



**MINUTES OF ORDINARY COUNCIL MEETING OF THE COUNCIL OF
THE CITY OF RANDWICK HELD ON TUESDAY 24 FEBRUARY, 2009
AT 6:10 PM.**

Present:

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

Councillor M. Woodsmith (Deputy Chairperson) (North Ward)

North Ward	- Councillors K. Smith & P. Tracey
South Ward	- Councillors R. Belleli & A. White
East Ward	- Councillors T. Bowen & M. Matson
West Ward	- Councillors B. Hughes, S. Nash (from 6.47pm) & J. Procopiadis
Central Ward	- Councillors A. Andrews & T. Seng

Officers Present:

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoples
Director City Planning	Ms S Truuvert
Director Governance & Financial Services	Mr G Banting
Manager Administrative Services	Mr D Kelly
Manager Development Assessment	Mr K Kyriacou
Communications Manager	Ms D Brien
Manager Organisational Performance	Ms K Walshaw

Prayer & Acknowledgement of Local Indigenous People

The Council Prayer was read by Councillor White. The Acknowledgement of Local Indigenous People was read by Councillor Hughes.

Apologies/Granting of Leave of Absences

1/09 **RESOLUTION: (Seng/Belleli)** that the request for leave of absence from Cr Kiel Smith from all meetings from 3rd April, 2009 through to 23rd April, 2009 be accepted. Crs Matthews and Stevenson have previously been granted leave of absence. See Minute No PL1/09.

Confirmation of the Minutes

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY 16 DECEMBER 2008

2/09 **RESOLUTION: (Belleli/Andrews)** that the Minutes of the Ordinary Council Meeting held on Tuesday 16 December, 2008 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

Declarations of Pecuniary and Non-Pecuniary Interests

- (a) Cr Matson declared a non significant non pecuniary interest in item CS2/09 as his daughter has soccer training with one of the tenderers.
- (b) The Mayor, Cr B Notley-Smith declared a non significant non pecuniary interest in item CS2/09 as he knows one of the tenderers.
- (c) Cr Smith declared a non significant non pecuniary interest in item NM9/09 as his employer produces some alcoholic beverages.
- (d) The Mayor, Cr B Notley-Smith declared a non significant non pecuniary interest in item MM7/09 as his Personal Assistant's daughter attends this school.
- (e) Cr Andrews declared a non significant non pecuniary interest in item CP2/09 as he knows some of the objectors and supporters from the local area.
- (f) Cr White declared a non significant non pecuniary interest in item MM4/09 as he knows someone who is involved with organising this event.

Address of Council by Members of the Public

Prior to consideration of the Agenda by the Council, deputations were received in respect of the following matters:

- | | | |
|---------|---|-------------------|
| CP2/09 | 165A-167B MAROUBRA ROAD, MAROUBRA | |
| | Against | Mr David Leung |
| | For | Mr Anthony Betros |
| CS1/09 | MCNAIR AVENUE, KINGSFORD - PROPOSED FOOTPATH | |
| | For | Ms Claire Giles |
| CS2/09 | PIONEERS PARK EXPRESSION OF INTEREST | |
| | Against | Mr Jim Squadrito |
| | For | Mr Patrick Curtis |
| NM9 /09 | MOTION PURSUANT TO NOTICE BY CR MATSON - COMMUNITY REACTION TO LAST AUSTRALIA DAY EVENT | |
| | For | Ms Liz Jakubowski |
| NM11/09 | MOTION PURSUANT TO NOTICE BY CR MATSON - WATER BUBBLERS ON COASTAL WALKWAY | |
| | For | Ms Suzan Burton |

The meeting was adjourned at 7.02 pm and was resumed at 7.23 pm.

Mayoral Minutes

MM1/09 Mayoral Minute - Off-Shore Mining Exploration (F2004/06574)

- 3/09 **RESOLUTION: (Mayor, Cr B Notley-Smith)** that Council:
- a) Calls for the NSW and Federal Governments to refuse any coal or oil exploration license applications on the NSW coast from the Illawarra to Port Stephens; and
 - b) Requests that the Mayor writes to the Hon Ian MacDonald, Minister for Primary Industries, Energy, Mineral Resources and State Development, the State Members for Heffron, Maroubra and Coogee, the Hon Martin Ferguson, Federal Minister for Resources and Energy and Tourism, the Federal Members for Wentworth and Kingsford Smith, the leader of the opposition, the Hon Malcolm Turnbull, and the Mayors of all the coastal councils from Illawarra to Port Stephens advising them of Randwick City Council's position and urging them to take similar action (it being noted that Waverley Council has already passed a similar resolution).

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

MM2/09 Mayoral Minute - Federal Funding - Strategic Projects - Heffron Park (F2008/00654)

- 4/09 **RESOLUTION: (Mayor, Cr B Notley-Smith)** that Council endorse the submission of Heffron Park – Masterplan Implementation to the Department of Infrastructure, Transport, Regional Development and Local Government under the 2008/09 Regional and Local community Infrastructure Program – Strategic Projects.

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

MM3/09 Mayoral Minute - Maroubra Development Program - Des Renford Aquatic Centre - Waiving of Fees (F2009/00001)

- 5/09 **RESOLUTION: (Mayor, Cr B Notley-Smith)** that:
- a) Council vote to waive the \$660.00 fees associated with the Maroubra Development Carnival to be held on Sunday 24 May, 2009 and the funds be charged to the 2008/09 Contingency Fund;
 - b) Maroubra Swimming Club undertake to appropriately and prominently acknowledge and promote Council's contribution, prior to and during the event (by Council logo being prominently displayed on all promotional materials such as flyers, newspaper advertisements, etc); and
 - c) the Mayor or the Mayor's representative is given the opportunity to address the event on behalf of Council.

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

MM4/09 Mayoral Minute - Waiving of Fees - Surfing NSW, Maroubra Boardriders Association and Southend Boardriders Inc. (f2004/08302)

- 6/09 **RESOLUTION: (Mayor, Cr B Notley-Smith)** that:
- a) fees in the amount of \$8,775.00 associated with Surfing NSW, the Maroubra Surfers Association and Southend Boardriders Inc, be waived and funds be charged to the 2008/09 Contingency Fund;

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

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

**MM5/09 Mayoral Minute - Waiving of Fees - Maroubra Bodyboarders Inc.
(F2004/08302)**

7/09 **RESOLUTION: (Mayor, Cr B Notley-Smith) that:**

- a) fees in the amount of \$4,455.00 associated with Maroubra Bodyboarders Inc be waived and funds be charged to the 2008/09 Contingency Fund;
- b) the event organisers undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and
- c) the Mayor or his representative be given the opportunity to address the events on behalf of Council.

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

MM6/09 Mayoral Minute - Request to Waive Fees to Erect Banner - St Catherine's School, Waverley (F2004/06257)

8/09 **RESOLUTION: (Mayor, Cr B Notley-Smith) that:**

- a) the fees associated with the installation and dismantling of a banner and the hire of Council's banner poles for St Catherine's School, Waverley (on the flagpoles at the intersection of Alison Road and Doncaster Avenue, Randwick and Arden Street and Malabar Road, South Coogee), be waived and \$3,419.00 be allocated from the 2008/09 Contingency Fund; and
- b) the organiser undertakes to appropriately and prominently acknowledge and promote Council's contribution prior to and during the Open Day.

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

MM7/09 Mayoral Minute - Maroubra Bay Public School - Request for Financial Assistance (F2004/07396)

9/09 **RESOLUTION: (Mayor, Cr B Notley-Smith) that Council donate \$500.00 to the P & C Committee of Maroubra Bay Public School for their canteen renovation, such funds to come from the 2008/09 Council Contingency Fund.**

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

MM8/09 Mayoral Minute - Request to Waive Fees to Erect Banner - St Mary-St Joseph Primary School (F2004/06257)

10/09 **RESOLUTION: (Mayor, Cr B Notley-Smith) that:**

- a) the fees associated with the installation and dismantling of a banner and the hire of Council's banner poles by St Mary-St Joseph Primary School, Maroubra (on the flagpoles at the intersection of Arden Street and Malabar Road, South Coogee), be waived and \$1,777.00 be allocated from the 2008/09 Contingency Fund; and
- b) the organiser undertakes to appropriately and prominently acknowledge, and

promote Council's contribution prior to and during the fete.

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

**MM9/09 Mayoral Minute - Randwick City Council 150th Anniversary -
Endorsement of Updated Council Logo (F2004/06333)**

11/09 **RESOLUTION: (Mayor, Cr B Notley-Smith)** that Council formally endorse its new official logo for use as of 22 February, 2009 as agreed to at the Councillor Weekend Workshop held in November, 2008.

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

**MM10/09 Mayoral Minute - Request to Waive Fee - Returned Services League
of Australia, Coogee Randwick Sub-Branch (F2009/07550)**

12/09 **RESOLUTION: (Mayor, Cr B Notley-Smith)** that:

- a) Council donate \$100.00 to cover the cost of hiring a public address system and the funds be allocated from the 2008/09 Contingency Fund; and
- b) the organiser undertakes to appropriately and prominently acknowledge, and promote Council's contribution prior to and after the activity.

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

**MM11/09 Mayoral Minute - Notice of Extraordinary Council Meeting at
Edmund Blaket Building (F2007/00636)**

13/09 **RESOLUTION: (Mayor, Cr B Notley-Smith)** that an Extraordinary Council Meeting and reception be organised for 7th April, 2009 at the Edmund Blaket Building and the event be funded from the 2008/09 budget for Council's 150 year anniversary celebrations.

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

Urgent Business

Nil.

Director City Planning Reports

**CP1/09 Director City Planning Report - 10-14 Duke Street, Kensington
(DA/506/2004/B)**

14/09 **RESOLUTION: (Andrews/Nash)** 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/506/2004 for the demolition of existing buildings on the site and construction of a new 4 storey multi unit housing development comprising 10x1, 6x2 and 1x3 bedroom dwellings and basement carparking for 24 cars at 10-14 Duke Street, Kensington, in the following manner:

1. Amend Condition No. 1 to read:

1. The development must be implemented substantially in accordance with Revision C of the plans numbered Job No. 0343 and drawing numbers C01-C09, dated 01/12/04 in the amendments box and stamped received by Council on 1 December 2004, the application form and on any supporting information received with the application, as amended by the Section 96 plans dated 23 September 2005 and received by Council on 13 September 2006, only in so far as they relate to the modifications highlighted on the Section 96 plans and

detailed in the Section 96 application, and as amended by the Section 96(2) plan, Sheet No. 2A, Job No. 0532, dated 23/09/2005 received by Council on the 28 April 2008 only in so far as they relate to the modifications highlighted on the Section 96 plan 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: (Andrews/Nash) CARRIED UNANIMOUSLY - SEE RESOLUTION.

CP2/09 Director City Planning Report - 165A-167B Maroubra Road, Maroubra (DA/503/2008)

15/09

RESOLUTION: (White/Nash)

- A. That Council, as the consent authority, supports the objections under State Environmental Planning Policy No. 1 – Development Standards in respect to non-compliance with Clause 42D of Randwick Local Environmental Plan 1998, relating to maximum number of storeys and maximum building height, on the grounds that the proposed development complies with the objectives of the above clause, and will not adversely affect the amenity of the locality, and that the Department of Planning be advised accordingly.
- B. That Council, as the consent authority, grants Development Consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 503/2008 for demolition of the existing structures on site and construction of a 7-storey mixed use building comprising 22 x residential apartments, 4 x retail/commercial suites and basement car park for 43 vehicles, site landscaping, fencing and associated works, at No. 165A–167B Maroubra Road, Maroubra, subject to the attached conditions of consent:

Conditions of Consent

Referenced Plans

- The development must be implemented substantially in accordance with the following plans:

Plan Number	Dated	Received	Prepared By
DA02(A)	07/11/08	7 Nov 2008	Fox Johnston
DA03(A)	07/11/08	7 Nov 2008	
DA04(A)	07/11/08	7 Nov 2008	
DA05(A)	07/11/08	7 Nov 2008	
DA06(A)	07/11/08	7 Nov 2008	
DA07(A)	07/11/08	7 Nov 2008	
DA08(A)	07/11/08	7 Nov 2008	
DA09(A)	07/11/08	7 Nov 2008	
DA10(A)	07/11/08	7 Nov 2008	
DA11(A)	07/11/08	7 Nov 2008	
DA12(A)	07/11/08	7 Nov 2008	
DA13(A)	07/11/08	7 Nov 2008	
DA14(A)	07/11/08	7 Nov 2008	
DA15(A)	07/11/08	7 Nov 2008	
DA16(A)	07/11/08	7 Nov 2008	
DA17(A)	07/11/08	7 Nov 2008	
DA18(A)	07/11/08	7 Nov 2008	
DA19(A)	07/11/08	7 Nov 2008	
DA20(A)	07/11/08	7 Nov 2008	

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 must be consistent with the approved drawings and the sample board prepared by Fox Johnston and submitted to Council with the development application on 21 July 2008.

Environmental Amenity

The following conditions are applied to protect the environmental amenity of the subject development and the adjoining properties:

3. All proposed building structures, including balconies, external walls, floor slabs, sun control devices, privacy screens, planter boxes and etc., with the exception of the awning structures above the ground floor level, **shall be contained wholly within all boundaries of the subject site.**

Amended drawings demonstrating compliance with the above requirement shall be incorporated in the Construction Certificate documentation, to the satisfaction of the Principal Certifying Authority. A copy of the amended plans shall be submitted to Council for record keeping purposes.

4. The glass balustrades for the balconies on the Maroubra Road (northern) elevation shall be constructed with obscured / frosted / translucent glazing, in order to protect the privacy of the occupants. Details of compliance shall be submitted to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.
5. Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or a public place.
6. The reflectivity index of external glazing for windows of the proposed development is to be no greater than 20%. Written confirmation of the reflectivity index of glazing materials is to be submitted with the Construction Certificate application.

(Note: The reflectivity index of glazing can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement.)

7. The design, dimension, line-marking, sign-posting and construction of the proposed car parking spaces and access aisles shall be consistent with the provisions of Australian Standard 2890.1: *Off-street car parking*. Details of compliance are to be included in the Construction Certificate application.
8. A minimum of twenty-one (21) bicycle parking spaces are to be provided within the proposed development. The design and construction of the bicycle parking facilities are to be compliant with Australian Standard 2890.3: *Bicycle parking facilities*. Details of compliance are to be included in the Construction Certificate application.

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:

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

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

10. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises.
11. The use and operation of the premises shall not give rise to an environmental health or public nuisance.
12. There are to be no emissions or discharges from the premises, which give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulation.

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:

13. Street and unit numbering must be provided to the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council, prior to an occupation certificate being issued for the development. In this regard, an application must be submitted to and approved by Council's Director of City Planning, together with the required fee, for the allocation of appropriate street and unit numbers for the development, prior to issue of the Occupation Certificate.
14. Power supply and telecommunications cabling to the development shall be underground.
15. A single common television aerial, and/or satellite dish (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.
16. The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.
17. 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 imposed to promote ecologically sustainable development and energy efficiency:

18. 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.
19. 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.

20. 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 and heating provisions and hot water systems)

21. In accordance with Clause 154B of the Environmental Planning and 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 has been fulfilled.

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

The following condition is applied to meet additional demands for public facilities:

22. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, the following monetary levy must be paid to Council:

Category	Cost	Applicable Levy	S94A Levy
Development cost \$100001 - \$200000	-----	0.5%	-----
Development cost more than \$200000	\$7,077,500	1.0%	\$70,775

The levy must be paid in cash, bank cheque or by credit card prior to a construction certificate being issued for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment.

Council's Section 94A Development Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick or at www.randwick.nsw.gov.au.

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

23. 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.

24. All 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*.

25. **Prior to the commencement of any building works, a construction certificate must be obtained** from Council's Building Certification Services 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.

26. **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 and notify the *Principal Certifying Authority* and Council accordingly in writing, and
- iii) notify the *principal contractor* of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*, and
- iv) give at least two days notice to the Council, in writing, of the person's intention to commence 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.

27. 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* 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.

28. 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,
 - name, address and telephone number of the *Principal Certifying Authority*,
 - a statement stating that "unauthorised entry to the work site is prohibited".
29. 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.

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

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

31. 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.

32. 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**.

33. A Fire Safety Certificate must be submitted to Council **prior to the issuing of an Occupation Certificate**, in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

A single and complete *Fire Safety Certificate* must be provided which includes details of all of the fire safety measures contained in the building and as detailed in the *fire safety schedule* attached to the Construction Certificate.

Prior to issuing any Occupation Certificate the Principal Certifying Authority must be satisfied that all of the relevant fire safety measures have been included and are sufficiently detailed within the *Fire safety Certificate*.

A copy of the *fire safety certificate* must be displayed in the building near the entrance and a copy must be forwarded to the NSW Fire Brigades.

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

34. Documentary evidence prepared by a suitably qualified *professional geotechnical engineer* shall be submitted to the certifying authority **prior to the issuing of a construction certificate**, certifying the suitability and stability of the site for the proposed building and certifying the suitability and adequacy of the proposed design and construction of the building for the site.

35. A report shall be prepared by a *professional engineer* and submitted to the certifying authority **prior to the issuing of a construction certificate**, detailing the proposed methods of excavation, shoring or pile construction, including details of potential vibration emissions. The report, must demonstrate the suitability of the proposed methods of construction to overcome any potential damage to nearby land/premises.

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

A copy of the engineers report is to be submitted to the Council, if the Council is not the certifying authority.

36. Driven type piles/shoring must not be provided unless a geotechnical engineer's report is submitted to the certifying authority, **prior to the issuing of a construction certificate**, which demonstrates that damage should not occur to any adjoining premises and public place as a result of the works.

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

37. A dilapidation report prepared by a *professional engineer* or suitably qualified and experienced building surveyor shall be submitted to the certifying authority **prior to the commencement of demolition, excavation or building works** detailing the current condition and status of all buildings, including ancillary structures (*i.e. including dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandah's, fences, retaining walls, swimming pools and driveways etc.*) located upon all of the premises adjoining the subject site.

The report is to be supported with photographic evidence of the status and condition of the buildings and a copy of the report must also be forwarded to the Council and to the owners of each of the abovestated premises, **prior to the commencement of any works**.

38. The installation of ground or rock anchors underneath any adjoining premises including (a public roadway or public place) must not be carried out without specific written consent of the owners of the affected adjoining premises (including the Council if bounding a public place) and details of compliance must be provided to the certifying authority **prior to the commencement of any excavation or building works**.

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

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

40. 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.

41. 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).

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

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

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

43. A report prepared by a suitably qualified and experienced consultant shall be submitted to the Principal Certifying Authority (PCA) and a copy is to be provided to Council upon commencement of works (or as may otherwise be specified by the PCA or Council), certifying that noise and vibration emissions from the construction of the development satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, Councils conditions of consent and relevant Standards relating to noise and vibration. In support of the above, it is necessary to submit all relevant readings and calculations made.

Any s and requirements contained in the report are to be implemented accordingly and should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to the PCA and Council.

44. A Registered Surveyor's check survey certificate or *compliance certificate* is to be forwarded to the principal certifying authority (*and a copy is to be forwarded to the Council, if the Council is not the principal certifying*

authority), detailing compliance with Council's approval at the following stage/s of construction:

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

45. 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.

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

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

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

47. 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) 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) Building materials, sand, soil, waste materials, construction equipment or other materials or articles 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) Bulk bins, waste containers or other articles 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 or other articles in a public place can be made to Council's Health, Building & Regulatory Services department.
- c) 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.

- d) A temporary timber, asphalt or concrete crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council, unless access is via an existing concrete crossover.
- e) The applicant/builder is required to hold Public Liability Insurance, with a minimum liability of \$10 million and a copy of the Insurance cover is to be provided to Council.
- f) 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 upon any part of the footpath, road or nature strip or in any public place: -
 - Install or erect any site fencing, hoardings or site structures
 - Operate a crane or hoist goods or materials over a footpath or road
 - Placement of a waste skip or any other container or article in a public place.

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

- 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 reasonable levels of public health, safety and convenience, to the satisfaction of Council. A copy of the approved Construction Site Management Plan must be maintained on site and be made available to Council officers upon request.

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

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

Dust control measures and practices may include: -

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

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

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

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

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

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

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

51. 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.

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site. Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.

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

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

The public place adjacent to the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place and any such hoarding, fence or awning is to be removed upon completion of the work.

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

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

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

52. A 'B Class' overhead type hoarding is required is be provided to protect the public, located adjacent to the development, prior to the commencement of any works on the site which comprise: -
- any works or hoisting of materials over a public footway or adjoining premises, or
 - any building or demolition works on buildings which are over 7.5m in height and located within 3.6 metres of the street alignment.

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 hoardings, site fencing 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.

53. The demolition, removal, storage, handling and disposal of materials and all building work must be carried out in accordance with the following requirements (as applicable):
- Australian Standard 2601 (2001) – Demolition of Structures
 - 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 – Guidelines and Codes of Practice
 - Randwick City Council's Asbestos Policy
 - The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.

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

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

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

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

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

- a) Randwick City Council's 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.

- a) A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m² 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.
- b) On sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.
- c) Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996. Asbestos waste must be disposed of at an approved waste disposal depot (refer to the DEC or Waste Service NSW for details of sites). Copies of all receipts detailing method and location of disposal must be maintained on site and be provided to Council officers upon request, as evidence of correct disposal.
- d) 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 requirements contained in the Asbestos Survey and conditions of consent in relation to the safe removal and disposal of asbestos, have been satisfied.

The following condition is applied to provide access and facilities for people with disabilities:

56. Access, facilities and car parking for people with disabilities must be provided to and within the building in accordance with the relevant provisions of the Building Code of Australia and AS1428.1, AS4299 & AS2890.1 and relevant Council development control plans for the subject development, to the satisfaction of the Certifying Authority. Details of the proposed access, facilities and car parking for people with disabilities are to be included in the plans / specifications for the **construction certificate**.

The following conditions are applied to satisfy the relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to the locality:

57. The use and operation of the premises shall not give rise to an environmental health or public nuisance, vibration to other premises or, result in an offence under the *Protection of the Environment Operations Act 1997 and Regulations*.
58. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

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

59. A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council **prior to an occupation certificate being issued** for the development, which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager of Health, Building & Regulatory Services.
60. A separate development application and construction certificate or a complying development certificate (as applicable) must be obtained if the premises is to be used at any time for any of the purposes detailed below:
- All food businesses (including premises used for the sale, storage, preparation and distribution of food and drinks)
 - Hairdressing salons, Beauty salons, Businesses involving Skin Penetration & Piercing, Massage businesses
 - Licensed premises, places of public entertainment and hotels
 - Places of Shared Accommodation (including Boarding / Lodging Houses,

- Bed & Breakfast businesses, Backpackers, Residential Hotels or the like
- Premises which have a Cooling Tower or Warm Water System
- Business providing any form of sexual service (i.e. brothel or the like).

Business premises which are used for these purposes must comply with relevant public health and safety legislation and requirements and they must be registered with Council prior to an Occupation Certificate being issued for the development. The relevant registration and inspection fee is also required to be paid to Council in accordance with Council's adopted Pricing Policy.

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

61. **Prior to the issuing of a construction certificate** for the proposed development, a Waste Management Plan detailing the waste and recycling storage and removal strategy for all of the development, is required to be submitted to and approved by Council's Director of City Services.

The Waste Management plan is required to be prepared in accordance with Council's Waste Management Guidelines for Proposed Development and must include the following details (as applicable):

- The use of the premises and the number and size of occupancies.
- The type and quantity of waste to be generated by the development.
- Demolition and construction waste, including materials to be re-used or recycled.
- Details of the proposed recycling and waste disposal contractors.
- Waste storage facilities and equipment.
- Access and traffic arrangements.
- The procedures and arrangements for on-going waste management including collection, storage and removal of waste and recycling of materials.
- Cleaning arrangements, hygiene, safety and amenity.

Further details of Council's requirements and guidelines, including pro-forma Waste Management plan forms can be obtained from Council's Waste Management Officer on 9399 0520.

Security Deposit Conditions

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

62. 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) \$2000.00 - 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.

Traffic conditions/Civil Works Conditions

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

63. The applicant must meet the full cost for Council or a Council approved contractor to:
- a) Construct a new heavy duty concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site in Robey Street.
 - 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.
 - c) Reconstruct any damaged sections of kerb and gutter in both Maroubra Road and Robey Street.
 - d) Reconstruct a full width footpath along the Maroubra Road site frontage, in accordance with the Urban Design Guidelines for Maroubra Junction.
 - e) Reconstruct a full width footpath along the Robey Street site frontage, in accordance with the Urban Design Guidelines for Maroubra Junction.
 - f) Remove the existing street trees in Robey Street and to supply and install 5 x 45 litre *Cupaniopsis anacardioides* (Tuckeroo's) along the Robey Street frontage, and 3 x 45 litre (*Banksia integrifolia*, Coastal Banksia's) on the Maroubra Road frontage.
64. 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.
65. A separate written approval from Council is required to be obtained in relation to all works which are located externally from the site within the road reserve/public place, in accordance with the requirements of the Roads Act 1993. Detailed plans and specifications of the proposed works are to be submitted to and approved by the Director of City Services prior to commencing any works within the road reserve/public place.
- All works within the road reserve/public place must be carried out to the satisfaction of Council and certification from a certified practicing engineer is to be provided to Council upon completion of the works.
- Relevant Council assessment and inspection fees, as specified in Council's adopted Pricing Policy, are required to be paid to Council prior to commencement of the works.
66. All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines.

- Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.
67. The driveway at the Robey Street frontage must be a minimum of 5.9 metres wide with a 300mm wide kerb on either side of the driveway, (therefore a total opening of 6.5 metres).
 68. The internal driveway must be a minimum 5.90m wide (clear width) for the first 6 metres inside the property so as to allow entering & exiting vehicles to pass within the site. Should the driveway narrow after this point it is then to be designed with a suitable splay to allow the passing to work. The Construction Certificate plans must demonstrate compliance with this requirement.
 69. The vehicular access and basement carparking levels (including, but not limited to, the ramp grades, carpark layout and height clearances) are to be in accordance with the requirements of AS2890.1:2004. The Construction Certificate plans must demonstrate compliance with this requirement particular attention should be given to the design gradients along the inside/critical edge of any curved sections of the proposed internal ramps.
 70. To prevent vehicular conflict on the internal circulation ramp linking the ground floor with basement 1 carpark a signalling system shall be provided. The signalling system shall be designed by a suitably qualified traffic consultant. The plans submitted for the construction certificate shall demonstrate compliance with this requirement and the signalling system must be approved by the Certifying Authority prior to issuing a Construction Certificate.
 71. To prevent vehicular conflict on the internal circulation ramps linking the basement 1 carpark with the basement 2 carpark and the basement 2 carpark with the basement 3 carpark a signalling system shall be provided. The signalling system shall be designed by a suitably qualified traffic consultant. The plans submitted for the construction certificate shall demonstrate compliance with this requirement and the signalling system must be approved by the Certifying Authority prior to issuing a Construction Certificate.
 72. That section of the ramp wall requiring future removal to facilitate vehicular connection to the sites east of the development site must be suitably designed such that its removal does not adversely affect the structural integrity of any part of the development. Details must be provided to the Certifying Authority for approval and be approved prior to the issuing of a Construction Certificate.
 73. The applicant shall meet the full cost for the installation of a "Loading Zone" in Robey Street, fronting the development site. The location and dimensions of the Loading Zone shall be determined by Council's Manager Integrated Transport and the Randwick Traffic Committee. The Loading Zone must be installed prior to the issuing of an occupation certificate.
 74. The applicant shall provide a minimum of one (1) carspace for people with disabilities. The minimum number of carspaces provided onsite shall be 42 carspaces, (this will enable 2 spaces to be combined as/if required to provide the requested disabled parking space). The location of the subject people with disabilities space shall be to the satisfaction of the Certifying Authority and must be approved prior to the issuing of a Construction Certificate.
 75. A Works Zone is to be provided for the duration of the construction works. The 'Works Zone' shall be provided to the satisfaction of the Randwick Traffic Committee and shall have a minimum length of 12 metres. The prescribed fee for the Works Zone must be paid to Council at least four (4) weeks prior to the commencement of work on the site.

It is noted that the requirement for a Works Zone may be waived if it can be demonstrated (to the satisfaction of Council's traffic engineer) that all construction related activities (including all loading and unloading operations) may be undertaken wholly within the site.

76. 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.

77. The minimum clear distance from the existing footpaths in Maroubra Road and Robey Street to the underside of the proposed awnings shall be 3.0 metres. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.
78. The minimum clear distance from the existing footpath in Maroubra Road and Robey Street to the underside of any proposed under awning sign shall be 2.60 metres. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.
79. All new awnings shall be set back a minimum of 600mm from the face of kerb. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.
80. The awning must be constructed to match the height and design of the adjoining awnings and be setback at least 600mm from the kerb line.
81. Upon completion of the construction of the awning, certification of the structural adequacy of the awning must be provided to the Council.

Alignment Level Conditions

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

82. The Council's Development Engineer has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, shall be:
- **Maroubra Road: Match the back of the existing concrete footpath along the full site frontage**
 - **Robey Street: Generally 2.5% above the top of kerb opposite at all points along the Robey Street site frontage.**

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

The design alignment levels at the property boundaries must be strictly adhered to.

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

84. The above alignment levels and the site inspection by Council's Development Engineer has been issued at a prescribed fee of \$2575 calculated at \$44.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.

Service Authority Conditions

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

85. 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.
86. 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.
87. 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.
88. A Road / Asset Opening Permit must be obtained from Council prior to carrying out any public utility service works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.

The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a final occupation certificate for the development.

For further information, please contact Council's Road / Asset Opening Officer on 9399 0691 or 9399 0999.

89. 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.
90. The applicant shall meet the full cost of the overhead power lines and telecommunication cables located in the vicinity of the development site to be relocated underground and all redundant power poles to be removed. The applicant shall liaise directly with the relevant service utility authorities to organise for the wires/cables to be relocated. All wires cables must be relocated underground to the satisfaction of the relevant service utility authority prior to the issuing of an occupation certificate for the development.
91. 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 **occupation of the development**.

Drainage Conditions

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

92. **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 (i.e. above the 1 in 20 year storm) to the proposed drainage system.
 - d) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
 - i. Roof areas
 - ii. Paved areas
 - iii. Grassed areas
 - iv. Garden areas
 - e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
 - f) Proposed finished surface levels and grades of car parks, internal

driveways and access aisles which are to be related to Council's design alignment levels.

- g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.
93. 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.
94. All site stormwater must be discharged (by gravity) to either:
- a) The underground drainage system in Maroubra Road and/or Robey Street, via a new and/or existing kerb inlet pit; OR
 - b) A suitably sized infiltration system (subject to geotechnical investigation confirming that the ground conditions are suitable for an infiltration system).

Notes:

- a. All new kerb inlet pits shall be constructed in general accordance with Council's standard drawing SD7.
 - b. With the exception of the site discharge pipe, all new pipelines constructed within council's road reserve shall be minimum 375 mm diameter, spigot and socket rubber ringed jointed, steel reinforced concrete pipeline (RRRCP). Prior to backfilling, all pipelines in council's road reserve shall be inspected and approved by the Hydraulic Engineer certifying the works and Council.
95. Should stormwater be discharged to Council's street drainage system, on-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a **1 in 10** year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by Council. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.

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

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

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

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

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

97. Any Infiltration systems/Absorption Trenches must be designed in accordance

with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.

98. The detention area/infiltration system must be regularly cleaned and maintained to ensure it functions as required by the design.
99. Any onsite detention/infiltration systems shall be located in areas accessible by residents of all units.
100. The maximum depth of ponding in above ground detention areas (and/or infiltration systems with above ground storage) shall be as follows:
 - a) 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)
 - b) 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10.
 - c) 1200mm in landscaped areas where a childproof fence is provided around the outside of the detention area

Notes:

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

101. Any above ground stormwater detention areas (and/or infiltration systems with above ground storage) must be suitably signposted where required, warning people of the maximum flood level.
102. The floor level of all habitable and storage areas adjacent to the detention area (and/or infiltration systems with above ground storage) must be a minimum of 300mm above the maximum water level in the detention area for the design storm or alternately a permanent 300mm high water proof barrier is to be constructed.

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

103. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
104. A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention/infiltration area.
105. A reflux valve shall be provided (within the site) over the pipeline discharging from the site to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system.
106. Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.

The pump system must also be designed and installed strictly in accordance

with "Section 8.4 PUMP SYSTEMS" as stipulated in Randwick City Council's Private Stormwater Code.

107. 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.

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

Notes:

- a. The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
- b. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.

109. **Two** covered car washing bays shall be provided for this development.

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

Notes: -

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

113. A report must be submitted to and approved by the Certifying Authority or an accredited certifier, prior to issuing the Construction Certificate for excavation of the basement levels, detailing the proposed method of excavation and dewatering process. The approved report must be forwarded to Council (if Council is not the Certifying Authority). This report is to be prepared by suitably qualified and experienced Geotechnical, Hydrological and Structural Engineers and is to include but not limited to:

- The proposed method of shoring/piling and dewatering.
- The zone of influence of any possible settlement.
- The location of any proposed re-injection points in relation to the property boundaries (where re-injection equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).
- Monitoring of fluctuations of the water table during dewatering/construction to be undertaken by consulting engineers to ensure that the conditions of consent and other relevant requirements are satisfied.
- The location of all proposed monitoring equipment in relation to the property boundaries (where monitoring equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).
- Details of any consultation and arrangements made with owners of any potentially affected nearby premises (i.e. in relation to access, monitoring and rectification of possible damage to other premises).
- Details of groundwater quality and proposed disposal of any potentially contaminated groundwater in accordance with relevant requirements of the Department of Environment & Conservation, Council and the Protection of the Environment Operations Act 1997, in an environmentally sensitive manner.
- The location of all pumping equipment in relation to the property boundaries.
- The proposed method of noise attenuation for all pumping equipment, so as not to be more than 5dB (A) greater than the A – weighted L90 background sound pressure level between the hours of 7am to 10pm within any residential premises and not to be audible at all between the hours of 10pm and 7am within any residential dwelling.
- Confirmation that the proposed methods of dewatering and excavation are appropriate and in accordance with 'best practice' principles and should not result in any unacceptable levels of settlement or damage of the adjoining or nearby buildings within the zone of influence.

The dewatering process must be monitored by the consulting Engineer/s to the satisfaction of the principal certifying authority and documentary evidence of compliance with the relevant conditions of consent and dewatering requirements must be provided to the principal certifying authority and the Council.

The site conditions and fluctuations in the water table are to be reviewed by the consulting Engineer prior to and during the excavation/construction process, to ensure the suitability of the excavation and dewatering process and compliance with Council's conditions of consent.

114. If any temporary dewatering of the site is required to facilitate construction of any part of the lower basement carpark a licence under Part V of the Water Act 1912 will be required. The licence must be obtained from the NSW Department of Water and Energy prior to installation of the works. A copy of the license agreement must be forwarded to Council prior to any dewatering being undertaken.

115. Prior to lodgement of a Construction Certificate application the applicant must obtain from the Department of Water and Energy, the general terms of approval and any specific requirements for dewatering of the site to facilitate construction of the basement carpark levels. In particular, the applicant must obtain in writing the Department's general terms of approval for the issuing of a Part V license under the Water Act 1912.

The Construction Certificate application must demonstrate compliance with the general terms of approval for a Part V License. No construction certificate is to be issued until such time as the applicant demonstrates to the satisfaction of the Department of Water and Energy and the Certifying Authority that the proposed method for construction of the basement carpark and dewatering of the site is strictly in accordance with the Department of Water and Energy's requirements and best current engineering practice.

No dewatering of the site shall take place until such time as a Part V license has been obtained. A copy of the Part V license must be forwarded to Council prior to the commencement of any dewatering on the site.

116. Details of any proposed connection and / or disposal of groundwater to Council's external stormwater drainage system must be submitted to and approved by Council's Development Engineer, prior to commencing these works, in accordance with section 138 of the *Roads Act 1993*.

The subject details must include the following information:

- Site plan
- Hydraulic engineering details of the proposed disposal/connection of groundwater or site stormwater to Council/s drainage system
- Volume of water to be discharged
- Location and size of drainage pipes
- Duration, dates and time/s for the proposed works and disposal
- Details of water quality and compliance with the requirements of the *Protection of the Environment Act 1997*
- Details of associated plant and equipment, including noise levels from the plant and equipment and compliance with the requirements of the *Protection of the Environment Act 1997* and associated Regulations and Guidelines
- Copy of any required approvals and licences from other Authorities (e.g. A water licence from the Department of Planning/Department of Water & Energy).
- Details of compliance with any relevant approvals and licences

Waste Management Conditions

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

117. The residential waste garbage room area shall be designed to contain a total of 22 x 240 litre bins (11 garbage bins & 11 recycle bins) whilst providing satisfactory access to these bins. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.
118. The commercial waste storage area shall be designed to contain a total of 8 x 240 litre bins (4 garbage bins & 4 recycle bins) whilst providing satisfactory access to these bins. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the

construction certificate.

119. The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.
120. The waste storage areas shall be clearly signposted.
121. Prior to the issuing of a construction certificate for the proposed development the applicant is to submit to Council and have approved by Council's Manager of Waste Services, a Waste Management Plan detailing waste and recycling storage and disposal for the development site.

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

Landscape Conditions

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

122. The landscaped areas **within the development site** shown on plans L01 – L02 Issue D dated 6/11/08 and L03 – L05 Issue C dated 8/7/08 prepared by Jane Irwin Landscape Architecture shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by, the certifying authority, prior to the issue of a construction certificate. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:

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

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

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

and any other landscape elements in sufficient detail to fully describe the proposed landscape works.

- e. Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.
 - f. Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.
 - g. All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Planter box details shall be submitted with the detailed landscape plans.
 - h. Location of easements within the site and upon adjacent sites (if any).
123. As such, a relevant condition has been included granting consent for the removal of these four trees subject to replacement canopy cover and screen planting being provided in the deep soil zone along the southern boundary of the site, as has been shown on the submitted landscape plans.
124. Approval is granted for removal of the following trees located within the development site, along the southern site boundary:
- 3 x *Corymbia maculata* (Spotted Gums).
 - 1 x *Castanospermum australe* (Blackbean).

The applicant must undertake suitable replacement planting and the landscape plan must provide full details of this replacement planting. The applicant must liaise with Council's Landscape Development Officer, prior to preparation of the Landscape Plan and prior to the issuing of a Construction Certificate, to obtain Council's requirements for the subject planting.

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

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

126. The applicant shall meet all costs associated with upgrading the Maroubra Road and Robey Street site frontages in accordance with Council's Urban Design Guidelines for the Kingsford Commercial Centre. All works carried out on Council property, shall be in accordance with Council's requirements for Civil Works on Council property.

A detailed streetscape plan for the Maroubra Road and Robey Street frontages showing proposed paving design, street furniture, street tree planting, grades, finished levels, extent and location of awnings, doors/entranceways, the bus stop and any other details required by Council's Landscape Architect shall be submitted to, and approved by, Council's Director of City Services prior to commencement of the streetscape works.

The applicant will be required to contact and liaise with Council's Project Co-ordinator, Mr Paul Lunniss on 9399-0934, prior to preparation of the streetscape plan in order to obtain more detailed, site specific landscape design requirements from the relevant Departments of Council.

Following approval of the streetscape plan; and prior to commencement of the streetscape works on Council property, the applicant shall liaise with Council's Pre-paid Works Designer on 9399-0922, regarding scheduling of work including inspections, supervision fees and compliance with Council's requirements for public liability insurance.

The approved streetscape works shall be completed to the satisfaction of Council's Landscape Architect and Pre-paid Works Designer, prior to the issue of a final occupation certificate.

127. To ensure satisfactory maintenance of the landscaped areas, an automatic irrigation system shall be installed throughout all the landscaped areas. Such system shall provide full coverage to all the landscaped areas with no overspray onto driveways and pathways.

Details of the automatic irrigation system shall be shown on the detailed landscape plans and specifications. The system shall comply with all Sydney Water requirements, and relevant Australian Standards.

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

129. 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 on top of these services as stipulated by these conditions of development consent.

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

130. Landscaped areas must contain a predominance of species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.

The following conditions are applied to ensure the safety and security of the subject development and the surrounding areas in accordance with the s provided by the NSW Police – Eastern Beaches Local Area Command:

131. The following design measures stated in the correspondence provided by the NSW Police – Eastern Beaches Local Area Command to Council, reference number D/2008/160004, signed off by Peter McErlain, Superintendent, and received by Council on 1 October 2008, are to be incorporated into the development:

- (i) Measures in relation to Lighting under Sections 16 and 17;
- (ii) Measures in relation to Territorial Reinforcement under Sections 18, 19 and 20; and
- (iii) Measures in relation to Access Control under Sections 24, 25 and 26

Details demonstrating compliance with the above requirements are to be submitted to the satisfaction of the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

The following General Terms of Approval are imposed pursuant to Section 91 of the Environmental Planning and Assessment Act 1979 and Part V of the Water Act 1912, as required by the NSW Department of Water and Energy:

In accordance with the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 1994* (as amended) the NSW Department of Water and Energy has an approval role in relation to the lodged development application **DA/503/2008**.

Licences under Part V of the *Water Act 1912* are required for the works (pumping from an excavation or from spearpoints around the perimeter of the construction site), for purposes of **temporary dewatering** as part of proposed construction at **165A-167B Maroubra Road, Maroubra**.

1. General and Administrative Issues

- a. Groundwater shall not be pumped or extracted for any purpose other than **temporary construction dewatering**.
- b. Tailwater shall not be allowed to discharge off-site (eg adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent.
- c. The licensee shall allow (subject to Occupational Health and Safety Provisions) the NSW Department of Water and Energy or any person authorised by it, full and free access to the works (excavation or bore/borefield), either during or after construction, for the purpose of carrying out inspection or test of the works and its fittings and shall carry out any work or alterations deemed necessary by the NSW Department of Water and Energy for the protection and proper maintenance of the works, or the control of the water extracted to prevent wastage and for the protection of the quality and prevention from pollution or contamination of the groundwater.
- d. If a work is abandoned at any time the licensee shall notify the NSW Department of Water and Energy that the work has been abandoned and seal off the aquifer by such methods as agreed to or directed by the NSW Department of Water and Energy.
- e. Suitable documents are to be supplied to the NSW Department of Water and Energy of the following:
 - A report of prediction of the impacts of pumping on any licensed groundwater users or groundwater dependent ecosystems in the vicinity of the site. Any adverse impacts will not be allowed and the project will need to be modified.
 - A report of assessment of the potential for salt water intrusion to occur as a result of the dewatering. This report is only required for sites within 250m of any marine or estuarine foreshore area. The generation of conditions leading to salt water intrusion will not be allowed, and the proposal will need to be modified.
 - Descriptions of the methods used and actual volume of groundwater to be pumped (kilolitres/megalitres) from the dewatering works, the works locations, the discharge rate (litres per second), duration of pumping (number of days/weeks), the amount of lowering of the water table and the anticipated quality of the extracted water.

- Descriptions of the actual volume of tailwater to be reinjected (kilolitres/megalitres), the reinjection locations, the disposal rate (litres per second), duration of operation (number of days/weeks) and anticipated quality of treated tailwater to be reinjected.
- Monitoring of groundwater levels (minimum of 3 weekly measurements of depth to water at a minimum of 3 locations broadly distributed across the site) beneath the proposed development site prior to construction. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level.

2. Specific Conditions.

- a. The design of the structure must preclude the need for permanent dewatering.
- b. The design of the structure that may be impacted by any watertable must require a water proof retention system (i.e. a fully tanked structure) with adequate provision for future fluctuations of watertable levels. (It is recommended that a minimum allowance for a watertable variation of at least +/-1.0 metre beyond any expected fluctuation be provided). The actual water table fluctuation and fluctuation safety margin must be determined by a suitably qualified professional.
- c. Construction methods and material used in and for construction are not to cause pollution of the groundwater.
- d. Monitoring of groundwater levels is to be continued at least weekly during the construction stage and at least weekly over a period of at least 2 months following cessation of dewatering, with all records being provided to the NSW Department of Water and Energy on expiration of the licence. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level.
- e. Groundwater quality testing must be conducted (and report supplied to the NSW Department of Water and Energy). Samples must be taken prior to the commencement of dewatering, (and ongoing to the satisfaction of the NSW Department of Water and Energy for both extraction and reinjection activities, if required). Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.
- f. Discharge of any contaminated tailwater **that is not to be reinjected**, must satisfy all requirements of any controlling authority (i.e. the NSW Department of Environment and Climate Change, Council and Sydney Water). The method of disposal of excess tailwater (i.e. street drainage to the stormwater system or discharge to sewer) and written advice from the relevant controlling authority, indicating that the proposed/actual quality of tailwater is acceptable, must be presented to the NSW Department of Water and Energy and the consent authority.
- g. Discharge of any contaminated tailwater, **if reinjection is proposed**, must satisfy all requirements of the NSW Department of Environment and Climate Change and the NSW Department of Water and Energy. The quality of any tailwater reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site. Contaminated groundwater is not to be reinjected into any aquifer. The

following must be demonstrated in writing:

- The treatment to be applied to the tailwater to remove any contamination.
 - The measures to be adopted to prevent redistribution of any contaminated groundwater.
 - The means to avoid degrading impacts on the identified beneficial use of the groundwater.
 - Written advice from the NSW Department of Environment and Climate Change indicating their approval for the methodology of handling and treating the groundwater.
- h. Written advice be provided from the Certifying Authority to the NSW Department of Water and Energy to certify that the following ground settlement issues have been addressed in reports submitted by the proponent:
- Assessment by a suitably qualified geotechnical professional that the proposed dewatering activity does not pose an unacceptable risk of off-site impacts such as damage to surrounding buildings or infrastructure as a result of differential sediment compaction and surface settlement during and following pumping of groundwater.
 - Settlement monitoring activities to be undertaken prior to, during and for the required period of time following the dewatering pumping to confirm the impact predictions.
 - Locations of settlement monitoring points, and schedules of measurement.

3. Formal Application Issues.

- a. An application must be completed on the prescribed form for the specific purpose of **temporary construction dewatering** and a licence obtained from the NSW Department of Water and Energy prior to the installation of the groundwater extraction works. A plan drawn to scale will be required with the application clearly identifying the location of the dewatering installations.
- b. Upon receipt of an approved development application from Randwick City Council, a fully completed licence application form and all required supporting documentation, NSW Department of Water and Energy will issue a Water Licence under Part V of the *Water Act 1912*.
- c. A licence application under Part V of the *Water Act 1912* must be accompanied by a \$151.00 fee and must specify the proposed volume of groundwater to be pumped (megalitres). The licence is also subject to administrative charges as determined from time to time by the Independent Pricing and Regulatory Tribunal (IPART).

ADVISORY MATTERS:

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

In this regard, the development consent plans do not show compliance with all of the relevant deemed-to-satisfy provisions of the BCA, in particular, Clause D1.7- Discharge from fire isolated exits.

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

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

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

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

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

MOTION: (White/Nash) CARRIED UNANIMOUSLY - SEE RESOLUTION.

CP3/09 Director City Planning Report - Council's Arts and Cultural Advisory Panel - Commencement (F2004/08008)

16/09 **RESOLUTION: (Matson/Hughes) that:**

- a) the Terms of Reference be noted;
- b) expressions of Interest be invited from local arts practitioners and institutions for membership of the Arts and Cultural Advisory Panel; and
- c) Councillors Stevenson and Woodsmith be nominated as members of the Arts and Cultural Advisory Panel with the Mayor as Ex-Officio.

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

CP4/09 Director City Planning Report - Reporting Variations to Development Standards under State Environmental Policy No. 1 (SEPP 1) (F2004/06768)

17/09 **RESOLUTION: (Nash/Hughes) that Council receive and note this report and amend the Delegations of Authority Policy to require that all development applications where there is a variation greater than 10% in standards under SEPP 1 be determined by full council rather than staff.**

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

CP5/09 Director City Planning Report - State Environmental Planning Policy

(Exempt and Complying Development Codes) 2008 (F2004/08242)

18/09 **RESOLUTION: (Nash/Hughes)** that the report on the SEPP (Exempt and Complying Development Codes) 2008, be noted.

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

General Manager's Reports**GM1/09 General Manager's Report - Acquisition of Land to be Incorporated into Arthur Byrne Reserve, Maroubra Beach (F2004/07131)**

19/09 **RESOLUTION: (Nash/Hughes)** that Council approves:

- a) the acquisition of Lots 102, 104 & 109 in DP 1013114 in accordance with Section 177 & 178 of the Roads Act 1993 (NSW) under which Council is acquiring the Land.
- b) the making of an application to the Minister for Local Government for the issue of a proposed acquisition notice under the Land Acquisition (Just Terms Compensation) Act 1991 with respect to the land.
- c) the making of an application to the Governor for the publication of an acquisition notice in the Government Gazette under the Land Acquisition (Just Terms Compensation) Act 1991 with respect to the land.
- d) the land to be classified "Community Land" under the Local Government Act.

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

GM2/09 General Manager's Report - Randwick City Council Quarterly Report - December 2008 (F2007/00620)

20/09 **RESOLUTION: (Nash/Hughes)** that the information contained in the December 2008 Quarterly Review of the 2008-12 Management Plan be received and noted.

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

GM3/09 General Manager's Report - 2009 LGMA National Congress and Business Expo (F2005/00843)

21/09 **RESOLUTION: (Nash/Hughes)** that any interested Councillors be authorised to attend the LGMA National Congress and Business Expo in Darwin from 24-27 May 2009.

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

GM4/09 General Manager's Report - Affixing of the Council Seal (F2004/07593)

22/09 **RESOLUTION: (Nash/Hughes)**

That the Council's Seal be affixed to the signing of agreements between Council and:

1. Georgette Vorlow (T/As On the Verge Pty Ltd) in relation to a licence for the purpose of outdoor dining at Shop 3, 665 Anzac Parade, Maroubra.
2. Maryanne Corven (T/As ChocoArt Café) in relation to a licence for the purpose of outdoor dining at 56 Belmore Road, Randwick.
3. Stan Theochardis (T/As Crust Maroubra Pizza Bar) in relation to a licence for the purpose of outdoor dining at Shop, 912 Anzac Parade, Maroubra.

4. Steven Efstathiou (T/As Cheeky Chook) in relation to a licence for the purpose of outdoor dining at 315 Malabar Road, Maroubra.
5. The Sunnyfield Association in relation to a licence for Suite 4, Office 2, Level 3, 669-677 Anzac Parade, Maroubra.
6. The Sunnyfield Association in relation to a licence for Suite 1, Office 2, Level 3, 669-677 Anzac Parade, Maroubra.
7. Simone Parsons (T/As T's Book Café Pty Ltd) in relation to a licence for the purpose of outdoor dining at 136-138 Avoca Street, Randwick.
8. Sam Kern (T/As Parc Café) in relation to a licence for the purpose of outdoor dining at 30 Clovelly Road, Randwick.

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

GM5/09 General Manager's Report - Internal Audit Committee - Proposed Structure and Functions (F2009/00061)

23/09 **RESOLUTION: (Nash/Hughes) that:**

- (a) Council adopt the Internal Audit Committee structure proposed in this report and call for expressions of interest to fill the external positions on the Committee; and
- (b) Council adopt the proposed Internal Audit Committee Charter, attached to this report, which sets out the Committees' primary functions and responsibilities.

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

GM6/09 General Manager's Report - Randwick City Council Family Day (F2004/06928)

24/09 **RESOLUTION: (Nash/Hughes) that the Randwick City Council Family Day be held on Friday, 13th March 2009.**

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

Director City Services Reports

CS1/09 Director City Services Report - McNair Avenue, Kingsford - Proposed Footpath (F2006/00575)

25/09 **RESOLUTION: (Nash/Hughes) that the proposed concrete footpath on the southern side of McNair Avenue, Kingsford as listed in the 2008/09 Capital Works Program not proceed and that the funds that Council saves by not proceeding with these works be reallocated to another initiative in West Ward.**

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

CS2/09 Director City Services Report - Pioneers Park Expression of Interest (F2007/00356)

26/09 **RESOLUTION: (Woodsmith/Andrews) that:**

- a). the upper level of Pioneer Park be offered to the Maroubra Saints Junior AFL and AFL/NSW/ACT for the Winter season subject to Council's fees and charges;
- b). the upper level of Pioneer Park be offered to the South Eastern Junior Cricket Association for the Summer season subject to Council's fees and chargers; and
- c). the upper level of Pioneers Park be offered to the St Spyridon School for mid-

week school sports free of charge in accordance with Council's fees and charges.

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

Director Governance & Financial Services Reports

GF1/09 Director Governance & Financial Services Report - Local Government Amendment (Legal Status) Bill 2008 - Implications for Council (F2004/06652)

27/09 **RESOLUTION: (Nash/Hughes)** that the report on the Local Government (Legal Status) Bill 2008 and its implications for Council be received and noted.

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

GF2/09 Director Governance & Financial Services Report - Investment Report - November 2008 (F2004/06527)

28/09 **RESOLUTION: (Bowen/Procopiadis)** that the investment report for November 2008 be received and noted.

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

GF3/09 Director Governance & Financial Services Report - Investment Report - December 2008 (F2004/06527)

29/09 **RESOLUTION: (Nash/Hughes)** that the investment report for December 2008 be received and noted.

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

GF4/09 Director Governance & Financial Services Report - Investment Report - January 2009 (F2004/06527)

30/09 **RESOLUTION: (Nash/Hughes)** that the investment report for January 2009 be received and noted.

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

GF5/09 Director Governance & Financial Services Report - 2008-09 Budget Review as at 31 December 2008 (F2008/00087)

31/09 **RESOLUTION: (Nash/Hughes)** that:

- a) the report in relation to the December 2008 budget review be received and noted; and
- b) the proposed December 2008 budget variations shown in Attachment 3 to this report be adopted.

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

GF6/09 Director Governance & Financial Services Report - Disclosure of Interest Returns (f2005/00800)

32/09 **RESOLUTION: (Nash/Hughes)** that the Disclosure of Interests Returns submitted by Councillors Bowen, Matthews, Smith and Stevenson (in accordance with section 449(c) of the Local Government Act) be accepted as tabled.

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

GF7/09 Director Governance & Financial Services Report - Councillor Attendance at Information Sessions, Seminars and Training Courses (F2004/06578)

33/09 **RESOLUTION: (Nash/Hughes) that:**

- (a) Council receive and note the details with respect to Councillor attendance at the seminars, briefing sessions and training courses undertaken by Council since the elections in October 2008; and
- (b) A web link to the online copy of the council minutes in relation to this report be provided to the Department of Local Government as requested by them in Circular 08/22.

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

GF8/09 Director Governance & Financial Services Report - Report on Planning and Tender Matters Where Council has Overturned Staff's Recommendations (F2004/06573)

34/09 **RESOLUTION: (Nash/Hughes)** that the report be received and noted and a copy of the Register of Planning/Tender matters where the staff recommendation has been overturned by Council, for the period October 2008 to December 2008, be forwarded to the Department of Local Government.

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

GF9/09 Director Governance & Financial Services Report - Review of Delegations of Authority (F2004/06895)

35/09 **RESOLUTION: (Nash/Hughes)** that the Delegations Register be re-affirmed by Council.

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

Petitions

P1/09 Cr Bruce Notley-Smith - Petition from Local Residents Requesting an Alcohol Ban in Coogee Beach Reserves (F2009/06574)

36/09 **RESOLUTION: (Seng/Belleli)** that the petition tabled be received and noted.

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

P2/09 Cr Bruce Notley-Smith - Petition Received from Local Residents Requesting that Barwon Park Become Leash Free (F2005/00834)

37/09 **RESOLUTION: (Seng/Belleli)** that the petition tabled be received and noted.

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

Motion Pursuant to Notice

NM1/09 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr Belleli - Reducing Pollution from Stormwater Debris in our Oceans and Beaches (F2004/06144)

38/09 **RESOLUTION: (Belleli/Nash)** that:-

- (a) a report be brought to Council including options available to increase the number of gross pollutant traps to further reduce storm water debris into our ocean & beaches and their cost effectiveness with a view to including their installation costs in future budgets; and
- (b) a letter be sent to neighbouring councils asking them to do the same.

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

**NM2/09 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr Belleli
- Improving Water Quality for our Beaches (F2004/06471)**

39/09 **RESOLUTION: (Belleli/Nash) that: -**

- (a) Council writes to Sydney Water and the NSW Premier to find ways of improving water quality around Malabar, Frenchmans Bay, Yarra Bay and Congwong Beaches; and
- (b) the responses to Council's correspondence be included in the Councillors Bulletin.

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

**NM3/09 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr Belleli
- Installation of Traffic Lights Corner of Beauchamp Road and Perry
Street, Matraville (F2004/07626)**

40/09 **RESOLUTION: (Belleli/Nash)** that Council write to the Minister for Roads, The Hon Michael Daley, asking when consideration will be given to the installation of traffic lights at Beauchamp Road and Perry Street, Matraville and to investigate measures to reduce traffic incidents at the intersection of Botany Street and Bunnerong Road, Kingsford.

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

**NM4/09 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr Belleli
- Congwong Beach - Funds for Cleaning (F2006/00664)**

41/09 **RESOLUTION: (Belleli/Nash)** that Council writes to relevant State Government Authorities/Departments/Politicians requesting funds be given to the National Parks & Wildlife Service to help keep the Congwong Beaches clean.

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

**NM5/09 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr Bowen
- Allocation of Portion of Commonwealth Stimulus Funding to TAFE
- Randwick (F2005/00872)**

42/09 **RESOLUTION: (Bowen/Tracey)** that a report be prepared for Council on implementing a scheme whereby a portion of any future Commonwealth Stimulus Funding to the Council be made available to pay course fees for a dedicated number of residents of Randwick City, aged under 25 years, who wish to undertake vocational training at TAFE.

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

**NM6/09 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr Bowen
- Announcements Re: Alcohol Consumption on Coogee Beach
(F2005/00873)**

43/09 **RESOLUTION: (Bowen/Tracey)** that Council staff announce a reminder to beachgoers on Coogee Beach that alcohol consumption is prohibited on the beach, with such announcements to occur on weekends and public holidays during the patrol season.

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

NM7/09 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr Matson - Grant Reserve Pocket Park (F2004/08077)

This matter was withdrawn with the consent of council.

NM8/09 Motion Pursuant to Notice - Notice of Motion by Cr Matson - Replacement Guttering Complying with the Building Code of Australia (F2004/07630)

44/09 **RESOLUTION: (Matson/Woodsmith)** that Council write to the relevant authority asking that the Building Code of Australia be amended to prevent defective guttering from being allowed under the Code.

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

NM9 /09 Motion Pursuant to Notice - Notice Pursuant to Notice by Cr Matson - Community Reaction to Last Australia Day Event (F2008/00462)

45/09 **RESOLUTION: (Matson/Woodsmith)** that Council evaluate, after discussions with the Police, Precincts and other stakeholders, a further report on potential options for controlling drinking within Council's parks and reserves on Australia Day.

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

AMENDMENT: (Procopiadis/Tracey) that the Australia Day celebrations held by Council be held in the Randwick Town Hall and the entertainment provided by Council in the afternoon at Coogee be cancelled. **LOST.**

Cr White left the chamber at this point in the meeting, the time being 8.20pm.

NM10/09 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr Matson - New Dump of Fill Material on Bundock Street Site (F2006/00653)

46/09 **RESOLUTION: (Matson/Bowen)** that this matter be deferred until the next Council meeting to allow for an onsite inspection with interested councillors and relevant staff, and for the outcome of this inspection to be communicated to all councillors.

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

NM11/09 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr Matson - Water Bubblers on Coastal Walkway (F2004/07523)

47/09 **RESOLUTION: (Matson/Belleli)** that Council emulate Waverley Council and consider funding for the placement of a number of water bubblers on the Coastal Walkway in the draft budget.

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

Cr Andrews left the chamber at this point in the meeting, the time being 8.42pm.

Confidential Reports

CS3/09 Confidential - Coastal Walkway Upgrade Clovelly Car Park (F2008/00369)

This matter is considered to be confidential under Section 10A(2) (d) Of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.

48/09 **RESOLUTION: (Nash/Tracey)** that Council:

- a) accept the tender offered by Statewide Civil Pty Ltd at a lump sum price of \$642,478.00 to carry out the Coastal Walkway Upgrade at Clovelly Beach Car Park;
- b) authorise the General Manager to sign and affix Council's Common Seal on the contract documents on behalf of Council.
- c) notify the unsuccessful tenderers.

MOTION: (Nash/Tracey) CARRIED UNANIMOUSLY - SEE RESOLUTION.

CS4/09 Confidential - Footpath Sweeper - Tender T015/08 (F2008/00444)

This matter is considered to be confidential under Section 10A(2) (d) Of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.

49/09 **RESOLUTION: (Nash/Tracey)** that Council:

- a) Accepts the tenders submitted by Hako Australia to purchase the Hako Citymaster 2000 TDI for the sum of \$183,085.00;
- b) Authorises the General Manager to sign and affix Council's Common Seal on the contract documents on behalf of Council;
- c) Authorises the General Manager to negotiate directly with Hako Australia for the supply of another Hako Citymaster 2000 TDI in financial year 2009/10; and
- d) Notifies the unsuccessful tenderers.

MOTION: (Nash/Tracey) CARRIED UNANIMOUSLY - SEE RESOLUTION.

CS5/09 Confidential - Tender for the Provision of Building Services (F2007/00630)

This matter is considered to be confidential under Section 10A(2) (d) Of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.

50/09 **RESOLUTION: (Nash/Tracey)** that Council:

- a) accepts the tenders submitted by Harnleigh Pty Ltd, Songlen Pty Ltd and Waldock Construction Group Pty Ltd for Building Trade Services at the rates

tendered;

- b) authorise the General Manager to sign and affix Council's Common Seal on the contract documents on behalf of Council for a two year term with an option to extend for a further two terms of twelve months; and
- c) notify the unsuccessful tenderers.

MOTION: (Nash/Tracey) CARRIED UNANIMOUSLY - SEE RESOLUTION.

GF11/09 Confidential - SSROC Tender for the Provision and Coordination of Temporary Staff (F2008/00647)

This matter is considered to be confidential under Section 10A(2) (c) Of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

51/09

RESOLUTION: (Nash/Tracey) that:

- a) Under Regulation 178 (1)(a) of the Local Government (General) Regulation 2005, accept the tender submission offered by the following panel of suppliers for all temporary staff:

Group 1: Clerical / Administration / Support	Group 2: Trades and Operational
Adecco	Spectrum
All Staff	IPA
Spectrum	All Staff
IPA	Adecco
McArthur Management Services	Recruitment Edge

Group 3: Professional Officers - Finance / Child-Care / Librarians	Group 4: Professional Officers - Engineering / Planning / Environment
All Staff	All Staff
Spectrum	Adecco
Protech	Spectrum

- b) the General Manager, or delegated representative, be authorised to enter into a preferred supplier agreement with these recommended suppliers for a period of two years, with an optional one year extension.

MOTION: (Nash/Tracey) CARRIED UNANIMOUSLY - SEE RESOLUTION.

Notices of Rescission Motions

Nil.

There being no further business, His Worship the Mayor, Cr B Notley-Smith, declared the meeting closed at 9.15 pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 24 March 2009.

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CHAIRPERSON