

**MINUTES OF ORDINARY COUNCIL MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY 24TH JULY, 2007 AT 6:13 P.M.**

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, M. Daley & A. White
East Ward	-	Crs B. Notley-Smith & D. Sullivan
West Ward	-	Crs B. Hughes & S. Nash (from 6.38 pm)
Central Ward	-	Crs A. Andrews & C. Bastic

OFFICERS PRESENT:

General Manager	Mr. R. Brownlee.
Director, City Planning	Ms. S. Truvert.
Director, Governance & Financial Services	Mr. G. Banting.
Acting Director, City Services	Mr. M. Shaw.
Manager, Administrative Services	Mr. D. Kelly.
Manager, Development Assessment	Mr. K. Kyriacou.
Communications Manager	Ms. D. Brien.
Manager, Organisational Staff Services	Ms. F. Calabrese.
Learning & Development Officer	Ms. J. Skipper.
Project Manager	Mr. G. Bounassif.

1. PRAYER & ACKNOWLEDGEMENT OF LOCAL INDIGENOUS PEOPLE.

The Council Prayer was read by Councillor Hughes. The acknowledgement to local indigenous people was read by the Mayor, Cr. P. Tracey.

2. APOLOGIES/GRANTING OF LEAVE OF ABSENCES.

An apology was received from Cr Seng.

RESOLVED: (Notley-Smith/Belleli) that the apology from Cr Seng for non-attendance at the Ordinary Council Meeting of the Council held on Tuesday, 24th July, 2007 be received & accepted.

Leave of absence had previously been granted to Cr Procopiadis. See Minute No: 60/07.

3. CONFIRMATION OF THE MINUTES.

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY, 26TH JUNE 2007.

174 **RESOLUTION: (White/Kenny)** that the Minutes of the Ordinary Council Meeting held on Tuesday, 26th June, 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.

- (a) Crs Belleli and Notley Smith declared non pecuniary interests in Item 14.1 as one of the tenderers was a donator to the Liberal Party.
- (b) Cr Belleli declared a non pecuniary interest in item 13.1 as one of the objectors worked closely with him on his state election campaign. Cr Belleli left the chamber, taking no part in discussion of and voting thereon the matter.
- (c) Cr Sullivan declared a non pecuniary interest in Item 6.5 as he is a patron of the institution involved.
- (d) Cr Belleli declared a non pecuniary interest in Item 6.5 as his wife's dance school may be performing at this event free of charge.

RESOLVED: (PROCEDURAL MOTION) (Daley/Sullivan) that item 13.1 be brought forward and considered at this stage of the meeting. **CARRIED.**

RESOLVED: (PROCEDURAL MOTION) (Matson/Woodsmith) that item 13.5 be brought forward, speakers be heard and the matter be considered at this stage of the meeting. **CARRIED.**

RESOLVED: (PROCEDURAL MOTION) (Andrews/Kenny) that item 8.2 be brought forward and considered at this stage of the meeting. **CARRIED**

5. ADDRESSING OF COUNCIL BY MEMBERS OF THE PUBLIC.

Item 8.2 DIRECTOR, CITY PLANNING REPORT 46/2007 - 3 WINCHESTER ROAD, CLOVELLY.

Applicant Mr Matthew England

Item 13.5 Motion By Councillor Matson – Yarra Bay Sporting Field Option.

For Mr Russell DeLacy

6. MAYORAL MINUTES.

6.1 MAYOR'S MINUTE 61/2007 - MAYOR'S FUTURE CHAMPIONS FUND - REQUEST FOR FINANCIAL ASSISTANCE - MS NICOLE SOO. (F2004/07346)

175 **RESOLUTION: (Mayor, Cr. P. Tracey)** that Council donate \$250.00 to help cover the costs involved in allowing Ms Nicole Soo to participate in a Rotary Exchange Program in Germany for twelve months, such funds to come from the Mayor's Future Champions Fund.

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

6.2 MAYOR'S MINUTE 62/2007 - WAIVING OF FEES - ST PAULS ANGLICAN CHURCH COOGEE - CAROLS BY THE SEA. (F2004/07843)

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

- a) Council vote \$1,095.00 to cover the fees associated with the event and funds be allocated from the 2007/2008 Contingency Fund;
- b) the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and

- c) *the Mayor or his representative shall be given the opportunity to address the event on behalf of Council.*

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

6.3 MAYOR'S MINUTE 63/2007 - MAYOR'S FUTURE CHAMPIONS FUND - REQUEST FOR FINANCIAL ASSISTANCE - MS EMILY WATSFORD. (F2004/07396)

- 177 **RESOLUTION: (Mayor, Cr. P. Tracey)** *that Council donate \$250.00 to help cover the costs involved in allowing Emily Watsford to represent Australia at the World Aerobics Championships being held in Belgrade, Serbia in October 2007, such funds to come from the Mayor's Future Champions Fund.*

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

6.4 MAYOR'S MINUTE 64/2007 - MY DRESS, MY IMAGE, MY CHOICE-MUSLIM WOMEN EVENT. (F2004/07079)

- 178 **RESOLUTION: (Mayor, Cr. P. Tracey)** *that Council support the "My Dress, My Image My Choice - Muslim Women" event on 17 August 2007 in the Randwick Town Hall as an important community harmony initiative.*

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

6.5 MAYOR'S MINUTE 65/2007 - 8th ANNUAL DES RENFORD CHAIR OF HEART RESEARCH FAMILY GALA AND CHARITY DAY – USE OF DES RENFORD AQUATIC CENTRE. (F2005/00224)

- 179 **RESOLUTION: (Mayor, Cr. P. Tracey)** *that Council vote \$6,500.00 to cover the costs associated with Council's contribution towards the organising and staging of the Des Renford Family Day and Swim Challenge to be held on Sunday 4 November 2007 for the purpose of raising money for the Victor Chang Cardiac Foundation and this be funded from the Contingency Fund 2007/2008.*

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

6.6 MAYOR'S MINUTE 66/2007 - CANA BALL - WAIVING OF FEES FOR USE OF THE TOWN HALL. (F2007/00001)

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

- a) *Council vote \$1,548.00 to cover the fees associated with the use of the Town Hall for the Cana Ball and funds be allocated from the 2007/2008 Contingency Fund;*
- b) *the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and*
- c) *Councillor Paul Tracey be authorised to attend the ball as Council's representatives and be given the opportunity to address the event on behalf of Council.*

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

6.7 MAYOR'S MINUTE 67/2007 - OUR LADY OF THE ROSARY COLLEGE - CENTENARY CELEBRATIONS. (F2004/07396)

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

- a) *contribute \$200.00 to help cover the cost of the Our Lady of the Rosary School's centenary celebrations and funds be allocated from the 2007/2008 Contingency Fund;*
- b) *the School be requested to appropriately and prominently acknowledge and promote Council's contribution.*

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

**6.8 MAYOR'S MINUTE 68/2007 - LIONS CLUB CIVIC RECEPTION 2007.
(F2007/00126)**

182 **RESOLUTION: (Mayor, Cr. P. Tracey)** *that Council host a Civic Reception for the Lions Club.*

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

**6.9 MAYOR'S MINUTE 69/2007 - COUNCIL SUPPORT FOR PROJECT ECHO.
(F2004/08350)**

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

- (a) *Council approves the allocation of \$5,000.00 to sponsor the AIESEC Project Echo initiative and supports and participates in the Project Echo workshops as appropriate; and*
- (b) *Sustaining our City and Communications staff liaise with Project Echo organisers to maximise Council's recognition and benefits from our participation.*

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

6.10 MAYOR'S MINUTE 70/2007 – DEVELOPMENT APPLICATIONS FOR OFF-STREET RESIDENTIAL CAR PARKING SPACES. (F2005/00302)

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

- (a) *Councillors resolve not to use call up powers for a development application on the sole basis of a residential car parking space where the space does not comply with Australian Standard AS 2890.1 Parking Facilities or has a length of at least 5 metres, whichever is lesser; and*
- (b) *Council not rely on the minimum dimension for open car spaces detailed in the Parking and Single Dwelling DCP and assess all the current and future Development Applications against the Australian Standard or a minimum length of 5 metres, whichever is the lesser.*

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

**6.11 MAYOR'S MINUTE 71/2007 - MAYORS FUTURE CHAMPIONS FUND - REQUEST FOR FINANCIAL ASSISTANCE – MS LAUREN MCKILLOP.
(F2004/07346)**

185 **RESOLUTION: (Mayor, Cr. P. Tracey)** *that Council donate \$250.00 to help cover the costs involved in allowing Lauren McKillop to represent Australia at the World Mountain Running Championships being held in Switzerland in September 2007, such funds to come from the Mayor's Future Champions Fund.*

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

6.12 MAYOR'S MINUTE 72/2007 - RANDWICK'S WIN IN THE BANKSIA ENVIRONMENTAL AWARD. (F2004/08350)

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

- (a) all Council staff be advised of Randwick's success in winning the Banksia Environmental Award; and*
- (b) Council communicates our win in various media to ensure our community is aware of Council's achievements.*

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

6.13 MAYOR'S MINUTE 73/2007 - DRAFT EAST SUBREGIONAL STRATEGY. (F2005/00270)

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

- (a) endorse a review of Council's Parking DCP as part of the Comprehensive LEP and DCP preparation, with a view to ensuring that the minimum parking requirements do not inadvertently promote use of private cars; and*
- (b) resolve that Council's submission to the Department of Planning on the draft subregional strategy should give strong support for the enhancement of public transport infrastructure and services to and from Randwick City, in order to encourage more sustainable transport choices in favour of private car use.*

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

7. URGENT BUSINESS.

8. DIRECTOR, CITY PLANNING REPORTS.

8.1 DIRECTOR, CITY PLANNING REPORT 45/2007 – 221-227 ANZAC PARADE, KENSINGTON. (DA/720/2002/A & PROP009913)

188 **RESOLUTION:** *(Hughes/Andrews) that Council as the consent authority grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No. DA/599/2005 by amending conditions 55, 61, and 74 which relate to external drainage works for 221-227 Anzac Parade, Kensington in the following manner:*

A. Delete Condition No. 55 (g)

B. Amend Condition No. 61 to read:

- 61. The external drainage works detailed in the plans numbered 83951, drawings C001-C004, Issue 01, dated 28/07/05 by ARUP and the accompanying UNSW L5 Building – Stormwater Drainage Specification by ARUP dated September 2004 shall be constructed by the applicant in general accordance with the plans prior to both the issue of a final occupation certificate and release of the bonds held in accordance with condition 62 of this consent. This includes restoration of footpaths, reconstruction/construction of kerb and gutter and any associated road works.*

Council will contribute 50% of the total construction cost for these external drainage works (up to a maximum of \$100,000) provided that:

- a. UNSW meet all design costs;*
- b. UNSW obtain all relevant approvals from the RTA prior to the commencement of works in the road reserve.*

- c. UNSW project manage the construction works;
- d. UNSW accept the risk of contingencies and variations during construction; and
- e. The works are completed to the satisfaction of Council and the RTA.

C. Amend Condition No. 74 to read:

74. Stormwater from the site shall be directed to the new stormwater pipeline crossing Anzac Parade and feeding into the University's pipeline in accordance with ARUP's design titled 'L5 Building – Anzac Parade Stormwater' dated 28/07/05. Completion of this work and satisfying this condition shall include all necessary easements and agreements on use of the UNSW pipeline.

Note that a reflux valve shall be constructed within the outlet pipe from the silt arrester pit (and located within the development site so that it can be serviced by the owner/manager of the development).

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

8.2 DIRECTOR, CITY PLANNING REPORT 46/2007 - 3 WINCHESTER ROAD, CLOVELLY. (DA/142/2007 & PROP009816)

189 **RESOLUTION: (Andrews/Kenny) that:**

- A. Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No DA/142/2007 for a new deck with pergola to the rear of the existing dwelling at No. 3 Winchester Road, Clovelly subject to the following conditions:

Conditions of Consent:

1. The development must be implemented substantially in accordance with the unnumbered plans dated 6th February 2007 and received by Council on the 23rd February 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:

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 external materials, colours and finishes of the rear deck are required to match, as closely as possible, the existing building.
3. There must be no encroachment of the structure/s onto any adjoining premises or onto Council's road reserve, footway or public place, unless permission has been obtained from the owner/s of the adjoining land accordingly.

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

4. 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.

5. *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.*
6. ***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.

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

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

8. *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.

9. *A sign must be erected and maintained in a prominent position on the site for the duration of the works, which contains the following details:*

- *Name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours, or owner-builder permit details (as applicable);*
- *Name, address and telephone number of the Principal Certifying Authority; and*
- *A statement stating that "unauthorised entry to the work site is prohibited".*

10. *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.

11. ***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.

12. *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.*

13. *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:

14. *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.

15. *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.

16. *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.

17. *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.*
18. *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.

19. *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.

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

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

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

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

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

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

The following conditions have been applied to ensure that adequate security provisions are made for vehicular access, parking and public infrastructure:

22. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.*

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

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

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

25. *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, must match the back of the existing footpath along the full site frontage.*
26. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
27. *The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$121.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.*

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

28. *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.*
29. *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*

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

30. *That part of the naturestrip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicants expense prior to the issue of a final Occupation Certificate.*
31. *Permission is granted for the removal of the False Acacia tree located in the front yard adjacent to the front fence.*

ADVISORY MATTERS:

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

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

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

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

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

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

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

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

8.3 DIRECTOR, CITY PLANNING REPORT 47/2007 - 2007 SENIORS CHRISTMAS FUNCTIONS. (F2004/07694)

- 190 ***RESOLUTION: (Sullivan/Andrews) that Council support the two (2) Seniors Christmas Concerts to be held at the Randwick Race Course.***

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

**8.4 DEVELOPMENT APPLICATION REPORT - 7 CLYDE STREET, RANDWICK.
(DA/993/2006 & PROP006295)**

191 **RESOLUTION: (Bastic/Notley-Smith)** that Council as the responsible authority grant development application No. DA/142/2007 for a new hardstand car space at the front of the existing semi-detached dwelling at 7 Clyde Street, Randwick subject to the following conditions: -

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

1. *The development must be implemented substantially in accordance with the plans numbered A1.01, dated November 2006 and received by Council on the 17th November 2006, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

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

2. *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.

3. *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.*
4. **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.

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

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

6. *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.

7. *A sign must be erected and maintained in a prominent position on the site for the duration of the works, which contains the following details:*
 - *name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours, or owner-builder permit details (as applicable);*
 - *name, address and telephone number of the Principal Certifying Authority; and*
 - *a statement stating that "unauthorised entry to the work site is prohibited".*
8. *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.

9. ***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.

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:

10. *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.*
11. *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.*
12. *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.*
13. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*

The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.

A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or footway for services or the like.

Any part of Council's nature strip which is damaged as a result of the work must be back-filled, top-soiled and re-turfed with kikuyu turf prior to occupation or finalisation of the development, to Council's satisfaction.

14. *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.

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

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

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

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

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

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

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

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

- 20 *The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, shall be:*
- ***Match the top of the Council kerb level at all points opposite the kerb, along the full site frontage.***

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

- 21 *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the kerb must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
- 22 *The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$121.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.*

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

- 23 *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.*
- 24 *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*

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

- 25 *That part of the naturestrip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant's expense prior to the issue of a final Occupation Certificate.*
- 26 *The applicant shall arrange for the removal of the street tree by the contractor who is to construct the Council vehicular access. The applicant is to meet all costs associated with the removal of the Council street tree.*

Tree Management

- 27 *The applicant shall submit a total payment of \$300.00 to Council,*
- a. *To compensate Council for the loss of amenity caused by the removal of the street tree.*

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

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

9. GENERAL MANAGER'S REPORTS.

9.1 GENERAL MANAGER'S REPORT 19/2007 - MEMORANDUM OF UNDERSTANDING ON TRANSPORT ISSUES WITH UNSW. (F2006/00681)

192 **RESOLUTION:** *(Nash/Matson)* that Council:

- (a) *note and endorse the draft Memorandum of Understanding on Transport Issues between Randwick City Council and University of New South Wales;*
- (b) *note that a joint signing of the document will be arranged to promote the cooperation between Council and the University of New South Wales; and*
- (c) *agree that minor modifications to the draft MOU may be made prior to finalisation.*

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

9.2 GENERAL MANAGER'S REPORT 20/2007 - SSROC MEMBERSHIP FEES. (F2004/06659)

193 **RESOLUTION:** *(Sullivan/Andrews)* that the increase in the SSROC membership fee from 1 January 2008 be approved and the budget allocation for membership fees be adjusted accordingly at the September Quarterly review of the 2007/2008 budget.

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

9.3 GENERAL MANAGER'S REPORT 21/2007 - AFFIXING OF THE COUNCIL SEAL. (F2004/07367)

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

1. *Sylvia Vivian Farina (T/As Tango Cafe) in relation to a licence for the purpose of outdoor dining at 209A Coogee Bay Road, Coogee.*
2. *Ying Zhang (T/As O'Le Portuguese Style Chicken & Burgers) in relation to a licence for the purpose of outdoor dining at 142 Anzac Parade, Kensington.*
3. *Barry Fung (T/As The Art Lounge Café) in relation to a licence for the purpose of outdoor dining at 275 Arden Street, Coogee.*
4. *Antonio Vizza (T/As Cucinella) in relation to a licence for the purpose of outdoor dining at 209B Coogee Bay Road, Coogee.*
5. *David Baleinagusui (T/As Cold Rock Ice Creamery Randwick) in relation to a licence for the purpose of outdoor dining at 50 Perouse Road, Randwick.*
6. *George Young Hotels Pty Ltd (T/As Churchill's sports Bar & Tavern) in relation to a lease for the purpose of outdoor dining and smoking area at 532 Anzac Parade, Kingsford.*
7. *Sydney Eastern Sydney & Illawarra Area Health Services in relation to a licence for the purpose of an early childhood health centre at 40 Arden Street, Clovelly.*

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

9.4 GENERAL MANAGER'S REPORT 22/2007 - RANDWICK CITY COUNCIL BUSINESS CONTINUITY PLAN 2007. (F2005/00390)

195 **RESOLUTION:** *(Sullivan/Andrews)* that the Business Continuity Plan, version 1 July 2007 be adopted as the Business Continuity Plan for Randwick City Council.

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

10. DIRECTOR, CITY SERVICES' REPORTS.

10.1 DIRECTOR, CITY SERVICES' REPORT 39/2007 - CONCEPT DESIGN FOR THE UPGRADE OF MAHON POOL FACILITIES. (PROJ/10267/2006)

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

- (a) *Council supports the Concept Design for the Mahon Pool Café/Kiosk provided in this report and that the required steps be taken by Council Officers to amend the Maroubra Beach Plan of Management; and*
- (b) *Council formally notify the local precinct committee of council's intention to change the Plan of Management.*

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

10.2 DIRECTOR, CITY SERVICES' REPORT 40/2007 - POSSIBLE EXEMPTION FROM APPLICATION FEES OF LOW IMPACT FOR MINIMUM BUDGET FILMS. (F2004/07608)

197 **RESOLUTION:** *(Sullivan/Hughes)* that where filming in a Council park, beach, reserve or street:

- (a) *involves a maximum of three people*
- (b) *is of low impact; and*
- (c) *is for essentially a non-commercial purpose or substantially for a charitable purpose*

no application is required to be made to Council for such filming.

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

10.3 DIRECTOR, CITY SERVICES' REPORT 41/2007 - FEASIBILITY INTO THE INSTALLATION OF CCTV CAMERAS AT COOGEE AND OTHER LOCATIONS. (F2004/08007)

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

- (a) *Council write to the Eastern Beaches LAC seeking assistance with the establishment of the CCTV monitoring control room and with active surveillance; and*
- (b) *Council seek expressions of interest from suitably experienced companies to provide Council with an installation strategy and 'order of cost' estimates.*

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

10.4 DIRECTOR, CITY SERVICES' REPORT 42/2007 - CLOVELLY BEACH CARPARK - COASTAL WALKWAY. (PROJ/10171/2005)

199 **RESOLUTION:** *(Sullivan/Andrews)* that Council:

- (a) *supports the Clovelly Beach Coastal Walkway Concept Plan – Option 2. This option constructs the coastal walkway whilst generally retaining the current numbers of car spaces; and*
- (b) *officers submit as required a Development Application for the works involved in Concept Design - Option 2.*

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

10.5 DIRECTOR, CITY SERVICES' REPORT 43/2007 - FINANCIAL CONTRIBUTION TO SHADE STRUCTURE FOR SOS PRESCHOOL IN BUNDOCK STREET, RANDWICK. (F2004/07699)

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

- (a) Council contribute a maximum of 50% of the costs of the supply and installation of the shade facility at the SOS Preschool in Bundock St, Randwick up to a maximum of \$7,000 excluding GST; and
- (b) Council's contribution towards the shade facility be permanently displayed within the centre and that Council be given credit for its contribution at the opening of the centre and at other times as appropriate.

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

10.6 DIRECTOR, CITY SERVICES' REPORT 44/2007 - COUNCIL-OWNED FICUS 'HILLII' (HILL'S WEEPING FIG) GROWING OUTSIDE 8-10 ABBOTT STREET, COOGEE. (F2004/07359)

201 **RESOLUTION: (Bastic/White) that the Council-owned Ficus microcarpa var. 'Hillii' (Hill's Weeping fig) growing on the nature strip outside 8 and 10 Abbott Street, Coogee, be removed and replaced with an appropriate number of more appropriate tree species, as per Council's Street Tree Masterplan.**

MOTION: (Matson/Hughes) that the tree not be removed as too many trees have been removed already in this street and the canopy in the top section of the street would be destroyed. LOST.

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

10.7 DIRECTOR, CITY SERVICES' REPORT 45/2007 - RECYCLING OF PAPER WASTE GENERATED THROUGH LOCAL ELECTION CAMPAIGN. (F2004/06595 XR F2005/00171)

202 **RESOLUTION: (Belleli/Bastic) that Council:**

- (a) notes that paper collection from the election campaigners can be provided using Council's commercial waste service resources at a net cost;
- (b) ensure that election material left over can be taken to Council's trade waste recycling facility and the General Manager and Director, City Services be delegated authority to decide whether to expand this service to other councils; and
- (c) contact candidates prior to the election day to ensure they are aware the disposal options are available.

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

11. DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORTS.

11.1 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 43/2007 - REQUEST FROM THE LOCAL GOVERNMENT & SHIRES ASSOCIATIONS OF NSW FOR ASSISTANCE WITH LEGAL COSTS. (F2004/08250)

203 **RESOLUTION: (Sullivan/Andrews) that Council contribute its proportion of the costs (being \$18,355.69) to the LGSA to assist with Bankstown City Council's legal costs incurred to afford Councils protection under Section 733 of the Local Government Act 1993.**

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

11.2 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 44/2007 - ADHERANCE TO COUNCIL'S CODE OF MEETING PRACTICE. (F2004/06570)

204 **RESOLUTION: (Sullivan/Hughes)** that Councillors receive and note these points of clarification in accordance with Council's Code of Meeting Practice.

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

12. PETITIONS.

Nil.

13. MOTIONS PURSUANT TO NOTICE.

13.1 Notice of Rescission Motion by the Mayor, Councillors Andrews, Bastic, Sullivan and White – Ordinary Council Meeting, Tuesday 26th June, 2007 – Item 8.1 - Director City Planning Report 33/2007 – 1160-1198R Anzac Parade, Malabar (Pioneer Park). (DA/90/2007 & PROP025397)

(Note: This matter was brought forward and considered as the first item of business on the agenda.)

205 **RESOLUTION: (Sullivan/Bastic)** that the resolution passed at the Ordinary Council Meeting held on Tuesday, 26th June 2007, reading as follows:-

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 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.*
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.

BE AND IS HEREBY RESCINDED.

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

A division was called for by the Mayor, Cr. P. Tracey and Cr Sullivan. Voting was as follows: -

For	Against
Andrews	Hughes
Bastic	Kenny
Daley	Matson
Sullivan	Nash
Mayor, Cr. P. Tracey	Notley-Smith
White	Woodsmith

206 **RESOLUTION: (Sullivan/White) 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.*
4. *Only one playing field shall be provided at the southern most part of the upper tier. Details of the proposed location and configuration of the playing field including the associated lighting shall be submitted to and approved by the Director of City Planning prior to the issuing of a construction certificate.*

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

5. *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*

6. *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.*
7. *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:*

<i>Monday – Friday</i>	<i>7am – 5pm</i>
<i>Saturday</i>	<i>8am – 5pm</i>

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.*
8. *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:

9. 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:

10. 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:

11. 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.
12. 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.

13. 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.**
14. 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.

15. *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.*
16. *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:

- 17. 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).
- 18. The proposed entry and exit driveways to Anzac Parade are to be appropriately signposted
- 19. 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.
- 20. 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.
- 21. 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.
- 22. All works/regulatory signposting associated with the proposed development will be at no cost to the RTA.
- 23. Any traffic control during construction must be carried out by accredited RTA approved traffic controllers.
- 24. The proponent is to arrange with the RTA's Transport Management Centre any required road occupancy licenses during construction.
- 25. Council is to ensure that all vehicles during construction enter and exit the site in a forward direction.
- 26. 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:

27. *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.

28. *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.*

29. **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.

30. **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.*

31. *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.

32. *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".
33. 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.

34. **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.

35. The required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, **prior to the issuing of a Construction Certificate**, in accordance with Section 109F of the Environmental Planning & Assessment Act 1979.

At the time of this development consent, Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.35% of the cost of the works.

36. 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:

37. 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.
38. 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.
39. 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.

40. *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.*

41. *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.

42. *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.*

43. *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.

44. *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:

45. *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:

46. *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.

47. *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:

48. *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.*
49. *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.*
50. *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:

51. *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.*
52. *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.*
53. *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

54. *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

55. *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: (Sullivan/White) CARRIED – SEE RESOLUTION.

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

For	Against
Andrews	Hughes
Bastic	Kenny
Daley	Matson
Sullivan	Nash
Mayor, Cr. P. Tracey	Notley-Smith
White	Woodsmith

AMENDMENT: (Matson/Woodsmith) that this matter be deferred to allow councillors and the community to consider the upcoming report on the recreational needs assessment. **LOST.**

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

For	Against
Hughes	Andrews
Kenny	Bastic
Matson	Daley
Nash	Sullivan
Notley-Smith	Mayor, Cr. P. Tracey
Woodsmith	White

13.2 Notice of Rescission Motion by Councillors Andrews, Bastic and Sullivan – Health, Building & Planning Committee Meeting, Tuesday 10th July, 2007 – Item 6.5 – Development Application Report – 19 Pacific Street, Clovelly. (DA/285/2007 & PROP032760)

207 **RESOLUTION: (Andrews/Sullivan)** that the resolution passed at the Health, Building and Planning Committee Meeting held on Tuesday, 10th July 2007, reading as follows: -

That this matter be deferred to allow the applicant to speak to relevant Council officers on options for parking at the rear of the property.

BE AND IS HEREBY RESCINDED.

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

FURTHER MOTION: (Andrews/Sullivan) that the application be approved subject to standard conditions. **LOST.**

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

For	Against
Andrews	Belleli
Bastic	Hughes
Kenny	Matson
Sullivan	Nash
White	Notley-Smith
	Mayor, Cr. P. Tracey
	Woodsmith

208 **RESOLUTION: (Matson/Nash) that:**

- A. *Council as the responsible authority refuse development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/285/2007 for Construction of a hardstand car space with dimensions 4.75m x 2.7m to the front of the existing semi-detached dwelling and associated works. at 19 Pacific Street, Clovelly for the following reasons:*
- 1. The proposed car space does not meet the minimum dimensions for a car space contained in the DCP for Dwelling Houses and Attached Dual Occupancies and the DCP for Parking;*
 - 2. The proposed dimensions for the hardstand car space do not comply with the relevant Australian Standard;*
 - 3. The proposed car space does not meet the objectives and performance requirements of the DCP for Dwelling Houses and Attached Dual Occupancies - Part 4.7 Garages, Carports and Driveways.*
 - 4. The proposal will detract from the appearance of the existing semi-detached dwelling and streetscape.*

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

13.3 Notice of Rescission Motion by Councillors Andrews, Bastic and Sullivan – Health, Building & Planning Committee Meeting, Tuesday 10th July, 2007 – Procedural Motion. (F2004/06570)

This motion was ruled out of order by the Mayor.

13.4 MOTION BY COUNCILLOR BELLELI – LIGHTING FOR SOUTH MAROUBRA VILLAGE GREEN. (F2005/00507 xr F2005/00171)

209 **RESOLUTION: (Belleli/Andrews)** that Council produces a report on the feasibility of constructing lights on the eastern side of the playground in the South Maroubra Village Green. This report should include a concept design and estimate of costs. The playground in the South Maroubra Village green was recently burnt by vandals. There are problems with anti-social behaviour in this area that could be improved by the installation of lights at the eastern side of the playground to reduce the likelihood of people vandalising the playground after dark.

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

13.5 MOTION BY COUNCILLOR MATSON – YARRA BAY SPORTING FIELD OPTION. (F2004/06639 xr F2005/00954 xr F2005/00171)

210 **RESOLUTION: (Matson/Sullivan)** that Council:

- (a) commence the conversion of open space at Bicentennial Park into a sporting field this financial year; and
- (b) open immediate discussions between Council, the Department of Education, the La Perouse Precinct Committee and appropriate sporting associations on a memorandum of understanding on the opening of sporting fields at South Sydney High and other schools for after hours use by sporting associations.

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

13.6 MOTION BY COUNCILLOR MATSON – NEED TO MOVE HCB WASTE FROM ORICA TO A DESTRUCTION SITE. (F2006/00524 xr F2005/00171)

211 **RESOLUTION: (Matson/Nash)** that Council will write to the MP for Maroubra requesting answers to the following questions concerning the State Government's plans for dealing with the HCB waste on the Orica site:

- (a) will you accept responsibility on behalf of the Labor State Government for the many years of inaction on the HCB waste issue at Orica;
- (b) did the State Government have a fall back option prepared in case the German plan for the removal of the HCB collapsed as it subsequently did;
- (c) will you now move to initiate the alignment of State and Federal Government support for the assessing of alternative destruction sites within Australia and the allocation of money for any required facility upgrades;
- (d) what discussions have you had with Peter Garrett, the Federal Member for Kingsford-Smith or on options for resolving the HCB waste issue at Orica.

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

14. CONFIDENTIAL REPORTS.

14.1 CONFIDENTIAL DIRECTOR, CITY SERVICES' REPORT 46/2007 - COLLECTION OF WASTE AND RECYCLABLES AND/OR PROCESSING OF RECYCLABLES TENDER REPORT. (F2006/00676)

212 **RESOLUTION: (Sullivan/Andrews)** that Council:

1. Accepts Waste Recycling and Processing Corporation trading as WSN Environmental Solutions' tender for collection and transportation of waste and recyclables at a price of \$4,155,746 per annum with the 'wheel out wheel in' option for multi-unit dwellings with more than 24 units for a contract term of 6.5 years starting from 1 January 2008 with an option for one year extension;
2. Accepts Waste Recycling and Processing Corporation trading as WSN Environmental Solutions' tender for processing of recyclables at Chullora facility at a rebate of \$71,500 per annum for a contract term of 6.5 years starting from 1 January 2008 with an option for one year extension: and
3. Delegates the General Manager authority to sign a contract with Waste Recycling and Processing Corporation trading as WSN Environmental Solutions for 6.5 year contract term to provide the services of waste and recyclables collection and processing of recyclables as per the tender specifications.

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

15. NOTICE OF RESCISSION MOTIONS.

Nil.

There being no further business, His Worship the Mayor, Cr P. Tracey, declared the meeting closed at 8.43 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 28TH AUGUST 2007.

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CHAIRPERSON