaping, construction of pathways, playing fields with lighting, construction of three carpark areas providing parking for a total of 159 cars and construction of single storey amenities building, at Pioneers Park.

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 A1 Drawing No: 21-15005-C003 to 21-15005-C006 Revision A (inclusive) 21-15005-C100 to 21-15005-C108 Revision (inclusive), 21-15005-C200, 21-15005-C200 and 21-15005-C300 to 21-15005-C302 Revision C, the application form and on any supporting information received with the application, except as may be amended by the following conditions as may be shown in red on the attached plans:
2. A certificate from a suitably qualified person in outdoor lighting systems shall be submitted to the Director City Planning which certifies that the proposed lighting complies with Australian Standards AS/NZS 4282-2997 Control of Obtrusive Lighting prior to the commencement of the use of the sports fields for training sessions
3. The light towers must only be operated for two nights of the week up until 9:00pm.

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

4. Prior to issuing a construction certificate for the development OR prior **to the use of the new fields (which ever comes first)** the land must be remediated to meet the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 and the following requirements must be complied with:
 - a) A Remediation Action Plan (RAP) is required to be prepared and be submitted to Council prior to commencing remediation works. The RAP is also required to be reviewed by an independent NSW Department of Environment and Conservation (DEC) Accredited Site Auditor.
 - b) The RAP is to be prepared in accordance with the relevant Guidelines made or approved by the NSW Department of Environment and Conservation, including the Guidelines for Consultants Reporting on Contaminated Sites.

This RAP is to include procedures for the following:

- Excavation of Hydrocarbon-contaminated soil,
- Site management planning,
- Validation sampling and analysis,
- Prevention of cross contamination and migration or release of contaminants,

- Ground water remediation, dewatering, drainage, monitoring and validation,
 - Unexpected finds.
- c) Prior to commencing any remediation works, a written statement is to be provided to the Council by the Site Auditor, which confirms that the Remediation Action Plan satisfies the relevant legislative guidelines and requirements and that the land is able to be remediated to the required level and be suitable for the intended development and use.
- d) The applicant is to engage a NSW Department of Environment and Conservation Accredited Site Auditor, accredited under sections 49 and 50 of the of the Contaminated Land Management Act 1997. The Site Auditor is to assess the suitability of the site for its intended development and use. The Site Audit Statement and Summary Site Audit Report is to be submitted to Council and must verify that the land has been remediated and the site is suitable for the intended development and satisfies the relevant criteria in the NEPM 1999.

Any requirements contained within an Environmental Management Plan (EMP) which forms part of the Site Audit Statement and Site Audit Report, form part of this consent and Council must be consulted with prior to the development of the EMP.

- e) Remediation works shall be carried out in accordance with the relevant requirements of the Contaminated Land Management Act 1997, environmental planning instruments applying to the site, guidelines made by the NSW Department of Environment and Conservation and Department of Infrastructure Planning & Natural Resources, Randwick City Council's Contaminated Land Policy 1999, the Protection of the Environment Operations Act 1997 and Guidelines for the Assessment of On-site Containment of Contaminated Soil, prepared by Australian and New Zealand Environment and Conservation Council, 1999.
- f) Any fill importation to the site is to be monitored and classified by the Site Auditor appointed for remediation of the site or a person with his qualifications. Only 'Virgin Excavated Natural Material' (VENM) is to be imported to the site, as defined within the NSW EPA 'Environmental Guidelines; Assessment, Classification and management of Liquid and Non-Liquid Wastes. 1999'.
- g) A Site Remediation Management Plan must be prepared prior to the commencement of remediation works by a suitably qualified environmental consultant and be implemented throughout remediation works. A copy is to be forwarded to Council. The Site Remediation Management Plan shall include measures to address the following matters:
- general site management, site security, barriers, traffic management and signage
 - hazard identification and control
 - worker health & safety, work zones and decontamination procedures
 - prevention of cross contamination
 - site drainage and dewatering
 - air and water quality monitoring
 - disposal of hazardous wastes
 - contingency plans and incident reporting
 - details of provisions for monitoring implementation of remediation works and persons/consultants responsible.
- h) The site remediation must be completed to the satisfaction of the Accredited Site Auditor and the written concurrence of Councils Manager

Environmental Health and Building Services must be obtained prior to the issuing of the construction certificate.

- i) The works shall not give rise to environmental pollution or public nuisance or, result in an offence under the Protection of the Environment Operations Act 1997 or NSW Occupational Health & Safety Act (2000) & Regulations (2001).
5. The Site Audit Statement must, where no guideline made or approved under the NSW Contaminated Land Management Act is available (as with asbestos), clearly state the source of the standard adopted in determining the suitability of the land for the intended development and use and must also demonstrate its suitability to Council.
 6. Site remediation must be carried out in accordance with the following general requirements (as applicable):
 - a) Any variations to the proposed remediation works or remediation action plan shall be approved by the Site Auditor and a written statement is to be provided to the Council by the Site Auditor prior to the commencement of such works, which confirms the Site Auditors approval of the amended remediation action plan / works, and
 - b) The Environmental Consultant and Auditor, in their assessment of appropriate soil investigation levels, must take into account all environmental concerns (for example, the potential effects on wildlife) and the protection of ground and surface water.
 - c) Any odours from excavated materials shall be mitigated by the use of an odour suppressant, such as Biosolve, and shall not give rise to an offensive odour as defined in the Protection of the Environment Operations Act 1997. Stockpiles shall also be covered and dampened down to reduce odour and dust impacts.

On-site land farming of contaminated soil is not permitted, except with the written approval of Council's Manager of Health, Building & Regulatory Services.

- d) All trucks and service vehicles leaving the site shall go through a suitably constructed on site truck wash down area, to ensure no tracking of material occurs from the site onto roads adjoining the site. Details are to be submitted to Council in the Site Management Plan.
- e) Prior to the commencement and throughout the duration of the remediation and construction works adequate sediment and stormwater control measures shall be in place and maintained on site at all times. Sediment laden stormwater shall be controlled using measures outlined in the manual Managing Urban Stormwater Soils and Construction produced by the NSW Department of Housing.
- f) Remediation work shall be conducted within the following hours:

Monday – Friday	7am – 5pm
Saturday	8am – 5pm

No work permitted on Sundays or Public Holidays
- g) A sign displaying the contact details of the remediation contractor (and the site manager if different to remediation contractor) shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works.

- h) Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council immediately.
7. Hazardous or intractable wastes arising from the demolition, excavation and remediation process being removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, and with the provisions of:
- New South Wales Occupational Health and Safety Act, 2000;
 - The Occupational Health and Safety (Hazardous Substances) Regulation 2001;
 - The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;
 - Protection Of the Environment Operations Act 1997 (NSW) and
 - Environment Protection Authority's Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).

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

8. The proposed use of the park 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.

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:

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

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

10. The Amenities buildings are to be designed, constructed and operated in accordance with the Food Act 2003, Food Regulation 2004, Australia & New Zealand Food Standards Code and Australian Standard AS 4674-2004, Design, construction and fit-out of food premises and details of compliance are to be included in the documentation for the **construction certificate** to the satisfaction of the certifying authority.
11. Food safety practices and operation of the food premises must be in accordance with the Food Act 2003, Food Regulation 2004, Food Standards Code and Food Safety Standards at all times, including the requirements and provisions relating to:
- a) Food handling – skills, knowledge and controls.
 - b) Health and hygiene requirements.
 - c) Requirements for food handlers and businesses.
 - d) Cleaning, sanitising and maintenance.
 - e) Design and construction of food premises, fixtures, fitting and equipment.

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

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

13. Upon completion of the work and **prior to the issuing of an occupation certificate**, the premises must be inspected by Council's Environmental Health Officer to ascertain compliance with relevant Food Safety Standards and the written approval of Council (being the relevant Food Authority for this food business) must be obtained prior to the operation of the food business.
14. The Proprietor(s) of the food business and all staff carrying out food handling and food storage activities must have appropriate skills and knowledge in food safety and food hygiene matters, as required by the Food Safety Standards.
15. The design and construction of food premises must comply with the following requirements, **as applicable**: -
 - a) The floors of kitchens, food preparation areas and the like are to be constructed of materials which are impervious, non slip and non abrasive. The floor is to be finished to a smooth even surface, graded and drained to a floor waste connected to the sewer.
 - b) The intersection of walls with floor and plinths is to be coved, to facilitate cleaning.
 - c) Walls of the kitchen preparation areas and the like are to be of suitable construction finished in a light colour with glazed tiles, stainless steel, laminated plastics or similar approved material adhered directly to the wall adjacent to cooking and food preparation facilities or areas, to provide a smooth even surface.
 - d) The glazed tiling or other approved material is to extend up to the underside of any mechanical exhaust ventilation hoods and a minimum of 450mm above bench tops or other facilities and equipment.
 - e) Walls where not tiled are to be cement rendered or be of rigid smooth faced non-absorbent material (i.e. fibrous cement sheeting, plasterboard or other approved material) and finished to a smooth even surface, painted with a washable paint of a light colour or sealed with other approved materials.
 - f) The ceilings of kitchens, food preparation areas, storerooms and the like are to be of rigid smooth-faced, non absorbent material i.e., fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material.
 - g) All stoves, refrigerators, bain-maries, stock pots, washing machines, hot water heaters, large scales, food mixers, food warmers, cupboards, counters, bars etc.... to be supported on wheels, concrete plinths a minimum 75mm in height, metal legs minimum 150mm in height, brackets or approved metal framework of the like.
 - h) Cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particleboard or similar material is not permitted unless laminated on all surfaces.
 - i) Adequate fly screens and doors with self-closing devices, (where applicable), are to be provided to all external door and window openings. An electronic insect control device must also be provided within the food premises.
 - j) Garbage storage enclosures are to be fitted with a hose cock and the floor is to be graded and drained to an approved floor waste connected to the sewer.

- k) A mechanical ventilation exhaust system hood is to be installed where cooking processes are carried out in the kitchen or in food preparation areas, in accordance with the relevant requirements of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2.
- l) Wash hand basins must be provided in convenient positions, with hot and cold water, together with a sufficient supply of soap and clean towels. Such hot and cold water shall be supplied to the wash hand basins through an approved mixing device.
- m) Ceramic tiles being provided to a height of 450mm above bench tops, wash hand basins and similar fittings.
- n) A numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius being provided to refrigerators, cool rooms, other cooling appliances and bain-maries or other heated food storage/display appliances. The thermometer is to be located so as to be read easily from the outside of the appliance.
- o) All food that is to be kept hot should be heated within one (1) hour from the time when it was prepared or was last kept cold, to a temperature of not less than 60°C and keep this food hot at or above the temperature. Food that is to be kept cold should be cooled, within four (4) hours from the time when it was prepared or was last kept hot, to a temperature of not more than 5°C and keep this food cold at or below that temperature.

The RTA has reviewed the development application and granted its concurrence under Section 138(2) of the Roads Act to the development application subject to the following conditions:

- 16. The proposed new entry and exit driveway crossings along Anzac Parade must be constructed generally in accordance with the Plans (Drawing No: 21-15005-c101, Rev: B, Dated: 02/02/07 and Drawing No: 21-15005-C102, Rev: B, Dated: 02/02/2007).
- 17. The proposed entry and exit driveways to Anzac Parade are to be appropriately signposted
- 18. the entry/exit points to Anzac Parade must comply with the appropriate sight distance criteria as stated within Section 3.2.4 of AS 2890.1 – 2004.
- 19. The layout of the off-street parking areas associated with the subject development (including, grades, turn paths, sight distance requirements, aisle widths, and parking bay dimensions) should be in accordance with AS 2890.1-2004.
- 20. Detailed civil design plans of the proposed driveway crossings, kerb and gutter works and fully pit re-construction should be submitted to Council for approval.
- 21. All works/regulatory signposting associated with the proposed development will be at no cost to the RTA.
- 22. Any traffic control during construction must be carried out by accredited RTA approved traffic controllers.
- 23. The proponent is to arrange with the RTA's Transport Management Centre any required road occupancy licenses during construction.
- 24. Council is to ensure that all vehicles during construction enter and exit the site in a forward direction.

25. The proposed on-street car parking should only comply with the requirements of AS 2890.5 – 1993.

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

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

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

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

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

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

- i) appoint a Principal Certifying Authority for the work, and
- ii) appoint a principal contractor for the work and notify the Principal Certifying Authority and Council accordingly in writing, and
- iii) 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 works.

30. The 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 inspections carried out and details of compliance with Council's consent is to be maintained by the Principal Certifying Authority. Details of critical stage inspections carried out and copies of certification relied upon must also be forwarded to Council with the occupation certificate.

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

31. A sign must be erected and maintained in a prominent position on the site, which contains the following details:
- name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours, or owner-builder permit details (as applicable)
 - name, address and telephone number of the Principal Certifying Authority,
 - a statement stating that "unauthorised entry to the work site is prohibited".

32. An **Occupation Certificate** must be obtained from the Principal Certifying Authority encompassed in this development consent, in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.

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

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

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

34. 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.

35. Prior to the issue of the Occupation Certificate or Final Certificate signage is to be installed in the vicinity of the open space at the northern end of the park. The signage shall be located in a clearly visible location and shall indicate that the extent of the "off-leash" dog exercise area and the times at which "off-leash" exercising is permitted.

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:

36. 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 contractors for assessment.
37. All excavations and backfilling associated with the erection of the works 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.
38. Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all 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 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.

39. Noise and vibration emissions during the construction 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.
40. 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.

41. 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.
42. 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 work site. 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 fences or hoardings are to be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

The public safety provisions and temporary fences must be in place **prior to the commencement of any site works** and be maintained throughout construction.

If it is proposed to locate any site fencing, hoardings 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.

43. A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities on a footpath, road or nature strip or in any public place: -
- Install or erect any site fencing, hoardings or site structures
 - Operate a crane or hoist goods or materials over a footpath or road
 - Placement of a waste skip (grater than 3m in length) or any container or other article.

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

44. A Certificate prepared by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) **prior to the issuing of occupation certificate**, which certifies the structural adequacy of the light towers and that the works complies with the relevant structural design requirements of the Building Code of Australia.

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

45. A separate written approval from Council is required to be obtained in relation to all works which are located externally from the site within the road reserve/public place, in accordance with the requirements of the Roads Act 1993. Detailed plans and specifications of the proposed works are to be submitted to and approved by the Director of City Services prior to commencing any works within the road reserve/public place.

All works within the road reserve/public place must be carried out to the satisfaction of Council and certification from a certified practicing engineer is to be provided to Council upon completion of the works.

Relevant Council assessment and inspection fees, as specified in Council's adopted Pricing Policy, are required to be paid to Council prior to commencement of the works.

46. Prior to the issue of a construction certificate, the applicant shall submit for approval and have approved by Council's Traffic Engineer a detailed construction traffic management plan. The plan shall demonstrate how construction and delivery vehicles will access the development site during the demolition and construction phase of the development.

All traffic associated with the subject development shall comply with the terms of the approved construction traffic management plan.

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

47. 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.
48. 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.
49. Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be suitably screened from

view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant must liaise with Energy Australia prior to lodging the construction certificate to determine whether or not an electricity substation is required for the development.

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

50. Landscape works at the site shall be installed substantially in accordance with the Landscape DA Plans, L01-2, drawing numbers 21-15005-C300 – 301, revision C, dated 22.02.07 and stamped received at Council on 27 February 2007, subject to the following additional information being shown on amended plans, to the satisfaction of the certifying authority, prior to the issue of a construction certificate:
 - a. Confirmation, through the inclusion of existing and proposed levels, that re-grading/re-profiling works will not result in an increase of surface flows or runoff towards the area of bushland located beyond the northeast corner of the site.
 - b. The applicant will be required to demonstrate that any species proposed for use at the site, which have been identified as occurring naturally in the adjoining bushland reserve, will be sourced from local provenance stock through Randwick Council's Community Nursery who can be contacted on 0399-0933.
 - c. Provision of additional *Banksia integrifolia* (Coastal Banksia's) in the southwest corner of the site in order to compensate for the loss of the recently planted row of the same species on the Cromwell Place nature strip which need to be removed to accommodate the proposed car parking bay in the location shown.
51. Documentary evidence is to be obtained from a suitably qualified Landscape Architect, and submitted to the principal certifying authority (PCA), and Council, if Council is not the PCA, prior to the issuing of a final occupation certificate which confirms that the landscaping works have been completed in accordance with the approved landscaping plans and relevant conditions of development consent, to the satisfaction of the PCA.
52. Any areas of naturestrip upon either Council's footway or within the site which are damaged as a result 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 Couch CT2 var (*Cynodon dactylon*) for those areas within the site, and Kikuyu for the nature strip. Such works shall be installed prior to the issue of a final Occupation Certificate.

Tree Management

53. With the exception of the grove of five *Eucalyptus botryoides* (Bangalay), and three *Banksia integrifolia* (Coastal Banksia) towards the southwest corner of the site, fronting onto Cromwell Place, which are to be retained, approval is granted for the removal of all other existing trees within the site boundaries which need to be removed in order to accommodate remediation works as shown.

Bushland Conditions

54. In order to prevent damage or disturbance to the area of remnant bushland beyond the northeast corner of the site, the following measures are to be undertaken:
 - a. All detailed documentation submitted for the construction certificate

application will be required to show that the subject area will be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing, where adjacent to the proposed works, finishing flush with the ground level.

- b. Shade/silt cloth shall be permanently attached to this fencing for its full length and height, in order to prevent any foreign matter entering the area during the course of the works.
- c. Both the fencing and filter fabric shall be installed prior to the commencement of construction works and shall remain in place until all works are completed, with the words "REMNANT BUSHLAND PROTECTION ZONE, DO NOT ENTER", clearly displayed.
- d. There is to be no pedestrian or vehicular access to the bushland, as well as 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 adjacent to the bushland.

Advisory Conditions

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

- B. That Council undertake a Traffic Study one (1) year after the approval date to ensure that the streets surrounding Pioneer Park have not been affected by this application.

AMENDMENT: (Hughes/Matson) CARRIED.

Crs White and Sullivan called for a DIVISION.

The DIVISION was taken and those Councillors voting for and against the Amendment were as follows:

For	Against
Cr Hughes	Cr Andrews
Cr Kenny	Cr Bastic
Cr Matson	Cr Sullivan
Cr Nash	Cr Tracey (Mayor)
Cr Notley-Smith	Cr White
Cr Seng	-
Cr Woodsmith	-

Note: Having declared a non-pecuniary interest in this matter earlier in the meeting, Cr Belleli was not present at the meeting during the debate and the vote on item.

The AMENDMENT (Hughes/Matson) then become the MOTION and was again CARRIED – SEE RESOLUTION.

Crs White and Sullivan called for a DIVISION.

The DIVISION was taken and those Councillors voting for and against the Motion were as follows:

For	Against
Cr Hughes	Cr Andrews
Cr Kenny	Cr Bastic
Cr Matson	Cr Sullivan

Cr Nash	Cr Tracey (Mayor)
Cr Notley-Smith	Cr White
Cr Seng	-
Cr Woodsmith	-

Note: Having declared a non-pecuniary interest in this matter earlier in the meeting, Cr Belleli was not present at the meeting during the debate and the vote on item.

Cr Belleli returned to the meeting at this point (7.32pm).

8.2 DIRECTOR, CITY PLANNING REPORT 34/2007 - 2-4 GUBBUTEH ROAD, LITTLE BAY. (DA/1107/2006)

142 **RESOLUTION: (Andrews/Matson) that:**

A. *Council support the objection under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with Clauses 30A(2) and 30A(4) of the Randwick Local Environmental Plan 1998 (as amended), relating to maximum floor space ratio and maximum wall and building height, on the grounds that the proposed development is consistent with the relevant objectives of the clauses and will not adversely affect the amenity of the surrounding locality and that the Department of Planning be advised accordingly.*

AND

B. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No D/1107/2006 for the erection of a residential building over basement carparking comprising 28 dwellings, 37 carpark spaces, landscaping, strata subdivision being four storeys and a loft level in height, at 2-4 Gubbuteh Road, Little Bay, subject to the following conditions:-*

1. *The development must be implemented substantially in accordance with the plans numbered DA 03 to DA 10, Issue A, all dated 20 March 2007 and stamped received by Council on 23 March 2007, the draft strata plans in 8 sheets prepared by Whelans, Surveyor's Reference D007-002.dwg dated/printed 4 December 2006 and stamped received by Council 19 December 2006, the Sustainability Report No S4053, Lot 24, Revision C, dated 13 December 2006 and received by Council on 19 December 2006, the application form, and on any supporting information received with the application, except as may be amended by the following conditions and the details approved pursuant to the deferred commencement conditions and as may be shown in red on the attached plans:*

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

2. *The colours finishes of the external surfaces to the building are to be compatible with the coastal and bushland setting of the Prince Henry Site to maintain the integrity and amenity of the building and the streetscape.*

Details of the proposed colours 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. *All window joinery and louvre screens shall have anodised aluminium finish (of suitable quality for coastal conditions). Details of these finishes 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.

4. *Details of bicycle storage in the basement indicating compliance with the Development Control Plan – Parking shall 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 development.*
5. *Details of all fencing on site including all entrances and associated structures indicating compliance with Part 4.16 Fences of the Development Control Plan for Prince Henry Site shall be submitted to and approved by Council prior to a Construction Certificate being issued for the development.*
6. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
7. *The reflectivity index of glass used in the external façade of the development must not exceed 20 percent.*
8. *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.*
9. *The proposal shall incorporate the natural, low technical/mechanical and organised Crime Prevention Through Environmental Design (CPTED) treatment options recommended by the NSW Police in its letter dated 11 April 2007.*
10. *Public access to the visitor's carparking spaces is to be maintained at all times and, if required, an intercom system is to be provided adjacent to the vehicular entrance to the carpark, together with appropriate signage providing instructions for use. This approval does not include the installation of any roller doors or gates or the like to the carpark, without the prior development consent of Council.*
11. *A single common television aerial, and/or satellite dish (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.*
12. *A pedestrian link between Gubbuteh Road and the adjoining northern land (currently owned by the UNSW and subject to DA No. 264/2007) shall be provided as shown on the amended landscape plan drawing no. 26035_DA01 dated 11/05/2007 received by Council on 14/05/2007. Details of the pedestrian link shall 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 development.*
13. *One residential carparking space will be deleted and reassigned as a visitor carparking space. Details 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.*
14. *The stacked carparking spaces 15R and 16R in the basement carpark shall both be allocated to one/single dwelling unit. Details 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.*

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

15. *Upon completion of the development and prior to the issuing of the occupation*

certificate, documentary evidence is to be submitted to the Council by the Principal Certifying Authority (or other suitably qualified person on behalf of the owner of the premises, to the satisfaction of Council) which confirms that the development has been carried out in accordance with the relevant development consent conditions.

16. *The registered proprietor of the land the subject of this consent shall enter into a positive covenant that no right of exclusive use and enjoyment of the whole or any specified part of the area or areas designated as common area or similar in the approved plans will be conferred on any person or persons without the prior approval of Randwick City Council.*
17. *Where the plans which are the subject of this consent reserves parking spaces and/or courtyards for the exclusive use and enjoyment to an occupier of the land, the registered proprietor shall enter into a positive covenant that no change will be made to such reservations without the prior approval of Randwick City Council.*
18. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorized Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.*

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

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

19. *In accordance with Council's Section 94 Contributions Plan effective from 2 September 1999, the following monetary contribution is to be paid to Council.*
 - a) *for the provision or improvement of open space \$9519.34*
 - b) *for the provision or improvement of community facilities \$4208.93*
 - c) *Administration fee \$425.00*

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

The following conditions are applied to ensure the protection of heritage and archaeological significance of the site:

20. *Should Aboriginal objects be found, the Department of Environment and Conservation (DEC) is to be informed (as required by the provisions of the National Parks and Wildlife Act 1974). Subject to an assessment of the extent, integrity and significance of any exposed objects, applications under either Section 87 or Section 90 of the National parks and Wildlife Act may be required before work resumes.*
21. *Prior to the commencement of the proposed works, all contractors and relevant personnel involved are to be made aware of the existence of Aboriginal archaeological remains at the Prince Henry site by way of an induction process and of the possibility that more as yet undiscovered Aboriginal cultural material may exist there.*
22. *Site contractors are to be advised of their obligations under the National Parks and Wildlife Act 1974 (NSW) and notification procedures in the event that any Aboriginal cultural material is disturbed or exposed during site works.*

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

The following conditions are applied to meet the requirements of the Heritage Council of NSW:

25. *The development must be implemented substantially in accordance with the General Terms of Approval issued by the Heritage Council of NSW as detailed in the letter from the Council dated 26 March 2007.*

The following conditions have been applied to maintain reasonable levels of amenity to the area:

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

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

27. *A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council prior to an **occupation certificate** being issued for the development, which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager Health, Building & Regulatory Services.*
28. *There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.*

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

29. *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.

30. *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.*
31. ***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.

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

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

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

33. *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.

34. *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".

35. An **Occupation Certificate** must be obtained from the Principal Certifying Authority **prior to any occupation of the building** in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.

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

36. 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.

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

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

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

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

38. 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.

39. A single and complete **Fire Safety Certificate**, which encompasses all of the essential fire safety measures contained in the fire safety schedule, must be obtained prior to issuing an Occupation Certificate and be submitted to Council, in accordance with the provisions of the Environmental Planning and Assessment Regulation 2000. A copy of the Fire Safety Certificate must be displayed in the building entrance/foyer and a copy of the Fire Safety Certificate must also be forwarded to the NSW Fire Brigades.
40. As a minimum, the building is required to be provided with a smoke alarm system complying with Clause 3 of Specification E2.2a of the Building Code of Australia or a smoke detection system complying with Clause 4 of Specification E2.2a of the Building Code of Australia or a combination of a smoke alarm system within the sole-occupancy units and a smoke detection system in areas not within the sole-occupancy units. The smoke detectors located within the stairway, corridors or the like must be interconnected.

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

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

41. Documentary evidence prepared by a suitably qualified professional geotechnical engineer shall be submitted to the certifying authority **prior to the issuing of a construction certificate**, certifying the suitability and stability of the site for the proposed building and certifying the suitability and adequacy of the proposed design and construction of the building for the site.
42. Driven type piles/shoring must not be provided unless a geotechnical engineer's report is submitted to the certifying authority, **prior to the issuing of a construction certificate**, which demonstrates that damage should not occur to any adjoining premises and public place as a result of the works.

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

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

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

44. 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.

45. *If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:*

- o preserve and protect the building /s on the adjoining land from damage; and*
- o if necessary, underpin and support the building and excavation in an approved manner; and*
- o at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land (including a public road or public place), give notice of the intention to do so to the owner of the adjoining land. Particulars of the excavation are to be provided to the owner of the adjoining land and also the owner of the land where the building is being erected or demolished.*

46. *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.

47. *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.*

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

- a) Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being construction at the approved levels.*
- b) On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.*

49. *Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, to the satisfaction of WorkCover NSW and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.*

50. *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.

51. *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.

52. *A Construction Site Management Plan is to be developed and implemented prior to the commencement of demolition, excavation or building works. The site management plan must include the following measures, as applicable to the type of development:*

- o location and construction of protective fencing / hoardings to the perimeter of the site;*
- o location of site storage areas/sheds/equipment;*
- o location of building materials for construction;*
- o provisions for public safety;*
- o dust control measures;*
- o site access location and construction*
- o details and methods of disposal of demolition materials;*
- o protective measures for tree preservation;*
- o provisions for temporary sanitary facilities;*
- o location and size of waste containers/bulk bins;*
- o details of proposed sediment and erosion control measures;*
- o construction noise and vibration management;*
- o construction traffic management provisions.*

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

53. *During demolition excavation and construction works, dust emissions must be minimised, so as not to result in a nuisance to nearby residents or result in a potential pollution incident.*

Adequate dust control measures must be provided to the site prior to the works commencing and the measures and practices must be maintained throughout the demolition, excavation and construction process, to the satisfaction of Council.

Dust control measures and practices may include: -

- *Provision of geotextile fabric to all perimeter site fencing (attached on the prevailing wind side of the site fencing).*
- *Covering of stockpiles of sand, soil and excavated material with adequately secured tarpaulins or plastic sheeting.*
- *Installation of a water sprinkling system or provision hoses or the like.*
- *Regular watering-down of all loose materials and stockpiles of sand, soil and excavated material.*
- *Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds.*
- *Revegetation of disturbed areas.*

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

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

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

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.

55. *The applicant/builder is required to hold Public Liability Insurance, with a minimum liability of \$5 million and a copy of the Insurance cover is to be provided to Council.*

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

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

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

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

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

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

If it is proposed to locate any site fencing, hoardings or amenities upon 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.

57. *A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities on a footpath, road or nature strip or in any public place: -*
- o Install or erect any site fencing, hoardings or site structures*
 - o Operate a crane or hoist goods or materials over a footpath or road*
 - o Placement of a waste skip or any other container or article on the road, nature strip or footpath.*

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

58. *Access and provisions for people with a disability are to be provided to the development generally in accordance with the relevant requirements of Part 5.4 of Council's Development Control Plan for Multi-Unit Housing, AS 1428.1 – Design for Access and Mobility and AS 4299 – Adaptable Housing. Details are to be included in the Construction Certificate to the satisfaction of the certifying authority.*

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

59. *Prior to the issuing of an Occupation Certificate the applicant must meet the full cost for Council or a Council approved contractor to:*
- a. Construct a full width concrete heavy duty vehicular crossing and layback at kerb opposite the vehicular entrance to the site.*
 - b. Remove any redundant concrete vehicular crossings and laybacks and reinstatement of the area with concrete footpath, turf and integral kerb and gutter to Council's specification.*

The works are to be in accordance with Australian Standard specifications for driveways, and in general accordance with Randwick City Council's 'Standard Kerb and Gutter and Vehicular Crossing Detail' (Drawing SD4) and the relevant sections of the approved civil works specification for the Prince Henry development site.

60. *All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.*
61. *The vehicular access, ground level carparking and the basement carpark (including, but not limited to, the ramp grades, carpark layout and height clearances) are to be in accordance with the requirements of AS2890.1:2004. The Construction Certificate plans must demonstrate compliance with this requirement, particular attention should be given to the design gradients along the inside edge of the proposed internal driveway.*
62. *Prior to the issue of a construction certificate, the applicant shall submit for approval and have approved by Council's Traffic Engineer a detailed construction traffic management plan. The plan shall demonstrate how construction and delivery vehicles will access the development site during the demolition and construction phase of the development.*

All traffic associated with the subject development shall comply with the terms of the approved construction traffic management plan.

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

63. *The design alignment level (concrete/paved/tiled level) at the Gubbuteh Road property boundary for driveways, access ramps and pathways or the like, must match the back of the footpath levels along the full site frontage.*
64. *The design alignment level at the Anzac Parade property boundary for driveways, access ramps and pathways or the like, must match the back of the footpath levels along the full site frontage.*
65. *The design alignment level (concrete/paved/tiled level) at the Anzac Parade property boundary for driveways, access ramps and pathways or the like, must match the back of the footpath levels along the full site frontage.*
66. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the construction certificate.*

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

67. *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.*
68. *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.*
69. *Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied, must be submitted to the certifying authority prior to a construction certificate being issued for the development.*
70. *Any electricity substation required for the site as a consequence of this*

development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant must liaise with Energy Australia prior to lodging the construction certificate to determine whether or not an electricity substation is required for the development.

71. *A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.*

72. *Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.*

The Notice must be issued to the Certifying Authority prior to the construction certificate being issued.

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

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

74. *Stormwater drainage plans have not been approved as part of this development consent. Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:*

a) *A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.*

b) *A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.*

c) *Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (ie. above the 1 in 20 year storm) to the proposed drainage system.*

d) *The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:*

- i. Roof areas*
- ii. Paved areas*
- iii. Grassed areas*
- iv. Garden areas*

e) *Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall*

abutting, for the purpose of determining the discharge from the lower roof.

- f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.*
 - g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.*
- 75. All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.*
- 76. Stormwater runoff from the site shall be managed in accordance with the Prince Henry drainage strategy prepared by Connell Wagner. This shall involve stormwater runoff from Lot 24 being discharged through the underground drainage system into the on-site stormwater detention system within Lot 20.*
- 77. A reflux valve shall be provided (within the site) over any pipelines discharging from the site into the future Council controlled drainage system to ensure that stormwater from the future Council controlled drainage system does not surcharge back into the site stormwater system.*
- 78. Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.*

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

- 79. A sediment/silt arrester pit must be provided: -*
- a. within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system; and*
 - b. prior to stormwater discharging into any absorption/infiltration system.*

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

- o The base of the pit located a minimum 300mm under the invert level of the outlet pipe.*
- o The pit constructed from cast in-situ concrete, precast concrete or double brick.*
- o 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.*
- o A galvanised heavy-duty screen located over the outlet pipe/s (Mascot GMS multipurpose filter screen or equivalent).*
- o The grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system.*
- o A child proof and corrosion resistant fastening system provided for the*

access grate (e.g. spring loaded j-bolts or similar).

- o *A sign adjacent to the pit stating:*

“This sediment/silt arrester pit shall be regularly inspected and cleaned.”

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

80. *Three covered car washing bays shall be provided for this development.*
- a) *The car washing bays must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to an occupation certificate being issued for the proposed development.*
 - b) *The car washing bay/s may be located within the visitor parking spaces provided they are signposted with 'Exclusive Carwash Bay Use Sat 2:00pm – 5:00pm and Sunday 10:00am – 2:00pm, Visitor parking at other times'*
 - c) *The car washing bays must be constructed with a minimum 20mm bund around the perimeter of the car washing bay/s (or equivalent)*
 - d) *A water tap shall be located adjacent to the car washing bay/s.*
81. *Prior to the issuing of an occupation certificate, the applicant shall submit to Council, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:*
- a. *Finished site contours at 0.2 metre intervals;*
 - b. *The location, diameter, gradient and material (i.e PVC, RC etc) of all stormwater pipes;*
 - c. *Details of any infiltration/absorption systems; and*
 - d. *Details of any pumping systems installed (including wet well volumes).*
82. *Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with the conditions of development consent. The certification must be provided following inspection/s of the site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the PCA.*
83. *As the above site may encounter seepage water within the depth of the basement excavation the basement carpark or similar structures are to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify that the tanking & waterproofing has been carried out to an acceptable standard, to the satisfaction of the certifying authority. A copy of the certification is to be forwarded to Council.*

Notes: -

- a) *Any subsoil drainage (from planter boxes etc) is to be disposed of within the site and is not to be discharged to Council's kerb & gutter and/or underground drainage system.*
- b) *Adequate provision is to be made for the seepage water to drain around the basement carpark (to ensure that the basement will not dam or slow the movement of the seepage water through the development site). Seepage*

water is not to be collected and discharged from the site

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

84. *The waste storage areas shall be sized to contain a total of 28 bins (14 x 240 litre garbage bins and 14 x 240 litre recycling bins) whilst providing satisfactory access to these bins.*
85. *The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.*
86. *The waste storage areas shall be clearly signposted.*
87. *Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste Services, a Waste Management Plan detailing waste and recycling storage and disposal for the development site. The Waste Management plan shall be in general accordance with the relevant section of Stockland's letter to Council dated 15/2/2007, responding to Council's letter of 1/2/2007.*

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

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

88. *The applicant shall create suitable right of carriageway, easements for access, services and internal stormwater lines, as required. The applicant shall be advised that the minimum easement width for any internal stormwater line is 0.9 metres.*
89. *All conditions of development consent must be satisfied and all public roads and reserves must be satisfactorily restored prior to endorsement of the subdivision plans.*
90. *The applicant shall provide Council with a survey plan of the property prior to endorsement of the subdivision plans.*

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

91. *Detailed landscape drawings and specifications which have been prepared in accordance with the landscaping performance criteria and controls for Precinct P1, as set out in the Prince Henry Site Development Control Plan dated 8 December 2004, shall be submitted to, and be approved by the certifying authority, **prior to a construction certificate being issued. A copy of the approved plan shall be forwarded to Council if Council is not the certifier for the site.***

The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:

- a. *A site plan at an appropriate scale showing existing site boundaries, existing trees within the property (clearly identified as being retained or removed), existing street trees (clearly identified as being retained or removed), features on adjoining sites within 6 metres of the common property boundary (buildings, trees, other structures etc), council's footway, existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, and at the base of the*

tree/s to be retained, proposed building envelope, proposed areas of pavement, and proposed landscaped areas.

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

- b. A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees to be retained. All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved. Plant spacings are to be clearly indicated for all accent and groundcovers.*
- c. A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.*

Note: All species proposed for the landscaped areas shall be selected from the list of suitable native species provided in Appendix A of the Prince Henry Site Development Control Plan, dated 8 December 2004.

- d. Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
- e. Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
- f. Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
- g. All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape plans.*
- h. The plan shall respect the prevailing coastal influences and the coast's special design considerations and requirements, and shall be designed accordingly. Generally, species selection shall be restricted to local indigenous coastal species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.*
- i. Porous paving shall be used in all pathways. Details are to be provided with the construction certificate application.*
- j. Location of easements within the site and upon adjacent sites (if any).*

- 92. The landscaping shall be installed in accordance with the approved documentation prior to the issue of a final occupation certificate and shall be maintained in accordance with those plans.*

Documentary evidence is to be obtained from a suitably qualified Landscape Architect and submitted to the principal certifying authority (PCA) (and the Council, if the Council is not the PCA) prior to the issuing of a final occupation certificate which confirms that the landscaping works have been completed in accordance with the approved landscaping plans and relevant conditions of development consent, to the satisfaction of the PCA.

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

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

94. A Site Audit Statement (SAS) and Summary Site Audit Report (SSAR) have been issued for this site. An "Unexpected Finds Protocol" forms part of these documents and shall be complied with as part of this consent. These documents shall be included in all leases and sales contracts.
95. The builders, site workers and the Principal Certifying Authority for this development are to be made aware of this unexpected finds protocol and its requirements prior to any works commencing.
96. Details of and unexpected finds, including the details of any investigation procedures, remedial actions and validation undertaken shall be forwarded to the Council accordingly.
97. Any fill importation to the site is to be monitored and classified by the Site Auditor appointed for remediation of the site or a person with his qualifications. Only 'Virgin Excavated Natural Material' (VENM) is to be imported to the site, as defined within the NSW EPA 'Environmental Guidelines; Assessment, Classification and management of Liquid and Non-Liquid Wastes. 1999'.
98. Any new information which comes to light during construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.
99. The works shall not give rise to environmental pollution or public nuisance or, result in an offence under the Protection of the Environment Operations Act 1997 or NSW Occupational Health & Safety Act (2000) & Regulations (2001).

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

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

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

101. The acoustic report titled "Super lot 24 Prince Henry at Little Bay – Acoustic Report for DA Submission" report number 20C-06-0173-TRP-204666-1, prepared by Vipac Engineers and Scientists Ltd dated 28 November 2006, and the recommendations contained within, form part of this consent.
102. 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.
103. A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council prior to a Occupation Certificate being issued for the development, which demonstrates and certifies that noise and vibration

emissions from the development comply with the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager Environmental Health & Building Services.

104. *The applicant is to engage the services of a suitably qualified environmental consultant (or similar) to respond to enquiries and complaints made by the community, the general public or Council in relation to Contamination, remediation, excavation and construction site management matters.*

A specific contact number is to be made available for such enquiries and complaints (including an after hours emergency contact number). A complaints register is to be maintained to record all such enquiries, complaints and actions taken in response to these enquiries and complaints. This register shall be made available to council officers upon a reasonable request.

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:

105. *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.*

ADVISORY MATTERS:

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

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.

The applicant/developer is 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 (as applicable) prior to submitting your construction certificate application to enable these matters to be addressed accordingly.

Further, 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.

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

MOTION: (Belleli/Nash) - That the recommendation be adopted, subject to an additional consent condition, to read as follows:

106. The angled roof feature over the void/terrace-area of the central courtyard shall have a maximum height no greater than RL 56.9 to the pitch and the extent of the vertical louvre infill to the eastern elevation of the roof element shall be increased to correspond with the line of the fixed glass louvres below. Details of the amended roof shall be submitted to and approved by Council's Director 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 development.

MOTION: (Belleli/Nash) - LOST.

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

8.3 DIRECTOR, CITY PLANNING REPORT 35/2007 - 29 BYRNE CRESCENT, MAROUBRA. (DA/95/2007 & PROP048191)

- 143 **RESOLUTION: (Andrews/Seng)** that Council's original Determination of Development Application No. DA/95/2007, dated 8 March 2007 for the construction of a swimming pool in the front yard and new front fencing be confirmed.

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

Crs Matson and Andrews called for a DIVISION.

The DIVISION was taken and the names of the Councillors voting for and against the Motion were as follows:

For	Against
Cr Andrews	Cr Bastic
Cr Belleli	Cr Hughes
Cr Kenny	Cr Sullivan
Cr Matson	Cr Tracey (Mayor)
Cr Nash	Cr White
Cr Notley-Smith	-
Cr Seng	-
Cr Woodsmith	-

8.4 DIRECTOR, CITY PLANNING REPORT 36/2007 - 62 GALE ROAD, MAROUBRA. (DA/773/2006 & PROP034208)

- 144 **RESOLUTION: (Woodsmith/Andrews) –**

That Council as the responsible authority grant development consent under Section 79C of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/773/2006 for Torrens Title subdivision into two allotments and construction of new two storey dwelling house on the new lot with access from Nevorie Crescent at 62 Gale Road, Maroubra, subject to the following conditions:

1. *The development must be implemented substantially in accordance with the plans numbered P66-01 to P66-06 (Revision A), dated June 2006 and received by Council on 27 March 2007 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 approved subdivision must be registered with the Department of Lands before a Construction Certificate can be issued for the dwelling.*
3. *The kerb cross-over and that part of the driveway within the road reserve must be 3 meters wide only. Design details must be submitted with the Construction Certificate application.*

4. *Opaque glass must be installed in all west-facing bathroom and stairwell windows on the upper level. Design details must be submitted with the Construction Certificate.*
5. *The garage door must be a panel-lift or roller type only. A tilt type door is not permitted. Design details must be submitted with the Construction Certificate.*
6. *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.

7. *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.

BASIX Conditions

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

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

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

10. *The following provisions are to be implemented in accordance with the relevant BASIX Certificate and details are to be included in the Construction Certificate documentation (as applicable), to the satisfaction of the Certifying Authority:*
 - *Stormwater management (i.e. rainwater tanks)*
 - *Water efficiency (i.e. triple A rated taps and showers, dual flush toilets and water re-use)*
 - *Landscaping provisions*
 - *Thermal comfort (i.e. construction materials, glazing and insulation)*
 - *Energy efficiency (i.e. cooling & heating provisions and hot water systems)*
11. *In accordance with Clause 154B of the Environmental Planning & Assessment Regulation 2000, a Certifying Authority must not issue a final Occupation Certificate for this development, unless it is satisfied that each of the required BASIX commitments have been fulfilled.*
12. *Relevant documentary evidence of compliance with the BASIX commitments is to be forwarded to the Council upon issuing the final Occupation Certificate.*

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

13. *In accordance with Council's Section 94 Contributions Plan effective from 2 September 1999, the following monetary contribution is to be paid to Council.*

<i>a. for the provision or improvement of open space</i>	<i>\$2732.00</i>
<i>b. for the provision or improvement of community facilities</i>	<i>\$1208.00</i>
<i>c. Administration fee</i>	<i>\$425.00</i>

The contribution must be paid in cash or by bank cheque prior to

- a. a construction certificate being issued*

for the proposed development, together with payment of the required Section 94 Administration Fee of \$425.00. Council's Section 94 Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.

The following conditions are applied to 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 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:-*

- d. appoint a Principal Certifying Authority for the building work, and*
- e. 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*
- f. 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*
- g. give at least two days notice to the Council, in writing, of the persons intention to commence building works.*

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

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, 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”.*

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.

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:

24. *All demolition work is to be carried out in accordance with the provisions of AS2601- The Demolition of Structures.*
25. *The demolition of buildings 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.

26. *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 (including removal of any asbestos)*
- *Measures and processes to be implemented to ensure the health & safety of workers and community*
- *Measures to be implemented to minimise any airborne dust and asbestos*
- *Methods and location of disposal of any hazardous materials*
- *Other relevant details, measures and requirements to be implemented*
- *Date the demolition works 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.

27. *Any building/demolition works involving asbestos products are to be carried out in accordance with WorkCover New South Wales requirements, guidelines and codes of practice.*
28. *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.

29. *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.*
30. *Noise and vibration from any rock excavation machinery and pile drivers (or the like) must be minimised by using appropriate plant and equipment and silencers and a construction noise and vibration minimisation strategy, prepared by a suitably qualified consultant is to be implemented during the works, to the satisfaction of the Principal Certifying Authority.*
31. *Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, to the satisfaction of WorkCover NSW and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.*
32. *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.

33. *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.*
34. *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.*
35. *During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing.*

Details of the proposed sediment control measures are to be detailed in the site management plan which shall be submitted to and approved by the principal certifying authority prior to the commencement of any site works. The sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction. A copy of the

approved details must be forwarded to the Council and a copy is to be maintained on-site and be made available to Council officers upon request.

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

36. *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.

37. *A warning sign for sediment control, 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.*

38. *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.*

39. *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 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.

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

40. *Adequate provisions are to be made within the premises for the storage and removal of waste and recyclable materials, to the satisfaction of Council and details are to be included in the construction certificate documentation.*

41. A demolition and construction Waste Management Plan (WMP) must be developed and implemented for the development, to the satisfaction of Council, prior to the issuing of a construction certificate.

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

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

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

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

43. 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.

Security Deposit Conditions

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

44. The following damage/civil works security deposit requirement is to be complied with prior to a construction certificate being issued for the development, as security for Council or a Council approved subcontractor to carry civil works such as construction of a new vehicular crossing to the subject site.

h. \$1000.00 - Damage / Civil Works Security Deposit

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

- A satisfactory inspection by Council that no damage has occurred to the Council assets such as roadway, kerb, guttering, drainage pits footway, or verge; and
- Completion of the civil works as conditioned in this development consent by Council.

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

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

Civil Works Conditions

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

45. *Prior to the issue of an occupation certificate, the applicant must meet the full cost for Council or a Council approved contractor to:

 - i. *Construct asphalt/concrete vehicular crossing opposite the vehicular entrance to the site in Nevorie Crescent.*
 - j. *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.**

46. *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:

47. *The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like for the Nevorie Crescent fronting Lot, shall be:

 - *150mm above the centreline of the road at all points opposite the centreline of the road in Nevorie Crescent.**

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

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

49. *The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$536.00 calculated at \$44.00 (inclusive of GST) per metre of site frontage. This amount is to be paid to Council 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:

50. *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.*
51. *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: (Note: Stormwater drainage plans have not been approved as part of this development consent.)

52. *Stormwater drainage plans have not been approved as part of this development consent. Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:*
 - k. *A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.*
 - l. *A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system. This may involve either connection to the Council's street gutter, or into a Council stormwater pit. Note: All proposals should indicate the location of the closest Council stormwater pit and line regardless of the point of discharge. This information can be obtained by a visual inspection of the area and perusing Council's drainage plans.*
 - m. *Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (ie. above the 1 in 20 year storm) to the proposed drainage system.*
 - n. *The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:*
 - i. *Roof areas*
 - ii. *Paved areas*
 - iii. *Grassed areas*
 - iv. *Garden areas*
 - o. *Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall*

abutting, for the purpose of determining the discharge from the lower roof.

- p. Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.*
- q. The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.*

53. All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.

54. All site stormwater must be discharged (by gravity) to either:

- r. The kerb and gutter or drainage system at the front of the property; OR*
- s. A suitably sized infiltration system.*

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

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

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

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

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

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

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

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

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

- t. 150mm in uncovered carparking areas (with an isolated maximum depth of 200mm permissible at the low point pit within the detention area).*

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

Notes:

- It is noted that above ground storage will not be permitted in basement car parks or in any area which may be used for storage of goods.
- Mulch/bark must not be used in onsite detention areas.

60. The stormwater detention area (and/or infiltration systems with above ground storage) must be suitably signposted where required, warning people of the maximum flood level.

61. The floor level of all habitable and storage areas adjacent to the detention area (and/or infiltration systems with above ground storage) must be a minimum of 300mm above the maximum water level for the design storm or alternately a permanent 300mm high water proof barrier is to be constructed.

(In this regard, it must be noted that this condition must not result in any increase in the heights or levels of the building. Any variations to the heights or levels of the building will require a new or amended development consent from the Council prior to a construction certificate being issued for the development).

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

63. A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention/infiltration area.

64. Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.

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

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

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

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

- The base of the pit located a minimum 300mm under the invert level of the outlet pipe.
- The pit constructed from cast in-situ concrete, precast concrete or double brick.

- *A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.*
- *A galvanised heavy-duty screen located over the outlet pipe/s (Mascot GMS multipurpose filter screen or equivalent).*
- *The grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system.*
- *A child proof and corrosion resistant fastening system provided for the access grate.*
- *A sign adjacent to the pit stating:*

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

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

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

Notes:

- z. The "restriction as to user" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.*
 - aa. The linen plans shall indicate the location and dimensions of the detention/infiltration areas.*
 - bb. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.*
67. *Prior to the issuing of an occupation certificate, the applicant shall submit to Council, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:*
- cc. The location of the detention basin with finished surface levels;*
 - dd. Finished site contours at 0.2 metre intervals;*
 - ee. Volume of storage available in the detention areas;*
 - ff. The location, diameter, gradient and material (i.e PVC, RC etc) of all stormwater pipes;*
 - gg. The orifice size(s) (if applicable);*
 - hh. Details of any infiltration/absorption systems; and*
 - ii. Details of any pumping systems installed (including wet well volumes).*
68. *Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with the conditions of development consent. The certification must be provided to the satisfaction of the PCA.*

Landscape Conditions

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

69. *Landscaping shall be provided to the site to enhance its amenity and reduce the impact of the development upon neighbouring properties. A landscape plan shall be submitted to and approved by the Director of City Development, in accordance with section 80A(2) of the Environmental Planning and Assessment Act 1979, prior to a construction certificate being issued.*
70. *Landscaped areas must contain a predominance of species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.*
71. *Landscaped areas must include an area dedicated to on-site composting.*
72. *The landscaping shall be installed in accordance with the approved documentation prior to the issue of a final occupation certificate and shall be maintained in accordance with those plans.*
73. *The naturestrip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.*
74. *In order to visually 'soften' the expanses of hard pavement, brick unit pavers or similar shall be used throughout the driveway and carpark areas on the site. Such details shall be shown on the detailed engineering documentation and shall include all structural design details including pavement/subgrade thickness.*

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

Subdivision Conditions

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

75. *A formal subdivision application is required to be submitted to and approved by the Council and all conditions of this development consent are required to be satisfied prior to the release of the subdivision plans.*
76. *The relevant requirements of the Sydney Water Act 1994 must be complied with and a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. An application for a Section 73 Certificate must be made through an authorised Water Servicing Co-ordinator. For details, please refer to the "Your Business" section of Sydney Water's web site www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.*

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

A copy of Sydney Water's 'Notice of Requirements' must be submitted to the Certifying Authority prior to issuing a construction certificate.

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

77. *Prior to endorsement of the subdivision plans the applicant shall provide Council with a survey plan of the property.*
78. *The applicant shall create suitable rights of carriageway, easements for services and stormwater lines, as required. The applicant shall be advised that the minimum easement width for any stormwater line is 0.9 metres.*
79. *The applicant shall dedicate a strip of land 4.57 metres wide along the Nevorie Crescent frontage of the proposed Lot 1 for road widening of Nevorie Crescent.*
80. *The applicant shall pay to Council the sum of \$4,662.00, (based on a rate of \$366.00 per lineal metre of road frontage along Nevorie Crescent), as a contribution towards the cost of future construction of Nevorie Crescent in conjunction with the road dedication and in compliance with the Council's subdivision policy in relation to Nevorie Crescent.*
81. *Prior to release of the Plan of Subdivision the applicant shall provide Council with a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.*

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

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

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

82. *All site stormwater from the Lot with frontage to Gale Road shall be discharged by gravity to Nevorie Crescent. This will require the creation of a 0.90m wide drainage easement down the side of the proposed rear Lot and installation of a suitably designed sized pipeline within the easement. The design shall include the construction of a silt arrestor pit adjacent to the rear boundary, within the site of the lot fronting Gale Rd. Details showing the design of these drainage works is to be submitted to Council's Department of Infrastructure Services prior to the issuing of a construction certificate for the proposed dwelling on the rear lot. The applicant shall have completed the approved method of construction for the subject drainage works prior to lodging the plan of subdivision, (i.e the plan of subdivision to be registered).*
83. *A "restriction as to user" shall be placed on the title of the proposed Lot with frontage to Nevorie Crescent in conjunction with the registration of the proposed plan of subdivision for this property. This restriction as to user shall indicate that onsite stormwater detention is required on the lot in conjunction with any Development Approval. (This is to ensure that no works which could affect the provision of onsite detention on the subject lots shall be permitted to be carried out without the prior consent in writing of the Council. This restriction will also ensure that all prospective purchasers of the subject lot are aware that onsite stormwater detention is required as a condition of Development Consent for Lot 1 with frontage to Nevorie Crescent.*
84. *Prior to the release of the Plan of Subdivision the applicant shall remove any existing structures/fencing from the area to be dedicated for road widening of Nevorie Crescent.*

Advisory Conditions

- A1 *The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA) and the construction certificate must not be inconsistent with the development consent.*

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

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

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

- A2 *The applicant 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: (Woodsmith/Andrews) CARRIED – SEE RESOLUTION.

8.5 DIRECTOR, CITY PLANNING REPORT 37/2007 - 1 MONMOUTH STREET, RANDWICK. (DA/599/05/A & PROP021272)

- 145 **RESOLUTION: (White/Andrews) –** *that Council as the responsible authority grant development consent under Section 96 of the Environmental Planning and Assessment Act 1979 to modify Development Consent No. DA/599/05/A for the retrospective approval for changes to windows and garage at No. 1 Monmouth Street, Randwick in the following manner:*

(a) Amend Condition No. 1 to read:

The development must be implemented substantially in accordance with the plans numbered Job. No. 0518, numbered 1B to 5B, all Issue B, dated 18 October, 2005 and received by Council on 22nd December 2005, the application form and on any supporting information received with the application, as amended by the Section 96 plans numbered Job 0518 numbered 1B to 5B, all Issue D, dated 37th March 2007 only in so far as they relate to the modifications to the windows and garage highlighted on the Section 96 plans and detailed in the Section 96 application.

(b) New Condition to read:

The aluminium framed windows at first floor level facing Monmouth Street (western elevation) shall be clad with timber.

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

8.6 DIRECTOR, CITY PLANNING REPORT 38/2007 - DRAFT ADMINISTRATIVE LEP 2007 - PUBLIC EXHIBITION 2007. (F2004/08093)

- 146 **RESOLUTION: (Hughes/Woodsmith) that:**

- (a) *Council endorse the draft Randwick (Administrative) Local Environmental Plan 2007 to be placed on public exhibition in accordance with the Environmental Planning and Assessment Act, 1979, and Regulation 2000;*

- (b) Council seek written authorisation from the Department of Planning to exhibit the draft Randwick (Administrative) Local Environmental Plan 2007;
- (c) Council exhibit the draft plan and associated documents in accordance with the Best Practice Guidelines published by the (then) Department of Urban Affairs and Planning (January 1997) titled "LEPs and Council Owned Land Guideline for Councils using delegated powers to prepare LEPs involving land that is or was previously controlled by Council";
- (d) Council agree that the Director, City Planning may make minor modifications to the draft plan if required by the LEP review panel, or to any numerical, typographical, interpretation and formatting errors if required, in preparation for public exhibition of the draft plan;
- (e) Council endorse the reduced length of 5 meters for car parking spaces for dwelling houses and semi-detached houses in the Comprehensive LEP/DCP; and
- (f) Clause 38(3) of the Randwick Local Environmental Plan 1998 be omitted from the draft Administrative Local Environmental Plan 2007.

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

8.7 DIRECTOR, CITY PLANNING REPORT 39/2007 - VACATION CARE PROVISION. (F2004/07695)

147 **RESOLUTION: (Andrews/Woodsmith) that Council:**

- (a) enter into a funding agreement with MASK as the recipient of \$42,000 to implement in conjunction with Kooloora Community Centre, Vacation Care Programs during the school holidays for a period of 12 months, with a review process being conducted at the end of this period;
- (b) enter into a Memorandum of Understanding between MASK, Kooloora Community Centre and Randwick City Council to reflect the proposed program delivery roles and responsibilities of the three signatories;
- (c) redirect to MASK the \$42,000 which has been allocated in Council's 2007/8 budget to fund the Vacation Care Program; and
- (d) the partnership with MASK to operate from the July 2007 school holiday period.

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

8.8 DIRECTOR, CITY PLANNING REPORT 40/2007 - AFFIXING OF THE COUNCIL SEAL. (F2004/07715)

148 **RESOLUTION: (Andrews/Woodsmith) that authority be granted for the Council's Common Seal to be affixed to the service specifications for the period 2007 – 2008 between Council and the Department of Community Services.**

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

8.9 DIRECTOR, CITY PLANNING REPORT 41/2007 - STA BUS PAINTING PROJECT. (F2004/06278)

149 **RESOLUTION: (Andrews/Woodsmith) that Council:**

- (a) support the implementation of the project; and
- (b) waive fees associated with booking Arthur Byrne Reserve.

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

8.10 DIRECTOR, CITY PLANNING REPORT 42/2007 - DRAFT A SAFER RANDWICK CITY, COUNCIL'S COMMUNITY SAFETY AND CRIME PREVENTION PLAN 2008-2011 AND COMMUNITY SAFETY COMMITTEE UPDATE. (F2004/08007)

150 **RESOLUTION: (Nash/Belleli) that Council:**

- (a) *note the content of this report; and*
- (b) *endorse the public exhibition of the draft Plan 'A Safer Randwick City' for a period of 28 days.*

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

9. GENERAL MANAGERS' REPORTS.

9.1 GENERAL MANAGER'S REPORT 13/2007 - AFFIXING OF THE COUNCIL SEAL. (F2004/06336)

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

1. *Simon Adams & Niranjana Fernando (T/As Finks at Clovelly) in relation to a licence for the purpose of outdoor dining at 48 Burnie Street, Clovelly;*
2. *Paynter Dixon Constructions Pty Limited in relation to a quasi industrial/commercial licence over part Kokoda Memorial Reserve, 2R Goodwood Street, Kensington;*
3. *Heath Molloy (T/As Boost Juice) in relation to a licence for the purpose of outdoor dining at 205 Coogee Bay Road, Coogee; and*
4. *Andrew Damianos (T/As The Pool Café) in relation to a licence for the purpose of outdoor dining at 94 Marine Parade, Maroubra.*

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

9.2 GENERAL MANAGER'S REPORT 14/2007 - DRAFT MANAGEMENT PLAN 2007-11 AND BUDGET 2007-08. (F2007/00139)

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

- (a) *the Recommended Management Plan 2007-11 (Attachment 1) be adopted as the Management Plan for 2007-11 under s406 (1) of the Local Government Act 1993;*
- (b) *the Recommended Annual Budget 2007-08 be adopted as per Attachment 2;*
- (c) *the Recommended Capital Works Program (as amended) be adopted for 2007-08 as per Attachment 3;*
- (d) *the Recommended General Fees & Charges be adopted as per Attachment 4;*
- (e) *the interest rate on overdue rates be calculated at 10.0% per annum, and charged daily, in accordance with the determination under s566(3) of the Local Government Act 1993, by the Minister for Local Government;*
- (f) *the Ordinary Residential Rate be made and levied by Council for 2007-08, under s494 and s498 (1)(a) and (2) of the Local Government Act 1993, as a rate of 0.16796 cents in the dollar on the land value of all rateable land within the City of Randwick being Residential land;*
- (g) *the Ordinary Business Rate be made and levied by Council for 2007-08, under s494 and s498 (1)(a) and (2) of the Local Government Act 1993, as a rate of 0.56659 cents in the dollar on the land value of all rateable land within the City of Randwick being Business land;*
- (h) *the minimum ordinary Residential rate be made and levied in 2007/08 under s548 (1) (a), (2), (4) & (5) of the Local Government Act 1993, as \$547.30;*
- (i) *the minimum ordinary Business rate be made and levied in 2007/08 under s548*

- (j) (1)(a), (2), (4) & (5) of the Local Government Act 1993, as \$882.00;
the Domestic Waste Management Charge 2007-08 be levied under S496 of the Local Government Act 1993, as \$339.70;
- (k) the responsible financial officer be delegated to make changes as adopted by Council; and
- (l) that a late report be submitted by the General Manager following the receipt of notification from the Minister regarding continuation of the special variation if required.

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

9.3 GENERAL MANAGER'S REPORT 17/2007 - SES ASSISTANCE WITH RECENT STORM DAMAGE. (F2004/06416)

- 153 **RESOLUTION: (Andrews/Woodsmith)** that the report be received and noted and the State Emergency Service be thanked for its invaluable assistance in rectifying damage to infrastructure in the area caused by the recent storm activity.

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

10 DIRECTOR, CITY SERVICES' REPORTS.

10.1 DIRECTOR, CITY SERVICES' REPORT 32/2007 - RECENT FLOODING IN RANDWICK AND THE STATE GOVERNMENT STORMWATER LEVY. (F2004/07213)

- 154 **RESOLUTION: (Andrews/Woodsmith)** that Council undertake a community consultation program as part of the 2008/09 Management Plan to consider the implementation of the State Government Stormwater Levy in the financial year commencing July 2008.

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

10.2 DIRECTOR, CITY SERVICES' REPORT 33/2007 - FIBRO FRAGMENTS (ASBESTOS ISSUE). (F2004/07462)

- 155 **RESOLUTION: (Matson/Woodsmith)** that the report be received and noted.

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

10.3 DIRECTOR, CITY SERVICES' REPORT 34/2007 - COMMEMORATIVE PLAQUES POLICY. (F2005/00282 XR F2004/08336)

- 156 **RESOLUTION: (Andrews/Woodsmith)** that Council adopt the Commemorative Plaques Policy.

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

11. DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORTS.

11.1 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 34/2007 - BURNIE PARK COMMUNITY CENTRE HOURS OF OPERATION. (F2004/07367)

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

- (a) Council maintain the present conditions of hire, level of usage and operating hours of the Burnie Park Community Centre for a twelve month trial period to gauge the impact of current usage on the local community; and
- (b) at the conclusion of the twelve month trial period, Council to consider a

further report on whether or not to increase the level of usage of the Centre.

MOTION – (Sullivan/Bastic) – That Council maintain the present conditions of hire and operating hours of the Burnie Park Community Centre, but increase the level of use to 52 weekends per year. – **LOST**.

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

11.2 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 35/2007 - IN HOUSE MANAGEMENT OF TOTEM HALL & ADOPTION OF FEES & CHARGES FOR HIRE OF TOTEM HALL. (F2004/07674)

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

- (a) *Council formally accepts the hand over of the Totem Hall effective 30 June, 2007;*
- (b) *Council adopts, in principle, the draft fees & charges for the Totem Hall subject to any public submissions being considered; and*
- (c) *Council commences hire of the Totem Hall effective 1 July, 2007 in line with the draft fees & charges.*

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

11.3 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 36/2007 - COUNCILLORS' ONLINE TRAINING PROGRAM. (F2004/06966)

159 **RESOLUTION: (Seng/Sullivan) that:**

- (a) *the Councillors' Online Training Program be endorsed; and*
- (b) *the Minister for Local Government be formally requested to launch the program.*

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

11.4 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 37/2007 - 2007/2008 LAND VALUES. (F2007/00367)

160 **RESOLUTION: (Andrews/Woodsmith) that the report be received and noted.**

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

11.5 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 38/2007 - RESERVE TRUST MANAGEMENT OF YARRA RECREATION RESERVE (R23068). (F2004/06324)

161 **RESOLUTION: (Woodsmith/Sullivan) that Council formally accepts the appointment as Reserve Trust Manager of the Yarra Recreation Reserve (R23068) and facilitates the establishment of a management committee with representatives from the La Perouse Local Aboriginal Land Council, the Local Member of Parliament, La Perouse United Football Club, South Sydney Juniors, the Department of Lands and Council to oversee the management of Yarra Oval, in accordance with the terms of reference.**

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

12. PETITIONS.

12.1 PETITION SUBMITTED BY THE MAYOR CR P TRACEY ON BEHALF OF RESIDENTS SUPPORTING WEEKEND ACTIVITY AT THE BURNIE PARK COMMUNITY CENTRE. (F2004/07367 xr F2005/00172)

162 **RESOLUTION:** *(Sullivan/Bastic)* that the petition tabled be received and noted.

MOTION: *(Sullivan/Bastic)* CARRIED – SEE RESOLUTION.

13. MOTIONS PURSUANT TO NOTICE.

13.1 MOTION BY COUNCILLOR ANDREWS – TOWN CENTRES – MAINTENANCE. (F2004/08020 xr F2004/08054 xr F2005/00827 xr F2005/00171)

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

(a) *the draft 2007-2008 budget includes funding for various public domain improvement projects within the City's shopping centres. This includes:*

*Kensington (a stage)
Havelock Street
High Cross
Malabar Junction
Avoca Street*

Some of these projects will take long term financial commitment to complete in their entirety and other centres like Maroubra Junction are in need of modernisation. Yet others like Matraville and Randwick have been partly completed and are in need of future funding. This will allow our town centres to be competitive, vibrant and economically sustainable for the future; and

(b) *Council officers create a rolling programme for the City's town centres similar to the one that exist for its playgrounds, roads etc and report back to Council for its adoption.*

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

13.2 MOTION BY COUNCILLOR ANDREWS – MALABAR HEADLAND. (F2004/06759 XR F2005/00171)

164 **RESOLUTION:** *(Andrews/Sullivan)* that Council write to the Federal Minister for Finance, The Hon Nick Minchin, requesting the following:

1. *completion of Part 2 of the Facilities Management Plan currently underway;*
2. *that the NSW Government honour its commitment to the relocation of shooting activities currently conducted on the Malabar Headland;*
3. *confirmation that \$9 million allocated from the Federation Fund in 1998 is still available to be utilised as previously announced by Finance Minister John Fahey for the relocation of the shooters and the provision of open space on the Malabar headland;*
4. *recommencement of discussions with the NSW Government without delay to bring about the relocation of shooting activities currently conducted on the Malabar Headland; and*
5. *that the NSW Government immediately ensure the return of Malabar Headland to the people of NSW for its use as National Park and public open space.*

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

**13.3 MOTION BY COUNCILLOR ANDREWS – MALABAR HEADLAND REZONING.
(F2004/06759 XR F2005/00171)**

165 **RESOLUTION: (Andrews/Sullivan)** that this Council direct the Director of City Planning to re-investigate the rezoning of the western portion of the Malabar Headland, currently zoned 2B residential to a National Park.

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

**13.4 MOTION BY COUNCILLOR BELLELI – HEFFRON PARK PLAYGROUND.
(F2004/08289 XR F2005/00171)**

Given Mayor's Minute 57/2007 (Heffron Park - Playground Construction and Children's Bicycle Track), Cr Belleli withdrew this motion at the meeting.

**13.5 MOTION BY COUNCILLOR BELLELI – COASTAL WALKWAY. (F2005/00321
XR F2005/00171)**

166 **RESOLUTION: (Belleli/Sullivan)** that Councillors be briefed regarding the progress of continuing the Coastal Walkway through South Ward to its completion and that the brief include the costing amount for consideration in the 2008/09 Budget.

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

**13.6 MOTION BY COUNCILLOR MATSON – "ADOPT A WHALE". (F2005/00227
XR F2005/00171)**

167 **RESOLUTION: (Matson/Kenny)** that:

(a) Council agrees to participate in the Humpback Whale Migration Icon Project and in its participation, it immediately adopts two (2) unnamed Humpback Whales, one to be named 'Shinzo Abe' and the name of the second whale to be the subject of a competition involving the local Schools; and

(b) Council take steps to prepare a banner, in consultation with the Humpback Whale Migration Icon Project, celebrating Council's adoption of the whales and promoting the iconic status of the humpback whale migration along our ocean coastline during the course of this season's humpback whale migration.

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

14. CONFIDENTIAL REPORTS (CLOSED SESSION).

**14.1 CONFIDENTIAL DIRECTOR, CITY PLANNING REPORT 43/2007 - 73
MALABAR ROAD, COOGEE (F2004/08354)**

168 **RESOLUTION: (Andrews/Woodsmith)** that the report by the Director City Planning be noted.

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

**14.2 CONFIDENTIAL GENERAL MANAGER'S REPORT 15/2007 - DRAFT
MANAGEMENT PLAN 2007-11 AND BUDGET 2007-08 (F2007/00139)**

169 **RESOLUTION: (Andrews/Woodsmith)** that the Recommended Confidential Fees and Charges 2007-08 be adopted for 2007-08.

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

14.3 CONFIDENTIAL GENERAL MANAGER'S REPORT 16/2007 – MAROUBRA GARDEN VILLAGE (F2004/06336)

- 170 **RESOLUTION: (Andrews/Woodsmith)** that Council forward a letter of demand and dependent upon the response, negotiate the terms of the past two and all future rental reviews with the current lessee, subject to the approval from the Department of Local Government.

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

14.3 CONFIDENTIAL DIRECTOR, CITY SERVICES' REPORT 35/2007 - TENDER EVALUATION REPORT FOR SUPPLY OF ONE(1) BACKHOE LOADER (F2006/00426)

- 171 **RESOLUTION: (Andrews/Woodsmith)** that:

1. The Tender of Case Equipment Sales is accepted for the supply of one (1) only Backhoe Loader T19/2006 and Council enter into a Contract under the Local Government (General) Regulation 2005.
2. authority is granted to the General Manager in conjunction with the Mayor to sign and affix Councils Common Seal to enter into a contract on behalf of Council with the recommended Tenderer for supply of one (1) only Backhoe Loader T19/2006.

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

CONFIDENTIAL MAYOR'S MINUTE

- 172 **RESOLUTION: (Matson/Woodsmith)** that confidential Mayor's Minute 60/2007 be considered in Closed Session in accordance with Section 10A(2)(a) of the Local Government Act 1993, as it deals with personnel matters concerning particular individuals (other than Councillors).

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

CLOSED SESSION

Council then moved into Closed Session at 9.50 p.m.

6.20 CONFIDENTIAL MAYOR'S MINUTE 60/2007 - GENERAL MANAGER'S PERFORMANCE REVIEW

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

- (a) Council receive and note the General Manager's Performance Review; and
- (b) based on the General Manager's Performance Review Committee evaluation of the more than satisfactory performance of the General Manager and the contractual obligations between Council and the General Manager, that the General Manager's total remuneration package be increased by the amount determined by the Remuneration Tribunal for the State Executive Service effective on the 6 October 2007.
- (c) Council acknowledge the performance of the General Manager and offer the General Manager a new five (5) year performance based contract.
- (d) the Mayor, Cr Hughes and Cr Notley-Smith be authorised to negotiate the terms and conditions of the new five (5) year performance based contract with the General Manager.

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

OPEN SESSION

Upon resuming in Open Session at 10.10 p.m. the General Manager read out the resolution in relation to Confidential Mayor's Minute 60/2007.

15. NOTICE OF RESCISSION MOTIONS.

A rescission motion on Item 8.1 (Director City Planning Report 33/2007 - 1160 - 1198R Anzac Parade, Malabar (Pioneer Park)) was handed to the General Manager prior to midday on the following working day and will be considered at the Ordinary Council meeting to be held on 24 July, 2007.

There being no further business, His Worship the Mayor, Cr P. Tracey, declared the meeting closed at 10.12 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, type date 2007.

.....
CHAIRPERSON