

**MINUTES OF ORDINARY COUNCIL MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON, TUESDAY, 30TH OCTOBER 2007 AT 6:11 P.M.**

PRESENT:

The Mayor, Cr B. Notley-Smith (Chairperson) (East Ward)

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

North Ward	-	Crs P. Tracey & M. Woodsmith
South Ward	-	Crs R. Belleli, M. Daley (from 7.05 pm) & A. White
East Ward	-	Cr D. Sullivan (from 6.47 pm)
West Ward	-	Crs B. Hughes, S. Nash (from 6.41 pm) & J. Procopiadis
Central Ward	-	Crs A. Andrews, C. Bastic (from 6.16 pm) & T. Seng

OFFICERS PRESENT:

General Manager	Mr. R. Brownlee.
Director, City Services	Mr. J. Frangoples.
Director, City Planning	Ms. S. Truvert.
Director, Governance & Financial Services	Mr. G. Banting.
Manager, Administrative Services	Mr. D. Kelly.
Communications Manager	Ms. D. Brien.
Manager Organisational Staff Services	Ms. F. Calabrese.
Manager Organisational Policy & Performance	Ms. K. Walshaw.

1. PRAYER & ACKNOWLEDGEMENT OF LOCAL INDIGENOUS PEOPLE.

The Council Prayer was read by Cr White. The Acknowledgement to Local Indigenous People was read by Cr Hughes.

2. APOLOGIES/GRANTING OF LEAVE OF ABSENCES.

An apology was received from Cr Kenny.

RESOLVED: (Belleli/Andrews) that the apology from Cr Kenny for non-attendance at the Ordinary Council Meeting of the Council held on Tuesday, 30th October, 2007 be received & accepted.

3. CONFIRMATION OF THE MINUTES.

CONFIRMATION OF THE MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON TUESDAY, 18TH SEPTEMBER, 2007.

296 **RESOLUTION: (Andrews/Procopiadis)** that the Minutes of the Extraordinary Council Meeting held on Tuesday, 18th September, 2007 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY, 25TH SEPTEMBER, 2007.

This is Page No. 1 of the Minutes of the Ordinary Council Meeting held on Tuesday, 30th October, 2007.

297 **RESOLUTION: (Andrews/Procopiadis)** that the Minutes of the Ordinary Council Meeting held on Tuesday, 25th September, 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) Cr Belleli declared a non pecuniary interest in items 6.4 and 6.5, as his wife's dance school will be providing free entertainment for both events, and will not be voting on either item.
- (b) Cr Belleli declared a non pecuniary interest in item 6.16, as his daughter belongs to a "Nippers" group, and will be voting on the item.
- (c) Cr White declared a non pecuniary interest in item 6.16, as his children belong to "Nippers" groups, and will be voting on the item.

5. ADDRESSING OF COUNCIL BY MEMBERS OF THE PUBLIC.

Item 8.1 DIRECTOR, CITY PLANNING REPORT 88/2007 - 6 - 32 GUBBUTEH ROAD, LITTLE BAY.

The Objector Ms Caitlin Siboulet

The Applicant Mr Grant Flannagan

Item 8.3 DIRECTOR, CITY PLANNING REPORT 90/2007 - 6 GALE ROAD, MAROUBRA.

The Applicant Mr Michael Anderson

Item 8.4 DIRECTOR, CITY PLANNING REPORT 91/2007 - 4 KEITH STREET, CLOVELLY.

The Objector Mr Russell Dunn

The Applicant Mr George Karavanas

The meeting was adjourned at 6.48 p.m. and was resumed at 7.05 p.m.

RESOLVED: (PROCEDURAL MOTION) (Matson/Belleli) that all development applications be heard as the first items of business after the addresses to Council by the public.

6. MAYORAL MINUTES.

6.1 MAYOR'S MINUTE 101/2007 - LOCAL GOVERNMENT MANAGEMENT EXCELLENCE AWARDS 2007. (F2006/00414)

298 **RESOLUTION: (Mayor, Cr. B. Notley-Smith)** that Council pass on its congratulations to all the staff involved in the three Local Government Management Excellence award winning projects.

MOTION: (Mayor, Cr. B. Notley-Smith) CARRIED – SEE RESOLUTION.

6.2 MAYOR'S MINUTE 102/2007 - AUSTRALIAN DRAGON BOAT TEAM - REQUEST FOR FINANCIAL ASSISTANCE. (F2004/07396)

299 **RESOLUTION: (Mayor, Cr. B. Notley-Smith)** that Council donate \$500.00 to help

cover the costs involved in allowing Steven Davidson and Pam Sheppard to represent Australia at the World Dragon Boating Championships being held in Sydney in September 2007, such funds to come from the Mayoral Requests Budget.

MOTION: (Mayor, Cr. B. Notley-Smith) CARRIED – SEE RESOLUTION.

6.3 MAYOR'S MINUTE 103/2007 - PROPOSED PARTNERSHIP WITH THE CANCER COUNCIL NSW. (F2004/06217)

300 **RESOLUTION: (Mayor, Cr. B. Notley-Smith) that:**

- a) *Council enters into a Community Partnership with the Cancer Council NSW and gives an undertaking to support the Cancer Council through various education campaigns, by adopting relevant policies and providing suitable venues for meetings and education programs; and*
- b) *the General Manager be authorised to nominate two staff members to act as the dedicated Relationship Managers for this community partnership.*

MOTION: (Mayor, Cr. B. Notley-Smith) CARRIED – SEE RESOLUTION.

6.4 MAYOR'S MINUTE 104/2007 - CAROLS BY CANDLELIGHT – MATRAVILLE. (F2004/07079)

301 **RESOLUTION: (Mayor, Cr. B. Notley-Smith) that:**

- a) *Council vote \$8,000.00 from the 2007/08 Contingency Fund to cover the fees associated with a "Carols By Candlelight" to be held in the park at Matraville bounded by Franklin Street, Gwydir Avenue and Barwon Crescent;*
- b) *the event organisers undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event;*
- c) *the Mayor or his representative be given the opportunity to address the event on behalf of Council; and*
- d) *the event organisers provide Council with information following the event on the number of attendees.*

MOTION: (Mayor, Cr. B. Notley-Smith) CARRIED – SEE RESOLUTION.

6.5 MAYOR'S MINUTE 105/2007 - COOGEE FAMILY FUN DAY - GOLDSTEIN RESERVE - WAIVING OF FEES. (F2004/08145)

302 **RESOLUTION: (Mayor, Cr. B. Notley-Smith) that:**

- a) *Council vote \$16,655.30 to cover the fees associated with the Coogee Family Fun Day and that these funds be allocated from the 2007/08 Contingency Fund budget;*
- b) *Council advise the organisers of the Coogee Family Fun Day, that Council be given adequate and appropriate acknowledgement for its contribution to the running of this event generally in accordance with the Coogee Chamber of Commerce's letter dated 14 June 2007. Such acknowledgement is to include Council's logo for inclusion on promotional literature and Council's banner is to be displayed at the event;*
- c) *The organisers be advised that Council requires an acceptance in writing that should Council property be damaged in any way the organisers of the event will compensate Council for the repair or replacement of the damaged item(s); and*

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

MOTION: (Mayor, Cr. B. Notley-Smith) CARRIED – SEE RESOLUTION.

6.6 MAYOR'S MINUTE 106/2007 - RANDWICK SHIELD AT COOGEE BEACH - REQUEST FOR WAIVING OF FEES. (F2004/08286)

303 **RESOLUTION: (Mayor, Cr. B. Notley-Smith) that:**

- a) *Council vote \$1,297.10 to cover the fees associated with the holding of the Randwick Shield on Sunday, 11 November 2007 and that the funds be allocated from the 2007/2008 Contingency Fund;*
- b) *the organiser of the Carnival undertake to appropriately and prominently acknowledge and promote Council's contribution to the Carnival; and*
- c) *the Mayor or his representative be given the opportunity to address the Surf Carnival on behalf of Council.*

MOTION: (Mayor, Cr. B. Notley-Smith) CARRIED – SEE RESOLUTION.

6.7 MAYOR'S MINUTE 107/2007 - WAIVING OF FEES - EXPRESS GLASS ISLAND CHALLENGE - COOGEE BEACH. (F2004/08286)

304 **RESOLUTION: (Mayor, Cr. B. Notley-Smith) that:**

1. *Council vote \$1,832.10 to cover the fees associated with the Express Glass Island Challenge and funds be charged to the Contingency Fund 2007/08;*
2. *the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and*
3. *the Mayor or his representative be given the opportunity to address the event on behalf of Council.*

MOTION: (Mayor, Cr. B. Notley-Smith) CARRIED – SEE RESOLUTION.

6.8 MAYOR'S MINUTE 108/2007 - COUNCIL IS SUCCESSFUL IN RECEIVING A COMMUNITY WATER GRANT. (F2005/00036)

305 **RESOLUTION: (Mayor, Cr. B. Notley-Smith) that the report be received and noted.**

MOTION: (Mayor, Cr. B. Notley-Smith) CARRIED – SEE RESOLUTION.

6.9 MAYOR'S MINUTE 109/2007 – AUSTRALIA DAY BOTANY BAY REGATTA – REQUEST FOR FINANCIAL ASSISTANCE. (F2004/07076)

306 **RESOLUTION: (Mayor, Cr. B. Notley-Smith) that:**

- (a) *Council vote \$500.00 from the 2007/08 Contingency Fund as a contribution towards the 2008 Australia Day Botany Bay Regatta activities;*
- (b) *Council nominate Cr Hughes and Cr Kenny as representatives for the 'Councillors' Challenge' event; and*
- (c) *the event organisers undertake to appropriately and prominently acknowledge and promote Council's contribution at the Regatta events.*

MOTION: (Mayor, Cr. B. Notley-Smith) CARRIED – SEE RESOLUTION.

6.10 MAYOR'S MINUTE 110/2007 – OUR LADY OF THE SACRED HEART CHURCH, RANDWICK – SPECIAL LAUNCH FOR WORLD YOUTH DAY – SPONSORSHIP REQUEST. (F2007/00149)

307 **RESOLUTION: (Mayor, Cr. B. Notley-Smith) that:**

- (a) Council vote \$500.00 from the 2007/08 Contingency Fund as sponsorship to assist Our Lady of the Sacred Heart Church (Randwick) in bringing disadvantaged Pacific Island children to Australia for the Our Lady of the Sacred Heart World Youth Day Special Launch;*
- (b) the event organisers undertake to appropriately and prominently acknowledge and promote Council's contribution at the event.*
- (c) the Mayor, or his representative, be given the opportunity the address the event.*

MOTION: (Mayor, Cr. B. Notley-Smith) CARRIED – SEE RESOLUTION.

6.11 MAYOR'S MINUTE 111/2007 – PUBLIC SCULPTURES, MONUMENTS AND SIMILAR OBJECTS – RESTORATION AND MAINTENANCE. (F2007/00506)

308 **RESOLUTION: (Mayor, Cr. B. Notley-Smith) that a budget allocation be included in the 2008/2009 maintenance budget for the preservation of all Randwick City's public sculptures, monuments and similar objects as well as their surrounding areas.**

MOTION: (Mayor, Cr. B. Notley-Smith) CARRIED – SEE RESOLUTION.

6.12 MAYOR'S MINUTE 112/2007 – AUSTRALIA EAST TIMOR ASSOCIATION – WEAVERS' TOUR. (F2004/07396)

309 **RESOLUTION: (Mayor, Cr. B. Notley-Smith) that:**

- a) Council vote \$400.00 from the 2007/08 Contingency Fund as sponsorship to assist in bringing two women weavers to Sydney from East Timor to participate in a weavers' tour;*
- b) the event organisers undertake to appropriately and prominently acknowledge and promote Council's contribution at the tour.*
- c) the Mayor, or his representative, be given the opportunity the address the event.*

MOTION: (Mayor, Cr. B. Notley-Smith) CARRIED – SEE RESOLUTION.

6.13 MAYOR'S MINUTE 113/2007 - TRIALLING OF WIND TURBINES ON COUNCIL BUILDINGS. (F2005/08350)

310 **RESOLUTION: (Mayor, Cr. B. Notley-Smith) that Council agrees:**

- a) to an investigation of appropriate Council sites for the trialling of a small scale wind power application for a period of twelve months; and*
- b) to the installation and trial of small wind power turbines at up to two Council sites for a total amount of \$30,000.00 to be provided from the Climate Change budget of the Environmental Levy program.*

MOTION: (Mayor, Cr. B. Notley-Smith) CARRIED – SEE RESOLUTION.

6.14 MAYOR'S MINUTE 114/2007 - RESULTS OF THE INAUGURAL AUSTRALIAN SUSTAINABLE CITIES AWARDS. (F2004/08350)

311 **RESOLUTION: (Mayor, Cr. B. Notley-Smith) that the report be received and noted.**

MOTION: (Mayor, Cr. B. Notley-Smith) CARRIED – SEE RESOLUTION.

6.15 MAYOR'S MINUTE 115/2007 – HOSTING OF 2008 SUSTAINABLE CITIES AWARDS IN RANDWICK. (F2007/00485)

312 **RESOLUTION: (Mayor, Cr. B. Notley-Smith) that:**

- a) *Council agrees to provide \$10,000.00 to support and assist in the hosting of the 2008 Sustainable Cities Awards, to be provided in the 2008/2009 budget; and*
- b) *Council staff liaise with KAB NSW to ensure the appropriate level of Council recognition and involvement in this important event.*

MOTION: (Mayor, Cr. B. Notley-Smith) CARRIED – SEE RESOLUTION.

6.16 MAYOR'S MINUTE 116/2007 – MAROUBRA BEACH BENEFIT CONCERT FOR NEW SOUTH WALES SURF LIFE SAVING. (F2004/08302)

313 **RESOLUTION: (Mayor, Cr. B. Notley-Smith) that Council approve in principle the holding of the benefit concert at Maroubra Beach by Surf Life Saving NSW subject to compliance with any relevant conditions of consent that may be imposed once full details are provided to ensure that the event is run in a an appropriate manner and in such a way as to limit any inconvenience to local residents.**

MOTION: (Mayor, Cr. B. Notley-Smith) CARRIED – SEE RESOLUTION.

6.17 MAYOR'S MINUTE 117/2007 – WAIVING OF FEES – SOUTH SYDNEY FOOTBALL CLUB – MEMBERSHIP PROMOTION. (F2004/08145)

314 **RESOLUTION: (Mayor, Cr. B. Notley-Smith) that:**

- a) *Council vote \$1,375.00 to cover the fee associated with the holding of the Membership Drive for South Sydney Football Club on Saturday 3 November 2007 and that the funds be allocated from the 2007/2008 Contingency Fund;*
- b) *the organisers of the activity undertake to appropriately and prominently acknowledge and promote Council's contribution to the activity; and*
- c) *the Mayor or his representative be given the opportunity to address the activity on behalf of Council.*

MOTION: (Mayor, Cr. B. Notley-Smith) CARRIED – SEE RESOLUTION.

6.18 MAYOR'S MINUTE 118/2007 – FIGHT FOR FIFTY DAY. (F2005/00227)

315 **RESOLUTION: (Mayor, Cr. B. Notley-Smith) that:**

- (a) *'Fight for Fifty' Day be acknowledged and the philosophy behind the day be supported in principle by Council;*
- (b) *a media statement be issued on behalf of council noting the history of council's involvement in this cause and outline on our website how council supports the 'Fight for Fifty' Day; and*
- (c) *the organisers be informed of council's intention to support the event.*

MOTION: (Mayor, Cr. B. Notley-Smith) CARRIED – SEE RESOLUTION.

**6.19 MAYOR'S MINUTE 119/2007 – EAST TIMOR SCHOLARSHIPS.
(F2004/07396)**

316 **RESOLUTION: (Mayor, Cr. B. Notley-Smith) that:**

- (a) *Council agree to provide in principle support to the concept of sponsoring two (2) Local Government officials from Uato Carabau in East Timor to travel to and work with Randwick City Council for a 2-3 month period;*
- (b) *authority be delegated to the General Manager to arrange the details of the scholarships;*
- (c) *funds (up to \$10,000.00) be allocated from the 2007/08 Contingency Fund for living expenses for the chosen Local Government officials; and*
- (d) *given the financial constraints that Uato Carabau is operating under, additional funds be allocated from the 2007/08 Contingency Fund to cover the airfares for both officials.*

MOTION: (Mayor, Cr. B. Notley-Smith) CARRIED – SEE RESOLUTION.

7. URGENT BUSINESS.

7.1 GENERAL MANAGER'S REPORT 43/2007 - FINANCIAL SUSTAINABILITY INQUIRY. (F2005/00856)

317 **RESOLUTION: (Procopiadis/Hughes) that the report into Council's financial sustainability be received and noted.**

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

7.2 CONFIDENTIAL GENERAL MANAGER'S REPORT 44/2007 - INSURANCE CLAIM SETTLEMENT - PERSONAL INJURY AT GILES BATHS - DECEMBER 2003. (PL2005/00421)

318 **RESOLUTION: (Procopiadis/Belleli) that the information contained within this confidential report be received and noted.**

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

8. DIRECTOR, CITY PLANNING REPORTS.

8.1 DIRECTOR, CITY PLANNING REPORT 88/2007 - 6 - 32 GUBBUTEH ROAD, LITTLE BAY. (DA/421/2007 & PROP051976)

319 **RESOLUTION: (Andrews/Bastic) that:**

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

AND

B. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No D/0421/2007 for the construction of 14 two-storey terrace style dwellings, associated earthworks, landscaping and*

Torrens-title subdivision into 14 allotments, at 56-32 Gubbuteh Road, Little Bay, subject to the following conditions:-

1. *The development must be implemented substantially in accordance with the plans numbered AR.DA.100 Issue 09, AR.DA.101 Issue 10, AR.DA.102 Issue 10, AR.DA.103 Issue 08, AR.DA.104 Issue 08, AR.DA.200 Issue 08, AR.DA.300 Issue 09, AR.DA.301 Issue 09, and AR.DA.302 Issue 07 and stamped received by Council on 29 May 2007, the draft sub-division plan prepared by Anthony Nicholas Rod of Whelans, Surveyor's Reference D290-002.dwg dated/printed 22 May 2007 and received by Council 29 May 2007, the Sustainability Report No S4053 001, Lot 15, Revision A, dated 28 May 2007 and received by Council on 29 May 2007, the application form, and on any supporting information received with the application, except as may be amended by the following conditions and the details approved pursuant to the deferred commencement conditions and as may be shown in red on the attached plans:*

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

2. *The colours, materials and finishes of the external surfaces of the new building are to be consistent with that indicated in the sample board accompanying the subject development application and received by Council on 29 May 2007.*
3. *Details of the Car Share proposal as indicated in the applicant's letter to Council dated 31 August 2007, including implementation measures/action, shall be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the relevant building works.*
4. *An amended plan showing the provision of the provision of suitable openable skylights over internal stairs, bathrooms and laundry room on the first floor, shall be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the relevant building works.*
5. *Details of all fencing on site including all entrances and associated structures indicating compliance with Part 4.16 Fences of the Development Control Plan for Prince Henry Site and showing a uniform/consistent form/type of fencing for all dwellings shall be submitted to and approved by Director – City Planning prior to a Construction Certificate being issued for the development.*
6. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
7. *The reflectivity index of glass used in the external façade of the development must not exceed 20 percent.*
8. *Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.*

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

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

of the Environmental Planning and Assessment Act 1979:

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

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

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

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

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

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

10. Prior to the issuing of an Occupation Certificate the applicant must meet the full cost for Council or a Council approved contractor to:
 - a) Construct a full width concrete vehicular crossing and layback at kerb opposite each vehicular entrance to the site.
 - b) Remove the redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.
11. The driveway openings at the Gubbuteh Road frontage must be 3 metres wide.
12. Prior to the issue of a construction certificate, the applicant shall submit for approval and have approved by Council's Traffic Engineer a detailed construction traffic management plan. The plan shall demonstrate how construction and delivery vehicles will access the development site during the demolition and construction phase of the development.

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

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

13. 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.

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

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

15. *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.*
16. *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.*
17. *Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied, must be submitted to the certifying authority prior to a construction certificate being issued for the development.*
18. *Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant must liaise with Energy Australia prior to lodging the construction certificate to determine whether or not an electricity substation is required for the development.*
19. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.*

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

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

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

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

20. *Stormwater drainage plans have not been approved as part of this development consent. Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:*
 - a) *A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.*
 - b) *A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.*

- c) *Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (ie. above the 1 in 20 year storm) to the proposed drainage system.*
 - d) *The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:*
 - i. *Roof areas*
 - ii. *Paved areas*
 - iii. *Grassed areas*
 - iv. *Garden areas*
 - e) *Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.*
 - f) *Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.*
 - g) *The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.*
21. *All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.*
22. *Stormwater runoff from the site shall be managed in accordance with the Prince Henry drainage strategy prepared by Connell Wagner. This shall involve stormwater runoff from Lot 15 being discharged through the underground drainage system into the on-site stormwater detention system within Lot 20.*
23. *A reflux valve shall be provided (within the site) over any pipelines discharging from the site into the future Council controlled drainage system to ensure that stormwater from the future Council controlled drainage system does not surcharge back into the site stormwater system.*
24. *A sediment/silt arrester pit must be provided:-*
- a) *within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system; and*
 - b) *prior to stormwater discharging into any absorption/infiltration system.*

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

- *The base of the pit located a minimum 300mm under the invert level of the outlet pipe.*
- *The pit constructed from cast in-situ concrete, precast concrete or double brick.*
- *A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.*

- A galvanised heavy-duty screen located over the outlet pipe/s (Mascot GMS multipurpose filter screen or equivalent).
- The grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system.
- A child proof and corrosion resistant fastening system provided for the access grate (e.g. spring loaded j-bolts or similar).
- A sign adjacent to the pit stating:

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

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

25. *Prior to the issuing of an occupation certificate, the applicant shall submit to Council, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:*
- a) *Finished site contours at 0.2 metre intervals;*
 - b) *The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;*
26. *Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with the conditions of development consent. The certification must be provided following inspection/s of the site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the PCA.*

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

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

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

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

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

- a. *A site plan at an appropriate scale showing existing site boundaries, existing street trees (clearly identified as being retained or removed), features on adjoining sites within 6 metres of the common property boundary (buildings, trees, other structures etc), council's footway, existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, proposed building envelope, proposed areas of pavement, and proposed landscaped areas.*
- b. *A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting, and are to be drawn at their mature size with a dense planting of accent/feature species, shrubs, trees and ground covers within all garden beds so that a continuous planted cover is achieved.*
- c. *Garden areas immediately adjoining internal hardstands, within a distance of 2 metres of the property boundary, shall use only those species which will not exceed 600mm in height at maturity. (This condition is applied in order to maintain a clear line of sight of approaching vehicles and pedestrians when exiting the site).*
- d. *A planting schedule listing all plants by botanic & common names, plant quantities, spacings, pot sizes, size of the plant at maturity (height & spread) and proposed staking methods when applicable.*

Note: Species selection will contain a predominance of those which have been chosen from Appendix A of the Prince Henry Site Development Control Plan, dated 8 December 2004.

- e. *Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details, and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
 - f. *Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*
 - g. *The two feature trees nominated for the rear yards of each dwelling shall be a minimum pot/bag size at the time of planting of 45 litres and 100 litres.*
 - h. *In order to reduce the amount of stormwater generated by the proposal, as well as to recharge groundwater supplies, porous/permeable paving shall be used in hard surfacing.*
 - i. *Location of easements within the site and upon adjacent sites (if any).*
 - j. *The substation nominated for the southeast corner of the site shall be screened from view, with the proposed location, elevation and screening method to be shown.*
 - k. *All detention tanks and below ground stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping.*
31. *The landscaping shall be installed in accordance with the documentation approved by the PCA, prior to the issue of a final occupation certificate, and shall be maintained in accordance with those plans.*
32. *Documentary evidence is to be obtained from a suitably qualified Landscape Architect and submitted to the 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 installed in accordance with the approved plans and relevant conditions of consent.

33. The naturestrip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.

Tree Management

34. Approval is granted for the applicant to remove (at their own cost) those existing street trees on the Gubbuteh Road nature strip which need to be removed in order to accommodate construction of the proposed vehicle crossings as shown. The applicant will be required to satisfy themselves as to the location of all site services within the vicinity of these works, prior to commencement. (Refer also Service Authority conditions).
35. Upon completion of all proposed vehicle crossings, the applicant will be required to liaise with Council's Landscape Development Officer (9399-0613) regarding species selection, pot/bag size at the time of planting and location for all new street trees along this frontage, and shall be completed to Council's satisfaction, prior to the issue of a final occupation certificate.

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

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

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

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

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

- Stormwater management (i.e. rainwater tanks)
- Water efficiency (i.e. triple A rated taps and showers, dual flush toilets and water re-use)
- Landscaping provisions
- Thermal comfort (i.e. construction materials, glazing and insulation)
- Energy efficiency (i.e. cooling & heating provisions and hot water systems)

39. In accordance with Clause 154B of the Environmental Planning & Assessment Regulation 2000, a Certifying Authority must not issue a final Occupation Certificate for this development, unless it is satisfied that each of the required

BASIX commitments have been fulfilled.

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

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

40. *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.

41. *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.*

42. *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.*

43. *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.

44. *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.

45. *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".*
46. *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.

47. *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.

48. *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.*

49. *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.

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

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

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

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

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

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

The demolition, removal, storage, handling and disposal of building products and materials must be carried out in accordance with the relevant requirements of WorkCover NSW, the NSW Department of Environment & Conservation (formerly

the Environment Protection Authority) and Randwick City Council policies and conditions, including:

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

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

51. *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.*
52. *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.

53. *If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:*
- *preserve and protect the building /s on the adjoining land from damage; and*
 - *if necessary, underpin and support the building and excavation in an approved manner; and*
 - *at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land (including a public road or public place), give notice of the intention to do so to the owner of the adjoining land. Particulars of the excavation are to be provided to the owner of the adjoining land and also the owner of the land where the building is being erected or demolished.*
54. *Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all building, demolition and associated site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and Public Holidays.*

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

55. *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.*

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

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

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

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

58. *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.

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

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

Temporary site fences are to be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel

reinforcement mesh as fencing is not permissible.

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

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

60. *A Construction Site Management Plan is to be submitted to and approved by the principal certifying authority prior to the commencement of demolition, excavation or building works. The site management plan must include the following measures, as applicable to the type of development:*

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

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

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

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

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

62. *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.

63. *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.*

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.

64. *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.*

65. *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.*

The following conditions are applied to ensure archaeological and heritage issues are addressed:

66. *Prior to any ground disturbance, further consultation should occur with the La Perouse Aboriginal Land Council (LPALC) to determine whether or not archaeological monitoring is required during the construction phase.*

67. *Should Aboriginal objects be found, the Department of Environment and Climate Change (DECC) is to be informed (as required by the provisions of the National Parks and Wildlife Act 1974). Subject to an assessment of the extent, integrity and significance of any exposed objects, applications under either Section 87 or Section 90 of the National Parks and Wildlife Act may be required before work resumes.*

68. *Prior to the commencement of the proposed works, all contractors and relevant personnel involved are to be made aware of the existence of Aboriginal archaeological remains at the Prince Henry site by way of an induction process and of the possibility that more as yet undiscovered Aboriginal cultural material may exist there.*

69. *Site contractors are to be advised of their obligations under the National Parks and Wildlife Act 1974 (NSW) and notification procedures in the event that any Aboriginal cultural material is disturbed or exposed during site works.*

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

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

72. *The development must be implemented substantially in accordance with the General Terms of Approval issued by the Heritage Council of NSW as detailed in the letter issued to Council on 11 October 2007.*

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

73. *A Site Audit Statement (SAS) and Summary Site Audit Report (SSAR) have been issued for this site. The SSAR includes an Unexpected Finds Protocol, which must be complied with.*

The owner, builder, site workers and the Principal Certifying Authority are to be made aware of this Unexpected Finds Protocol and its requirements prior to any works commencing.

74. *Details of any 'unexpected finds' including details of any investigation procedures, remedial actions taken and validation must be forwarded to Council accordingly.*

75. *Any fill importation to the site is to be monitored and classified by a suitably qualified person. 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'.*

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: (Belleli/Hughes) that Council as the responsible authority refuse its development consent to Development Application No D/0421/2007 for the construction of 14 two-storey terrace style dwellings, associated earthworks, landscaping and Torrens-title subdivision into 14 allotments, at 56-32 Gubbuteh Road, Little Bay as the application is not in the public interest. **LOST.**

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

Cr Belleli requested that his name be recorded as opposed to the resolution.

8.2 DIRECTOR, CITY PLANNING REPORT 89/2007 - 73 CLOVELLY ROAD, RANDWICK. (DA/642/2005 & PROP004381)

320 **RESOLUTION: (Nash/Seng)** 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/642/2005/B for permission to alter window

configuration to the rear of dwelling and deck at 73 Clovelly Road, Randwick in the following manner:

Amend Condition 1 to read:

*The development must be implemented substantially in accordance with the plans numbered A01 to A06, Issue A, dated July 2005 and received by Council on the 10 August 2005, the application form and on any supporting information received with the application, as amended by the **Section 96 plans dated September 2007 and received by Council on the 24th September 2007, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application, except as may be amended by the following conditions and as may be shown in red on the attached plans:***

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

8.3 DIRECTOR, CITY PLANNING REPORT 90/2007 - 6 GALE ROAD, MAROUBRA. (DA/589/2007 & PROP033986)

Note: A notice of rescission motion on this matter was handed to the General Manager prior to the close of the meeting.

321 **RESOLUTION: (Procopiadis/Woodsmith)** that Council as the consent authority, refuse development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No.589/07 for permission to erect a new garage at 6 Gale Road Maroubra for the following reasons;

1. *The proposed garage does not comply with the objectives and performance requirements of the Development Control Plan for Dwellings and Attached Dual Occupancies in that siting of the proposed garage to the front of the dwelling and up to the front and side boundaries will detract from the appearance of the dwelling and the local streetscape.*
2. *The proposed garage does not comply with the objectives and performance requirements of the Development Control Plan for Dwellings and Attached Dual Occupancies in that the garage will occupy more than 35% of the width of the site.*
3. *The proposed garage does not comply with the objectives and performance requirements of the DCP for Dwellings and Attached Dual Occupancies in relation to Building Setbacks as it does not conform to the dominant setback along the street.*

MOTION: (Seng/White) that the application be approved with standard conditions.
LOST.

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

8.4 DIRECTOR, CITY PLANNING REPORT 91/2007 - 4 KEITH STREET, CLOVELLY. (DA/153/2007 & PROP050759)

322 **RESOLUTION: (Bastic/Andrews)** that Council as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/153/2007 for permission to carryout alterations and additions to the dwelling at 4 Keith Street, Clovelly 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 002-001, issue C, 002-002, issue B, 003-001, issue B, 003-*

002, issue B, 004-001, issue B, 004-002, issue B, 005-001, issue B, 005-002, issue B, 005-003, issue B, 006-001, issue B, 006-002, issue B, 007-001, issue B, 008-001, issue B, dated 9/4/06 and 21/9/07 and received by Council on the 25th September 2007, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:

2. *The colours, materials and finishes of the external surfaces to the building are to be consistent with the schedule of colours, materials and finishes numbered 011-001, issue A, dated 9/4/06 and received by Council on the 27th February 2007.*
3. *Metal roof sheeting is to be painted or colour bonded to minimise reflection and to be sympathetic and compatible with the building and surrounding environment.*
4. *To maintain a reasonable level of privacy to the adjoining property a fixed 1800mm high privacy screen of obscured glazing or fixed louvres (suitably spaced and angled to prevent overlooking) must be installed to the southern end of the ground level deck and the upper level deck to the front of the dwelling. Details of the privacy screen are to be included with the Construction Certificate.*

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

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

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

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

*The principal certifying authority must ensure that a Quick Check Agent/Sydney Water has appropriately stamped the plans **before commencing any works**.*

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

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

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

The design of the building must not be inconsistent with the development

consent and any proposed variations to the building to achieve the BASIX commitments may necessitate a new development consent or amendment to the existing consent to be obtained, prior to a construction certificate being issued.

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

- Stormwater management (i.e. rainwater tanks)
- Water efficiency (i.e. triple A rated taps and showers, dual flush toilets and water re-use)
- Landscaping provisions
- Thermal comfort (i.e. construction materials, glazing and insulation)
- Energy efficiency (i.e. cooling & heating provisions and hot water systems)

9. In accordance with Clause 154B of the Environmental Planning & Assessment Regulation 2000, a Certifying Authority must not issue a final Occupation Certificate for this development, unless it is satisfied that each of the required BASIX commitments have been fulfilled.

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

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

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

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

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

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

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.

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

- i) appoint a Principal Certifying Authority for the building work; and
- ii) appoint a principal contractor for the building work, or in relation to residential building work, obtain an owner-builder permit in accordance with the requirements of the Home Building Act 1989, and notify the Principal Certifying Authority and Council accordingly in writing; and
- iii) unless the person having the benefit of the consent is the principal contractor (i.e. owner-builder), notify the principal contractor of the

required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority; and

- iv) *give at least two days notice to the Council, in writing, of the 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.

14. *The building works must be inspected by the Principal Certifying Authority (or another certifying authority if the Principal Certifying Authority agrees), in accordance with sections 109 E (3) of the Environmental Planning & Assessment Act 1979 and clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.*

The Principal Certifying Authority must specify the relevant stages of construction to be inspected in accordance with section 81A (2) (b1) (ii) of the Environmental Planning & Assessment Regulation 2000 and a satisfactory inspection must be carried out, to the satisfaction of the Principal Certifying Authority, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

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

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

15. *A sign must be erected and maintained in a prominent position on the site 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".*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

bedrooms, to the satisfaction of the certifying authority.

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

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

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

21. *The demolition of buildings and the removal, storage, handling and disposal of building materials must be carried out in accordance with the following regulations:*

- *The requirements and Guidelines of WorkCover NSW*
- *Occupational Health and Safety Act 2000*
- *Australian Standard 2601 (2001) – Demolition of Structures*
- *The Protection of the Environment Operations Act 1997*
- *Protection of the Environment Operations (Waste) Regulation 1996.*

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

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

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

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

Note *it is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.*

23. *Any work involving the demolition, storage and disposal of asbestos products and materials must be carried out in accordance with the following requirements:*

- a. *Relevant Occupational Health & Safety legislation and WorkCover NSW requirements*
- b. *Randwick City Council's Asbestos Policy (adopted 13 September 2005)*
- c. *A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 50 m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation).*

Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.

- d. *On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.*
- e. *Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996.*
- f. *A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council upon completion of the works prior to an Occupation Certificate being issued, which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.*

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

24. *All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and supported to prevent them from being dangerous to life, property or buildings.*

Retaining walls, shoring or piling must be provided to support land which is excavated in association with the erection or demolition of a building, to prevent the movement of soil and to support the adjacent land and buildings, if the soil conditions require it. Adequate provisions are also to be made for drainage.

Retaining walls, shoring, or piling must be designed and installed in accordance with appropriate professional standards and the relevant requirements of the Building Code of Australia and Australian Standards. Details of proposed retaining walls, shoring or piling are to be submitted to and approved by the Principal Certifying Authority for the development prior to commencing such excavations or works.

25. *A dilapidation report prepared by a professional engineer, accredited building surveyor or other suitably qualified person must be submitted to the satisfaction of the Principal Certifying Authority **prior to commencement** of any demolition, excavation or building works, in the following cases:*

- *new dwellings or additions to dwellings sited up to the property boundaries (including additions to a semi-detached dwelling),*
- *excavations for new dwellings, additions to dwellings, swimming pools or the like which are proposed to be located within the zone of influence of the footings of any dwelling, associated garage or other substantial structure located upon an adjoining premises,*
- *excavations for new dwellings, additions to dwellings, swimming pools or the like which are within rock and may result in vibration and or potential damage to any dwelling, associated garage or other substantial structure located upon an adjoining premises,*
- *as otherwise required by the Principal Certifying Authority.*

The report (including photographs) is to detail the current condition and status of any dwelling, associated garage or other substantial structure located upon the adjoining premises, which may be affected by the subject works.

26. *The adjoining land and buildings located upon the adjoining land must be adequately supported at all times.
If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of any building located on an adjoining allotment of land, the person causing the excavation must:*

- *preserve and protect the building /s on the adjoining land from damage; and*
- *effectively support the excavation and building; and*
- *at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land (including a public road or public place), give notice of the intention and particulars of the works to the owner of the adjoining land.*

Notes

- *This consent and condition does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the principal contractor or owner-builder must obtain:*
 - a) *the consent of the owners of such adjoining or supported land to trespass or encroach, or*
 - b) *an access order under the Access to Neighbouring Land Act 2000, or*
 - c) *an easement under section 88K of the Conveyancing Act 1919, or*
 - d) *an easement under section 40 of the Land & Environment Court Act 1979, as appropriate.*
- *Section 177 of the Conveyancing Act 1919 creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).*

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

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

28. *Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.*

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

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

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

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

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

If it is proposed to locate any site fencing, hoardings or amenities upon any part of the footpath, nature strip or 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.

30. *A Construction Site Management Plan is to be submitted to and approved by the principal certifying authority **prior to the commencement** of demolition, excavation or building works. The site management plan must include the following measures, as applicable to the type of development:*

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

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

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

*Details of the proposed sediment control measures are to be detailed in the Construction Site Management Plan which must be submitted to and approved by the principal certifying authority **prior to the commencement of any site works**.*

32. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:*
- a. *Building materials, sand, soil, waste materials, construction equipment or other activities 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.*
 - b. *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.*
 - c. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health Building and Regulatory Services section.*
 - d. *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.*

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

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

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

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

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

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

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

In this regard, the operation of the plant and equipment shall not give rise to an LAeq, 15 min sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant

36. The installation of rainwater tanks shall comply with the following noise control requirements:-

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

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

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

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

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

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

37. 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.

38. 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 consideration for service authority assets:

39. 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 drainage and associated infrastructure:

40. Detailed drainage plans shall be submitted to and approved by the certifying authority prior to the issue of a construction certificate. The drainage plans shall demonstrate compliance with the conditions of this development approval.

41. The floor level of all new/reconstructed habitable, storage areas and the spa

coping course shall be at a minimum of 300mm above the calculated 1 in 100 year ARI as determined in the flood study prepared by Hughes Trueman Pty Ltd, (Issue A and dated 18 July 2007), or suitably waterproofed up to this same level. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.

42. *All new windows, vents and other openings into the proposed dwelling must be located at least 300 mm above the calculated 1 in 100 year ARI as determined in the flood study prepared by Hughes Trueman Pty Ltd, (Issue A and dated 18 July 2007). The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*
43. *All new footings shall be suitably designed to ensure that they will not be adversely affected by stormwater/floodwater. The Construction Certificate application must demonstrate compliance with this requirement.*
44. *All new structural walls on the ground floor level shall be designed to **structurally** withstand hydrostatic pressure/stormwater inundation from floodwater during the probable maximum flood (PMF) event as defined in the Floodplain Development Manual (New South Wales Government, April 2005). Structural Engineering certification confirming that this condition has been complied with shall be submitted to the certifying authority prior to the issuing of a construction certificate.*

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

45. *Stormwater runoff from the site shall be discharged either:*
 - a. *To the kerb and gutter along the site frontage by gravity (without the use of a charged system); OR*
 - b. *To a suitably sized infiltration area. As a guide the infiltration area shall be sized based on a minimum requirement of 1 m² of infiltration area (together with 1 m³ of storage volume) for every 20 m² of roof/impervious area on the site.*

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

46. *Should a charged system be required to drain any portion of the site, the charged system must be designed with suitable clear-outs/inspection points at pipe bends and junctions.*
47. *Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the required discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.*

The pump system must also be designed and installed strictly in accordance with Randwick City Council's Stormwater Code. All pumps out water must pass through a stilling pit prior to being discharged by gravity to the kerb and gutter.

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

48. *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.*

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 *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.*

- 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: (Matson/Woodsmith) that this matter be deferred for mediation to explore opportunities for increasing the solar access to the objector's property. **LOST.**

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

9. GENERAL MANAGERS' REPORTS.

9.1 GENERAL MANAGER'S REPORT 37/2007 - RANDWICK CITY COUNCIL 2006-07 ANNUAL REPORT AND STATE OF THE ENVIRONMENT REPORT. (F2007/00486)

323 **RESOLUTION: (Matson/Seng) that:**

- (a) *the Randwick City Council 2006-07 Annual Report and the 2006-2007 State of the Environment Report be received and noted;*
- (b) *the following two items be included in Council's Annual Report for 2006-2007: -*

Council Assets:

"an additional note be included in the section within the Annual Report on Council Assets s428(2)(d) which states "4. The estimated current gross replacement cost of Council's public infrastructure assets and buildings is approximately \$934.868 million.

Special Variation to Rates:

During 2006-2007 Randwick Council received additional rates revenue from two special variations to rates.

The first variation was a 5% increase granted in 2002 for a five year period. Using these additional funds, Randwick Council was able to significantly increase its infrastructure maintenance and replacement program. Since 2002 Council has expended all the income from this special rate variation by more than doubling its annual expenditure on infrastructure maintenance and renewal, from the \$3.7 million spent in 2001-02, to \$6.2 million in 2002-03, to \$7.5 million in 2006-07. In June 2007 this special variation was made permanent.

The second variation relates to a 6% environmental levy that was approved in 2004 for a five year period which set up the Sustaining Our City program. Sustaining Our City has introduced a wide range of projects and programs to protect and improve the environment. In 2006-07 these included:

- Major waste water reuse programs*
- Upgrades along sections of the coastal walkway*
- Establishment of a trial greenhouse gas emissions trading scheme for local government*
- Home energy makeover program.*

Randwick Council provided a Sustaining Our City report to all residents in its winter newsletter and this can be found on the website www.randwick.nsw.gov.au

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

9.2 GENERAL MANAGER'S REPORT 38/2007 - 2007 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT. (F2004/06670)

324 **RESOLUTION: (Andrews/Bastic) that:**

- a) any Councillors interested in attending the 2007 National General Assembly of Local Government in Darwin advise the General Manager as soon as possible for registration purposes; and*
- b) the Mayor be authorised to appoint a delegate to represent Council at the Keep Australia Beautiful – Australian Sustainable Cities Awards dinner and the airfares and associated costs be funded from the Councillors' conferences and seminars budget.*

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

9.3 GENERAL MANAGER'S REPORT 39/2007 - COUNCIL CONSOLIDATION AGREEMENT. (F2006/00470)

325 **RESOLUTION: (Seng/Andrews) that the report on Council's Consolidated Agreement be received and noted.**

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

9.4 GENERAL MANAGER'S REPORT 40/2007 - SECURITY PERSONNEL - GOLDSTEIN RESERVE PUBLIC TOILETS. (F2004/07501)

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

- a) the report be received and noted;*
- b) the General Manager write to the Premier's Delivery Unit requesting the required monetary contribution toward the cost of the provision of security personnel at the Goldstein Reserve public toilets over the 2007/08 summer period; and*

- c) *the General Manager convene a councillor briefing on the scope and options for introducing a variable rate levy on late night trading liquor and other venues that contribute to the financial cost imposed on Council in maintaining the amenity of the Coogee area.*

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

9.5 GENERAL MANAGER'S REPORT 41/2007 - 2006/2007 DISCLOSURE OF INTEREST RETURNS. (F2005/00800)

327 **RESOLUTION: (Nash/Belleli) that:**

- a) *the report be received and noted; and*
- b) *it be noted that the 2006/2007 Disclosure of Interests Register has been tabled at the Ordinary Meeting of the Council held on 30 October 2007.*

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

9.6 GENERAL MANAGER'S REPORT 42/2007 - AFFIXING OF THE COUNCIL SEAL. (F2004/06336)

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

- (a) *the Council's Seal be affixed to the signing of agreements between Council and:*
- Patricia Eugenie Wing in relation to a Withdrawal of Caveat over the property located at 33 Byrne Crescent, Maroubra.*
 - Christopher Warhurst (T/As Beach Palace Hotel) in relation to a licence for the purpose of outdoor dining at 169 Dolphin Street, Coogee.*
 - Adam Alrubai (T/As Alison Lebanese Cuisine) in relation to a licence for the purpose of outdoor dining at 169 Alison Road, Randwick.*
 - Chelsea Mayer (T/As Morning Glory Café) in relation to a licence for the purpose of outdoor dining at 2/128-130 Beach Street, Coogee.*
 - Ozkan Yildirim (T/As Fresh Ground Sandwiches & Espresso) in relation to a licence for the purpose of outdoor dining at 154 Belmore Road, Randwick.*
 - Scott Keir (T/As Cushion (Crown Plaza Coogee)) in relation to a licence for the purpose of outdoor dining at 242 Arden Street, Coogee.*
- (b) *all outdoor dining licence agreements being renewed are to be accompanied by a letter outlining what they are required to do under the terms of their licence.*

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

10 DIRECTOR, CITY SERVICES' REPORTS.

10.1 DIRECTOR, CITY SERVICES' REPORT 72/2007 - OPEN AIR CINEMA 2007-2008. (F2004/07550)

329 **RESOLUTION: (Tracey/Nash) that Council approve in principle an open air cinema event at Arthur Byrne Reserve commencing on December 1st 2007 and concluding January 31st 2008 subject to compliance with conditions of approval, one such condition to forbid the sale or distribution of alcohol at the event.**

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

Cr Belleli requested that his name be recorded as being opposed to the resolution.

10.2 DIRECTOR, CITY SERVICES' REPORT 73/2007 - PUBLIC LIBRARIES NSW - METROPOLITAN ASSOCIATION (PLM) INC. (F2004/08383)

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

- a) *any Councillor wishing to nominate for the position of President or Vice President of the Public Libraries NSW – Metropolitan Association Inc. indicate their interest and apply to the Returning Officer by 23 November 2007; and*
- b) *Council's Councillor Representative and/or the Manager, Library and Community Services attend the Annual General Meeting on 30 November 2007 to vote on its behalf.*

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

11. DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT.

11.1 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 65/2007 - NOTICE OF VESTING OF LAND IN COUNCIL - 1R & 2R WATERSIDE AVENUE, MAROUBRA. (F2004/06325)

331 **RESOLUTION: (Andrews/Nash) that Council grant authority for the publishing of a Notice in the NSW Government Gazette vesting the land known as 1R & 2R Waterside Avenue, Maroubra into the name of Randwick City Council.**

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

12. PETITIONS.

12.1 PETITION SUBMITTED BY THE MAYOR CR B. NOTLEY-SMITH ON BEHALF OF RESIDENTS OPPOSING THE NAME CHANGE OF DOWLING STREET, KENSINGTON TO SAMUEL TERRY AVENUE. (F2004/0140 xr F2005/00172)

332 **RESOLUTION: (Mayor, Cr. B. Notley-Smith/Matson) that the petition tabled be received and noted.**

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

12.2 PETITION SUBMITTED BY THE MAYOR CR B. NOTLEY-SMITH ON BEHALF OF RESIDENTS OBJECTING TO PROPOSED DEVELOPMENT APPLICATION FOR 11 ROBERTS AVENUE, RANDWICK. (DA/792/2007 xr F2005/00172)

333 **RESOLUTION: (Mayor, Cr. B. Notley-Smith/Matson) that the petition tabled be received and noted.**

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

12.3 PETITION SUBMITTED BY THE MAYOR CR B. NOTLEY-SMITH ON BEHALF OF RESIDENTS OBJECTING TO PROPOSED CHILD CARE CENTRE AT 4-8 STOREY STREET, MAROUBRA. (DA/663/2007 xr F2005/00172)

334 **RESOLUTION: (Mayor, Cr. B. Notley-Smith/Matson) that the petition tabled be received and noted.**

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

13. MOTIONS PURSUANT TO NOTICE.

13.1 MOTION BY COUNCILLOR BELLELI – MATRAVILLE TOWN CENTRE PUBLIC TOILETS. (F2005/00244 XR F2005/00171)

335 **RESOLUTION: (Belleli/Nash) that:**

- a) *Council investigates and brings back a report as soon as possible for:
 - i) a short term solution; and
 - ii) long term solutionto providing public toilets at the Matraville Town Centre.*
- b) *the Matraville Chamber of Commerce and Matraville Local Precinct Committee members be contacted to assist Council with ideas and suggestions before the report comes back to Council.*

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

13.2 MOTION BY COUNCILLOR BELLELI – POSSIBLE RENAMING OF BARWON PARK. (F2005/00218 XR F2005/00171)

336 **RESOLUTION: (Belleli/Nash) that:**

- a) *Council consults with the Matraville Precinct Committee, the Matraville Chamber of Commerce and the residents surrounding the park, known as Barwon Park, on current or suggested Historical names for this park that relate to the area;*
- b) *once this consultation process has taken place, a report be brought back to Council detailing all submissions on possible names for this park, including Barwon Park and any other suggested Historical name related to the area;*
- c) *once a name has been decided upon by Council, an application be sent to the Geographical Names Board to rename this park and publish notice of such renaming in the government gazette;*
- d) *once the name of this park has been legally resolved, a plaque be placed in the park outlining the historical significance of the name of the park.*

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

14. CONFIDENTIAL REPORTS.

14.1 CONFIDENTIAL DIRECTOR, CITY SERVICES' REPORT 74/2007 - DEPARTMENT OF COMMERCE TENDER FOR THE DESIGN, SUPPLY AND INSTALLATION OF BACKWASH AND BORE WATER FILTRATION SYSTEM AT DES RENFORD AQUATIC CENTRE. (F2007/00590)

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

- a) *the report prepared by Department of Commerce for the Design, Supply and Install Backwash and Bore water Filtration System at Des Renford Aquatic Centre, be received and noted;*
- b) *under regulation 178(1)(a) of the Local Government (General) Regulation 2005, iPools Australia P/L be accepted as the successful tenderer; and*
- c) *the General Manager, or delegated representative, be authorised to enter into an agreement with iPools Australia P/L to the Design, Supply and Install Backwash and Bore water Filtration System at Des Renford Aquatic Centre for the lump sum price of \$346,060.00 including GST.*

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

14.2 CONFIDENTIAL DIRECTOR, CITY SERVICES' REPORT 75/2007 - PIONEER PARK CLOSED LANDFILL REMEDIATION TENDER REPORT. (F2007/00356)

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

- a) *accepts the tender offered by Statewide Civil at a lump sum price of \$2,463,954.00 to carry out the remediation of Pioneers Park;*
- b) *authority is granted for the General Manager to sign and affix Councils Common Seal on the contract documents on behalf of Council and*
- c) *the unsuccessful tenderers are notified of the tender result.*

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

14.3 CONFIDENTIAL DIRECTOR, CITY SERVICES' REPORT 76/2007 - TENDER T10/07 SUPPLY OF GARBAGE COMPACTOR TRUCKS. (F2007/00387)

339 **RESOLUTION: (Nash/Matson) that Council accept the tender submitted by City Hino for the supply and delivery of three Ranger Pro 14 long auto Ace cab chassis with MacDonald Johnston JP5 19³ compactor units to be supplied by MacDonald Johnston fitted "Elphinstone" load cells.**

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

14.4 CONFIDENTIAL DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 66/2007 - SSROC TENDER FOR THE SUPPLY OF STATIONERY AND TONER CARTRIDGES. (F2007/00560)

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

- a) *the report be received and noted;*
- b) *under Regulation 178(1)(a) of the Local Government (General) Regulation 2005, Corporate Express be accepted as the successful tenderer for the supply of stationery and toner cartridges; and*
- c) *the General Manager, or delegated representative, be authorised to enter into a preferred supplier agreement with Corporate Express for a period of three years.*

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

15. NOTICE OF RESCISSION MOTIONS.

A rescission motion on Item 8.3 (Director City Planning Report - 90/2007 – 6 Gale Road, Maroubra) was handed to the General Manager prior to the close of the meeting and will be considered at the Ordinary Council meeting to be held on 27 November, 2007.

There being no further business, His Worship the Mayor, Cr B. Notley-Smith, declared the meeting closed at 8.46 p.m.

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

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CHAIRPERSON