



**MINUTES OF ORDINARY COUNCIL MEETING OF THE COUNCIL OF
THE CITY OF RANDWICK HELD ON TUESDAY, 25 MAY 2010 AT
6:09PM**

Present:

The Mayor, Councillor J Procopiadis (Chairperson) (West Ward)

Councillor R Belleli (Deputy Chairperson) (South Ward)

North Ward	-	Councillors K Smith, P Tracey & M Woodsmith
South Ward	-	Councillors C Matthews & A White
East Ward	-	Councillors T Bowen, M Matson & B Notley-Smith
West Ward	-	Councillors B Hughes & S Nash
Central Ward	-	Councillors A Andrews, T Seng & G Stevenson

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 Staff Services	Ms F Calabrese

Prayer & Acknowledgement of Local Indigenous People

The Council Prayer was read by Cr Tracey. The Acknowledgement of Local Indigenous People was read by Cr Woodsmith.

Apologies/Granting of Leave of Absences

Nil.

Confirmation of the Minutes

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY 27 APRIL 2010**

517/10

RESOLUTION: (Andrews/Bowen) that the Minutes of the Ordinary Council Meeting held on Tuesday 27 April 2010 (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 significant non pecuniary interest in Item CP41/10 as he is Council's delegate to the Joint Regional Planning Panel. Cr Matson did not participate in the debate or voting on this matter. In addition, his child attends the nearby school.
- (b) Cr Matson declared a non significant non pecuniary interest in Item CP39/10 as he knows the partner of the objector as they were a Greens candidate at the local government elections.
- (c) Cr Nash declared a significant non pecuniary interest in Item CP41/10 as he is Council's delegate to the Joint Regional Planning Panel. Cr Nash did not participate in the debate or voting on this matter
- (d) Cr Bowen declared a significant non pecuniary interest in Item CP41/10 as he is Council's alternate delegate to the Joint Regional Planning Panel. Cr Bowen did not participate in the debate or voting on this matter.
- (e) Cr Bowen declared a non significant non pecuniary interest in item CP32/10 as the objector operates from a property that his family used to have a financial interest in.
- (f) Cr Bowen declared a non significant non pecuniary interest in item CP40/10 as one of the objectors is associated with the Ritz Cinema and he has received invitations to events there in the past.
- (g) Cr Woodsmith declared a non significant non pecuniary interest in Item CP39/10 as she knows the partner of the objector as they were a Greens candidate at the local government elections
- (h) Cr Hughes declared a non significant non pecuniary interest in Item CP39/10 as he knows the partner of the objector as they were a Greens candidate at the local government elections and he has also attended a Christmas party where he met the objector
- (i) The Mayor declared a non significant non pecuniary interest in Item CP40/10 as he knows both the objector and applicant.
- (j) Cr Smith declared a pecuniary interest in item NM22/10 as this conference could have financial implications for his employer. Cr Smith did not participate in the debate or voting on this matter.
- (k) Cr Seng declared a non significant non pecuniary interest in Item CP40/10 as he knows a Director of the AJC and two of the objectors.
- (l) Cr Nash declared a non significant non pecuniary interest in Item CP40/10 as he knows a Director of the AJC and two of the objectors
- (m) The Mayor declared a non significant non pecuniary interest in item CP40/10 as one of the objectors is associated with the Ritz Cinema and he has received invitations to events there in the past
- (n) Cr Notley-Smith declared a non significant non pecuniary interest in Item CP40/10 as he knows a Director of the AJC and two of the objectors.
- (o) Cr Andrews declared a non significant non pecuniary interest in Item CP40/10 as he has been a guest of the AJC in the past.
- (p) Cr Notley-Smith declared a non significant non pecuniary interest in Item CP40/10 as he has been a guest of the AJC in the past.
- (q) Cr Matthews declared a non significant non pecuniary interest in Item CP32/10 as

he knew the father of the speaker on this item.

- (r) Cr Matthews declared a non significant non pecuniary interest in Item NR3/10 as he knows most of the objectors.
- (s) Cr Matthews declared a non significant non pecuniary interest in Item CP33/10 as he knows one of the objectors.
- (t) Cr Notley-Smith declared a non significant non pecuniary interest in Item CP37/10 as he knows the applicant.

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:

CP31/10 14-16 OCEAN STREET, CLOVELLY

Against Nick Greenaway

For Nick Murcutt

CP32/10 1609-1611 ANZAC PARADE, LA PEROUSE

For Braith Anasta

CP33/10 1 DAY LANE, KENSINGTON

Against Margaret Helback

For Oli Bramley on behalf of Bowling Club

CP39/10 88-102 MOVERLY ROAD, SOUTH COOGEE

Against Michael Burton

For Leanne Boyle

CP41/10 261-275 AVOCA STREET RANDWICK (DA 215/2010) - COUNCIL SUBMISSION TO THE JOINT REGIONAL PLANNING PANEL

For Genevieve Slattery

NR3/10 NOTICE OF RESCISSION MOTION FROM CRS ANDREWS, PROCOPIADIS AND SENG - 35 NAPIER STREET, MALABAR

Against Robert Farrugia

For Eleni Katholos

The meeting was adjourned at 7.38pm and was resumed at 7.58pm.

RESOLVED: (PROCEDURAL MOTION) (Procopiadis/Woodsmith) that all Development Applications, including the rescission motion, which were the subject of addresses by the public be brought forward and considered as the first items of business.

Cr Hughes left the chamber at this point in meeting, the time being 7.58pm.

Mayoral Minutes

MM14/10 Mayoral Minute - Institute of Public Works Engineering Australia (NSW Division) Excellence Awards 2010 - Stormwater Irrigation of Clovelly Bay (F2009/00178)

518/10 **RESOLUTION: (Mayor, Cr J Procopiadis)** that Council pass on its congratulations to the staff involved in producing these results and achieving the acknowledgement the Institute of Public Works Engineering Australia (NSW Division) 2010 Engineering Excellence Award provides.

MOTION: (Mayor, Cr J Procopiadis) CARRIED - SEE RESOLUTION.

MM15/10 Mayoral Minute - Waiving of Fees - Rainbow Club Australia Inc - Malabar Beach Ocean Swim (F2005/00145)

519/10 **RESOLUTION: (Mayor, Cr J Procopiadis)** that:

- a) Council vote \$10,820.00 to cover the fees associated with the holding of the Rainbow Club Australia Inc's ocean swim on 20 February 2011 and that the funds be allocated from the 2010-11 Contingency fund;
- b) Council waive all associated fees for the Rainbow Club Australia Inc's annual ocean swim for five (5) years from 2010-2015;
- c) The organiser of the event undertake to appropriately and prominently acknowledge and promote Council's contribution to the swim; and
- d) The Mayor or his representative be given the opportunity to address the event on behalf of Council.

MOTION: (Mayor, Cr J Procopiadis) CARRIED - SEE RESOLUTION.

MM16/10 Mayoral Minute - Sponsorship - Inaugural Tourism Awards for Greater Sydney (F2005/00797)

520/10 **RESOLUTION: (Mayor, Cr J Procopiadis)** that:

- a) Council support the Inaugural 2010 Tourism Awards for Greater Sydney through a partnership with Greater Sydney Tourism Inc; and
- b) the cost of the partnership (\$1,000.00) be funded from the 2009-10 Contingency Fund.

MOTION: (Mayor, Cr J Procopiadis) CARRIED - SEE RESOLUTION.

MM17/10 Mayoral Minute - Yvette Walters Fundraising Event - Request to Waive Hire Fees for Randwick Town Hall (F2004/07396)

521/10 **RESOLUTION: (Mayor, Cr J Procopiadis)** that Council lend its support to the Yvette Walters Fundraising Event to be held on Friday 2nd July, 2010 by waiving the hire fees for Randwick Town Hall associated with the event, such funds to come from the 2010/11 Council Contingency Fund.

MOTION: (Mayor, Cr J Procopiadis) CARRIED - SEE RESOLUTION.

Urgent Business

Nil.

Director City Planning Reports

CP31/10 Director City Planning Report - 14-16 Ocean Street, Clovelly (DA/971/2009)

522/10

RESOLUTION: (Notley-Smith/Woodsmith) that this development application be deferred to allow the applicant to submit amended plans lowering the building by 300mm. This is to be achieved by excavating further into the existing ground level.

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

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Matson	Councillor Bowen
Councillor Matthews	Councillor Seng
Councillor Nash	Councillor Tracey
Councillor Notley-Smith	Councillor White
Councillor Procopiadis	
Councillor Smith	
Councillor Stevenson	
Councillor Woodsmith	
Total (9)	Total (5)

CP32/10 Director City Planning Report - 1609-1611 Anzac Parade, La Perouse (DA/76/2009)

523/10

RESOLUTION: (Andrews/White)

- A. That Council's original determination of Development Application No. 76/2009 dated 16 November 2009 for restoration of the existing timber deck to be used as an outdoor dining area associated with the 'Boatshed Cafe', adjustment of disabled toilet layout, planting, and new signage at 1609-1611 Anzac Parade, La Perouse, be rescinded.
- B. That Council, as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/76/2009 for restoration of the existing timber deck to be used as an outdoor dining area associated with the 'Boatshed Cafe', adjustment of disabled toilet layout, planting, and new signage at 1609-1611 Anzac Parade, La Perouse, subject to the following conditions:
 1. The development must be implemented substantially in accordance with the plans numbered 01, 02, 03, 04, & 05, dated January 2009 and received by Council on 28 April 2010, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:

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

2. The colours, materials and finishes of the external surfaces to the deck are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.

Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the *Environmental Planning and Assessment Act 1979* prior to a construction certificate being issued for the relevant building works.

3. No cooking facilities or sanitary fittings other than those indicated on the approved plans are to be installed in the premises without the prior written consent of the Council.
4. The wording and design of the proposed interpretative sign adjacent to the entrance to the building must be developed in conjunction with Council to ensure maximum consistency with National Park and Randwick City Council interpretation in the area. Details of the sign are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
5. The southern deck must not be further enclosed by way of transparent or opaque screens, blinds, walls, windbreaks etc., whether fixed, operable or removable.

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

6. 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 \$100,001 - \$200,000	Not applicable.	0.5%	Not applicable.
Development Cost More than \$200,000	\$374750	1.0%	\$3747.50

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

7. The L_{10} noise level emitted from the licensed premises shall not exceed the background noise level (L_{90}) in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 7.00am and 12.00 midnight at the boundary of any affected residence. The background noise level shall be measured in the absence of noise emitted from the licensed premises.

The L_{A10} noise level emitted from the licensed premises shall not exceed the background noise level (L_{A90}) in any Octave Band Centre Frequency (31.5Hz –

8kHz inclusive) between 12.00 midnight and 7.00am at the boundary of any affected residence. The background noise level shall be measured in the absence of noise emitted from the licensed premises.

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

8. A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council one month after the commencement of use of the outdoor area, which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager Environmental Health & Building Services.
9. The outdoor deck on the western side of the building is restricted to 84 persons.
10. The outdoor area on the northern side is restricted to 12 persons.
11. The hours of the operation of the business are restricted to:

Monday - Thursday: 10.00am to 5.00pm
Friday - 10.00am to 6.00 pm and up till 11.00pm
(during daylight saving).
Saturday - Sunday : 9.00am to 6.00 pm and up till 11.00pm
(during daylight saving).
12. All furniture must be removed from the outdoor dining area outside the approved operating hours stipulated in condition 11 of this consent.

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:

13. The use and operation of the outdoor dining area shall not give rise to an environmental health nuisance to the adjoining/nearby premises or environment.
14. There must be no emissions or discharges from the outdoor dining area, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.
15. There must be no entertainment, amplified music, speakers or announcements on any part of the premises, at any time.
16. A Plan of Management shall be submitted to and approved by Council prior to an **occupation certificate** being issued for the development, which will ensure the use of the outdoor dining area and noise emanating from the use of the outdoor dining will have no adverse impact on the surrounding residential community at any time.

The plan shall detail the measures to be implemented to:

- provide contact emergency numbers.
- ensure compliance with the relevant conditions of approval,
- minimise the potential impact of the operation of the outdoor dining area upon nearby residents,
- effectively minimise and manage anti-social behaviour,

- minimise noise emissions and associated nuisances,
- effectively manage and respond to resident complaints.

The approved Plan of Management is to be implemented throughout the operation of the outdoor dining area, to ensure the use and noise emanating from the outdoor dining area will have no adverse impact on the surrounding residential community at any time.

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

Regulatory

17. 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.

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

19. **Prior to the commencement of any building works** (including fit-out works), a **construction certificate** must be obtained from the 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.

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

- i) appoint a *Principal Certifying Authority*, 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.

21. 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.

22. 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".
23. 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.
24. **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.
25. 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.*
26. 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**.

Fire safety

27. The existing levels of fire and safety within the building are to be upgraded in accordance with the following requirements and the fire safety certificate provisions of Part 9 of the *Environmental Planning and Assessment Regulation 2000* must be complied with, **prior to issuing an occupation certificate**:

a) The following works are to be undertaken in accordance with the specified provisions of the Building Code of Australia (BCA), as applicable:

- 1) The commercial area is to be fire separated from the residential area of the building, by installing a wall having a -/60/60 fire resistance level,
- 2) Smoke alarm/s complying with AS3786 (connected to the electrical mains power system and provided with battery back-up) must be installed and interconnected within the residential occupancy and ground floor restaurant, located and designed generally in accordance with specification E2.2a of the BCA,
- 3) Provide illuminated exit signs to the ground floor exits , in accordance with clause E4.5 & E4.7 of the BCA,
- 4) Provide portable fire extinguisher/s within the restaurant/kitchen area and adjacent to any internal electrical switchboard, in accordance with clause E1.6 of the BCA,
- 5) Provide a non-combustible enclosure (e.g. a metal cabinet) with seals to prevent the passage of smoke to any electricity meters and switchboard located in the restaurant
- 6) Balustrades and handrails to stairway/s, balconies, decks or the like are to be designed and constructed to satisfy clause D2.16 & D2.17 of the BCA,
- 7) Prior to commencing the abovementioned 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*.

28. 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.

Structural adequacy

29. A Certificate prepared by a professional engineer, shall be submitted to the Principal Certifying Authority (and the Council if Council is not appointed as the Principal Certifying Authority) **prior to the issuing of a Occupation Certificate**, certifying the structural adequacy of the existing structure to support the proposed new dead and live loads and the balustrading to the deck/balconies and verandah.

Building & demolition works

30. Demolition work and the removal, storage, handling and disposal of building materials must be carried out in accordance with the following requirements (as applicable):
- Occupational Health and Safety Act 2000
 - Occupational Health and Safety (Hazardous Substances) Regulation 2001
 - Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
 - WorkCover NSW Code of Practice and Guidelines
 - Australian Standard 2601 (2001) – Demolition of Structures
 - The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.
 - Randwick City Council Asbestos Policy (adopted 13 September 2005)
31. In accordance with Council's Asbestos Policy, the following requirements are to be satisfied if any materials containing asbestos are present in the building:
- a) Randwick City Council Asbestos Policy (adopted 13 September 2005).
A copy of Council's Asbestos Policy is available on Council's web site at www.randwick.nsw.gov.au in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.
 - b) A Demolition Work Plan must be developed and implemented in accordance with Australian Standard AS 2601-2001, Demolition of Structures.
 - c) 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.
 - d) 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.

- e) On demolition sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.
 - f) A 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 relevant requirements and conditions of consent, in relation to the safe removal and disposal of asbestos, have been satisfied.
32. 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.
33. 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.
34. Public safety and convenience must be maintained at all times during demolition, excavation and construction works.
- a) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.
 - b) A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or footway for services or the like.
 - c) Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
 - d) Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health, Building & Regulatory Services department.
 - e) During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for

Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing. Sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction.

- f) Public safety must be maintained at all times and public access to demolition/building works, materials and equipment on the site is to be restricted. If required, a temporary 1.8m high safety fence or hoarding is to be provided to protect the public, located between the work site and the public place. An awning may also be required to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises.

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

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

If it is proposed to locate any hoardings, site fencing or amenities upon any part of the footpath, nature strip or any public place, the written consent from Council's Health, Building & Regulatory Services department 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.

- g) A separate 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, 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 on the road, footpath or nature strip.

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:

35. The use and operation of the premises shall not give rise to an environmental health or public nuisance, vibration or, result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.
36. The 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 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).

Access & Facilities

The following conditions are applied to provide appropriate access and facilities to the premises:

37. Access and facilities for people with disabilities must be provided to new building work in accordance with any relevant provisions of the Building Code of Australia, to the satisfaction of the Certifying Authority and details are to be provided with the Construction Certificate application.

Wherever practicable, existing buildings are to be upgraded to provide reasonable provisions for people with a disability, to the satisfaction of the Certifying Authority (e.g.- provision of an entrance ramp having a maximum grade of 1 in 8).

Waste Management

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

38. Adequate provisions are to be made within the premises for the storage, collection and disposal of trade/commercial waste and recyclable materials, to the satisfaction of Council.

Trade/commercial waste materials must not be disposed in or through Council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed waste collection and disposal service are to be submitted to Council **prior to commencing operation of the business.**

The operator of the business must also arrange for the recycling of appropriate materials and make the necessary arrangements with an authorised waste services contractor accordingly.

Security Deposit Conditions

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

39. The following damage/civil works security deposit requirement is to be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused to the roadway, footway, verge or any public place; or as security for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the Environmental Planning and Assessment Act 1979:

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

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

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

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

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

commencement of any building/demolition works.

Traffic conditions/Civil Works Conditions

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

40. Prior to the issuing of an Occupation Certificate the applicant must meet the full cost for Council or a Council approved contractor to undertake any works required within the **Anzac Parade road reserve** to link the proposed outdoor restaurant and entry ramp with the existing concrete footpath in Anzac Parade.
41. 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.
42. The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.
43. A Works Zone is to be provided in Anzac Parade 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.

Alignment Level Conditions

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

44. The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath in Anzac Parade along the full site frontage.

The design alignment level at the property boundary must be strictly adhered to.
45. 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.
46. The above alignment levels and the site inspection by Council's Development Engineer has been issued at a prescribed fee of \$88 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:**

47. 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.
48. 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/builders 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.

49. 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.

Waste Management Conditions**The following conditions are applied to provide adequate provisions for waste management:**

50. 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.

The following conditions are imposed to provide reasonable levels of environmental amenity and public safety and convenience:

51. The outdoor dining area is required to comply with the relevant requirements of Council's Development Control Plan for "Footpath Dining & Trading".
52. The Licensee must keep in full force and effect for the term of the license agreement established, a policy of public risk insurance with respect to the licensed area and the business undertaken by the Licensee therein. The limit of public risk shall be not less than \$10,000,000 or such other sum as the Department of Lands may reasonably nominate in writing from time to time as the amount which may be paid arising out of any one single accident or event. The policy must also satisfy the following requirements:
 - a) The policy shall extend to cover death or injury to any person and damage to property of any person sustained when such person is using or entering the licensed area.

- b) The policy must name the Department of Lands as the owner and the Licensee as the insured and must contain a clause that the insurer will not cancel or change the insurance without first given the Department of Lands ten (10) days prior written notice.
- c) The insurance must be with an insurer approved by the Department of Lands and a copy of the policy or a certificate of insurance shall be delivered by the Licensee to the Department of Lands.

ADVISORY MATTERS:

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

In this regard, the development consent plans do not show compliance with the deemed-to-satisfy provisions of the BCA. Details of compliance with the relevant provisions of the Building Code of Australia and conditions of development consent are to be provided in the plans and specifications for the construction certificate.

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

- A2 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.

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

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Andrews	Councillor Belleli
Councillor Bowen	Councillor Matson
Councillor Nash	Councillor Matthews
Councillor Notley-Smith	Councillor Woodsmith
Councillor Procopiadis	
Councillor Seng	
Councillor Smith	
Councillor Stevenson	
Councillor Tracey	
Councillor White	
Total (10)	Total (4)

**CP33/10 Director City Planning Report - 1 Day Lane, Kensington
(DA/22/2010)**

524/10

RESOLUTION: (Nash/Woodsmith) that Council, as the consent authority, refuses development consent under Sections 80 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 22/2010 for use of the southern-most bowling green at the Kensington Bowling Club as a multi-purpose sports pitch consisting of 2 x fields; construction of perimeter fencing with netting above, installation of 8 x 5m high light posts and provision of artificial grass surface; and proposed hours of operation from 9am to 10pm, 7 days a week, at No. 1 Day Lane, Kensington for the following reasons:-

1. the proposal will have an unacceptable impact on on-street parking and traffic movements in the locality;
2. the proposed hours of operation will have an unacceptable impact on the amenity of the locality;
3. the proposal will generate an unacceptable light overspill and noise impacts; and
4. the proposal is not in the public interest.

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Andrews	Councillor Stevenson
Councillor Belleli	
Councillor Bowen	
Councillor Matson	
Councillor Matthews	
Councillor Nash	
Councillor Notley-Smith	
Councillor Procopiadis	
Councillor Seng	
Councillor Smith	
Councillor Tracey	
Councillor White	
Councillor Woodsmith	
Total (13)	Total (1)

**CP34/10 Director City Planning Report - 164 Brook Street, Coogee
(DA/702/2009/A)**

525/10

RESOLUTION: (Andrews/Nash)

That Council, as the responsible Consent Authority grant consent under Section 96 of the Environmental Planning and Assessment Act 1979 to modify Development consent No DA/702/2009 for permission to modify approved development by deleting Condition No. 55 of the original consent relating to underground cabling at 164 Brook Street, Coogee in the following manner:

A. Amend Condition No 1 as follows

1. The development must be implemented substantially in accordance with the plans numbered DA/01 through to DA/06, all Issue A, dated 23.09.09 and received by Council on 29 September 2009, the application form and on any

supporting information received with the application, except as may be amended by the following conditions, **as amended by the Section 96 dated 19 April 2010 and received by Council in 19 April 2010 only in so far as they relate to the modifications detailed in the Section 96 application.**

B. Delete Condition No. 55

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

**CP35/10 Director City Planning Report - 48-58 Maroubra Road, Maroubra
(DA/754/2005/A)**

526/10

RESOLUTION: (Andrews/Nash)

That Council as the responsible Consent Authority grant consent under Section 96(AA) of the Environmental Planning and Assessment Act 1979 to modify Development Consent No. DA/754/2005 to delete Condition No. 108 which requires a substation to be installed on the subject site at 54-58 Maroubra Road, Maroubra, in the following manner:

1. Amend Condition No. 108 to read as follows:

108. Any electricity substation required for the site as a consequence of this development **shall not encroach onto Council property and where possible** be screened from view.

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

**CP36/10 Director City Planning Report - 4-6 Andrew Street, Clovelly
(DA/62/2010)**

527/10

RESOLUTION: (Andrews/Nash)

A. That Council supports the objections under State Environmental Planning Policy No. 1 - Development Standards in respect to non-compliance with Clause 20B(1) of Randwick Local Environmental Plan 1998, relating to minimum allotment size and minimum frontage width for subdivision of land, respectively, on the grounds that the proposed development complies with the objectives of the above clauses, 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. 62/2010 for Torrens title subdivision of the existing property into two allotments, at No. 4-6 Andrew Street, Clovelly, subject to the following conditions:

1. The development must be implemented substantially in accordance with the plan numbered Sheet 1 of 1, dated 16/12/2009 and received by Council on the 3 February 2010, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:

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

2. The 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.

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

3. Prior to the issuing of a subdivision certificate the applicant must meet the full cost for Council or a Council approved contractor to:
 - a) Re/construct concrete vehicular crossing and layback at kerb opposite the vehicular entrance to No.6 Andrew Street.
4. 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.
5. The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.

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

6. Prior to the issuing of a subdivision certificate drainage infrastructure complying with the conditions of this development approval shall be approved and constructed. Detailed drainage plans shall be submitted to and approved by the certifying authority with a copy forwarded to Council if Council is not the certifying authority prior to the commencement of drainage works.
7. Stormwater runoff from the two allotments shall be discharged either:
 - a) To the kerb and gutter along the site frontage by gravity (without the use of a charged system); OR
 - b) To a suitably sized infiltration area/s. As a guide infiltration areas shall be sized based on a minimum requirement of 1 m² of infiltration area (together with 1 m³ of storage volume) for every 20 m² of roof/impervious area on the site.

Prior to the use of infiltration, a geotechnical investigation will be required to determine whether the ground is suitable for infiltration. Should rock and/or a water table be encountered within two metres of the proposed base of the infiltration pit, or the ground conditions comprise low permeability soils such as clay, infiltration may not be appropriate.

The following conditions are applied to satisfy the provisions of Council's

environmental plans, policies and codes for subdivision works:

8. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

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

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

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

9. The applicant shall provide Council with the finalised survey plan of the property prior to receiving subdivision approval.
10. The applicant shall create suitable rights of carriageway, easements for services, support and stormwater lines, as required. The applicant shall be advised that the minimum easement width for any stormwater line is 0.9 metres.
11. Should infiltration be used for the disposal of rainwater a "restriction on the use of land" and "positive covenant" (under section 88B of the Conveyancing Act 1919) shall be placed on the title of the subject properties, in conjunction with the registration of the proposed plan of subdivision, to ensure that the infiltration system is maintained and that no works which could affect the design function of the 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:

The "restriction as to user and positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.

12. A formal subdivision application is required to be submitted to and approved by the Council or an accredited certifier and all conditions of this development consent are required to be satisfied prior to the release of the subdivision plans.

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

**CP37/10 Director City Planning Report - 7R Marine Parade, Maroubra
(DA/246/2010)**

528/10

RESOLUTION: (Andrews/Nash)

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. DA/246/2010 for alterations to the former Maroubra Beach Bus terminal building located in Arthur Byrne Reserve and use as a surf school facility with hours of 7am to 7pm daily, at No. 7R Marine Parade, Maroubra, subject to

the following conditions:

Referenced plans:

1. The development must be implemented substantially in accordance with the plans numbered 10006, dated March 2010 and received by Council on 12/04/2010, the application form, and on any supporting information received with the application, except as may be amended by the details/amendments approved pursuant to the deferred commencement conditions and by the following conditions and as may be shown in red on the attached plans:
2. The hours of the operation of the business are restricted to: - Monday through to Sunday inclusive, from: 7am to 7pm (unless approved otherwise in a relevant development consent).
3. That the licensee will be entitled to one (1) authorised car parking space located within the car parking area adjacent to the Maroubra Beach Pavilion. The licensee will not be permitted to have vehicle access to the beach, promenade or within the foreshore parks or any other public area not legally designated for public vehicular parking.
4. That the licensee will be entitled to use the old bus/tram shelter located at 7R Marine Parade, Maroubra for storage of items and equipment ancillary with the operation of the surf lessons and for storing client's and staff's personal items while lessons are operating. The old bus/tram shelter is to be secured and is to be locked at all times. At all times this area and the vicinity should be kept clean and tidy.
5. The proposed alterations and additions including provision of change rooms, sinks, louvres and new openings are to be carefully carried out to minimise damage to original building fabric. Fitout elements including storage racks and security screens are to be installed to allow the future removal of these elements without damage to building fabric.
6. Detail of the wording and images for the proposed graphics boards/interpretative panels are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.

The following conditions are applied to satisfy relevant legislative requirements and to provide reasonable levels of health, safety and amenity:

Building regulation & construction conditions

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

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

8. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA). Details of compliance are to be provided in the construction certificate.

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

A copy of the construction certificate, the approved plans and development consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment

10. **Prior to the commencement of any building or 'fit-out' works**, the person having the benefit of the development consent must:

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

11. The works must be inspected by the *Principal Certifying Authority*, 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.

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

13. Where applicable, 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*.

The *Fire Safety Certificate* must include 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.

An annual *Fire Safety Statement* is also required to be submitted to the Council and the NSW Fire Brigades, each year after the date of the *Fire Safety Certificate*, in accordance with the *Environmental Planning & Assessment Regulation 2000*.

14. Any 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.

15. In existing buildings, the following works are to be carried out to ensure minimum levels of fire safety (as applicable):-

- 1) Any new or replacement ceilings walls and floor linings and doorways are required to satisfy the relevant requirements of the Building Code of Australia.
- 2) Any residential parts of the building must be provided with a smoke detection and alarm system, in accordance with the relevant provisions of the Building Code of Australia.
- 3) Any residential part/s of the building are to be suitably fire-separated from the commercial area encompassed in this development application.

Details of the abovementioned items and other building and fire safety works are to be provided in the **construction certificate**.

16. Building, demolition and associated site works must be carried out in accordance with the following requirements:

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> • Monday to Friday - 7.00am to 5.00pm • Saturday - 8.00am to 5.00pm • Sunday & public holidays - No work permitted
Internal work only within a commercial or industrial development, located in a commercial or industrial zone, which is not audible within any residential dwelling or commercial or industrial premises	<ul style="list-style-type: none"> • Monday to Saturday - No time limits (subject to column 1) • Sunday & public holidays - No work permitted

An application to vary the abovementioned hours may be submitted to Council's Manager Health, Building & Regulatory Services for consideration and approval to vary the specified hours may be granted in exceptional circumstances and for limited occasions (e.g. for public safety, traffic management or road safety reasons). Any applications are to be made on the standard application form and include payment of the relevant fees and supporting information. Applications must be made at least 10 days prior to the date of the proposed work and the prior written approval of Council must be obtained to vary the standard permitted working hours.

17. Public health, safety and convenience must be maintained at all times during demolition and building works and the following requirements must be complied with at all times (as applicable):

- a) The removal, storage and disposal of any materials containing asbestos must be carried out in accordance with the relevant requirements of WorkCover NSW, Council's Asbestos Policy and the following requirements:

- A licence must be obtained from WorkCover NSW for the removal of friable asbestos and or more than 10m² of bonded asbestos (i.e. fibro)
- Asbestos waste must be disposed of in accordance with the Protection of the Environment Operations Act 1997 & relevant Regulations
- A sign must be provided to the site/building stating "Danger Asbestos Removal In Progress"
- A Clearance Certificate or Statement must be obtained from a suitably qualified person (i.e. Occupational Hygienist) upon completion of the asbestos removal works, which is to be submitted to the Principal Certifying Authority and Council **prior to issuing an Occupation Certificate.**

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.

- b) A sign must be provided and maintained in a prominent position, which contains the following details:
- name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours, or *owner-builder* permit details (as applicable)
 - name, address and telephone number of the *Principal Certifying Authority*,
 - a statement stating that "unauthorised entry to the work site is prohibited".
- c) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, trip hazards, 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.
- d) A Road/Asset Opening Permit must be obtained from Council prior to carrying out any 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. For further information, please contact Council's Road/Asset Opening Officer on 9399 0691 or 9399 0999.
- e) 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.
- f) 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 Building Services section.

- g) During demolition and construction, 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 Landcom, to the satisfaction of Council.
- h) Public safety must be maintained at all times and public access to any demolition and building works, materials and equipment on the site is to be restricted. If necessary, a temporary safety fence or hoarding is to be provided to protect the public. Temporary site fences are to be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

If it is proposed to locate any site fencing, hoardings or items upon any part of the footpath, nature strip or any public place, a Local Approval application must be submitted to and approved by Council's Health, Building & Regulatory Services department beforehand. Details and plans are to be submitted with the application, together with payment of the weekly charge in accordance with Council's adopted Pricing Policy.

- i) 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.

The requirements and practices contained in the Protection of the Environment Operations Act 1997 and relevant DECC Construction Noise and Vibration Guidelines are to be satisfied and a Construction Noise and Vibration Management Plan is to be developed and implemented throughout the works to the satisfaction of Council.

Health & amenity

18. The operation of the premises and all plant and equipment must not give rise to an environmental health or public nuisance or, result in an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

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

19. Access and/or facilities for people with disabilities must be provided to new buildings and new building work in accordance with the relevant provisions of the Building Code of Australia, to the satisfaction of the Certifying Authority and details are to be provided with the Construction Certificate application

Waste management

20. Adequate provisions are to be made within the premises for the storage, collection and disposal of trade/commercial waste and recyclable materials, to the satisfaction of Council.
21. Any trade/commercial waste materials must not be disposed in or through Council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales. Details of the proposed

waste collection and disposal service are to be submitted to Council prior to commencing operation of the business.

Services

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

The principal certifying authority is required to ensure that a Quick Check Agent/Sydney Water has appropriately stamped the plans **prior to the commencement of any building works.**

The following conditions are applied to protect the proposed developed from stormwater inundation/flooding:

23. There shall be no electrical connections below RL 6.60 (AHD) in any part of the building.

Civil Works Conditions

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

24. 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.
25. All external civil work to be carried out on Council property and/or the land under the care and control of Council (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:
- a) All work on Council land and/or the land under the care and control of Council must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
 - b) Details of the proposed civil works to be carried out on Council land and/or the care and control of Council must be submitted to Council in a *Pre-paid Works Application Form*, prior to issuing an occupation certificate, together with payment of the relevant fees.
 - c) If it is proposed to use non-Council contractors to carry out the civil works on Council land and/or the land under the care and control of Council, the work must not commence until the written approval has been obtained from Council and the work must be carried out in

accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.

- d) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.

Service Authority Conditions

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

26. 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.
27. 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.

ADVISORY

- A1 The assessment of this development application does not include an assessment of the proposed building work under the Building Code of Australia (BCA).

All new building work must comply with the BCA and relevant Australian Standards and details of compliance must be provided in the Construction Certificate application.

- A2 In existing buildings, the levels of fire and occupant safety should be upgraded where necessary and details should be incorporated in the Construction Certificate to the satisfaction of the Certifying authority.

Where the levels of accessibility to existing buildings do not meet current standards, if practicable, the level of accessibility should also be upgraded in conjunction with the proposed development (e.g. via the installation of a 1:8 access ramp within the building) and details included in the construction certificate application.

Building owners, applicants and builders are advised to speak to the appointed Certifying Authority prior to lodgement of the Construction Certificate.

- A3 The applicant/owner is advised to engage the services of a suitably qualified and experienced Acoustic consultant, prior to finalising the design and construction of the development, to ensure that the relevant noise criteria and conditions of consent can be fully satisfied.

- A4 The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

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

**CP38/10 Director City Planning Report - 21-29 Munda Street, Randwick
(DA/206/2010)**

529/10

RESOLUTION: (Andrews/Nash)

That Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No DA/206/2010 for the retrofit of Randwick Community Centre to improve energy and water efficiency including alterations to openings, addition of awning, installation of rain water tanks and solar panels; installation of new kitchen; construction of an outdoor classroom, shed, wind turbine, lighting, new interpretive fence and roof over existing interpretive structure at 21-29 Munda Street, Randwick, subject to the following conditions:

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

1. The development must be implemented substantially in accordance with the plans numbered 1001, 1002, 1003, 3001, 4001 undated, and received by Council on 30 March 2010; and L1 dated 24 March 2010 and received by Council on 30 March 2010, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:

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

2. A separate application must be submitted to and approved by Council for the installation/and operation of the proposed black water subsurface irrigation system in accordance with section 68 of the Local Government Act 1993, prior to the installation or carrying out any works associated with the system.
3. The current requirements and guidelines of the Department of Water and Energy (DWE) and NSW Department of Health must be complied with, including, the "interim NSW Guidelines for the Management of Private Recycled Water Schemes (May 2008)", prepared by DWE.
4. Details of compliance with the relevant requirements and guidelines of the NSW Department of Water & Energy and NSW Department of Health are to be provided to Council with the section 68 local approval application.
5. The works shall not give rise to environmental pollution or public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 or NSW Occupational Health and Safety Act 2000 and Regulations there under.

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

6. 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.

7. 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. (Particular attention should be given to the relevant provisions of Sections D,E,F & H of the BCA.)

8. **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.

9. **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.
10. 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.

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

- name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours, or *owner-builder* permit details (as applicable)
 - name, address and telephone number of the *Principal Certifying Authority*,
 - a statement stating that "unauthorised entry to the work site is prohibited".
 - a. An **Occupation Certificate** must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent, in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.
12. 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.
13. The required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, in accordance with Section 109F of the Environmental Planning & Assessment Act 1979.

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

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

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

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

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

15. 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.

16. 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) 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.
- b) 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.
- c) 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.
- d) 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 Building Services section.

Certain waste containers (less than 3m in length) which are located in approved locations upon the road for a limited period may be exempt from approval, subject to compliance with the Roads & Traffic Authority Guidelines and Requirements, Council's Development Control Plan for Exempt & Complying Development and Council's Local Approvals Policy.

- e) 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.
- f) 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.
- g) 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.
- h) 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.

- i) 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.

The following conditions are applied to maintain reasonable levels of drainage:

17. Detailed drainage plans shall be submitted to and approved by the certifying authority prior to the issue of a construction certificate.

Advisory Conditions:

1. Any future excavation works in the area should, as a matter of good practice, conform to the NSW WorkCover Authority Guidance for Excavation titled "Excavation Code of Practice "- Catalogue Number 312, dated 31st March 2000.(any contractors should be advised of this.)
2. The vegetable/fruit beds in the proposed sustainable community gardens should be raised a minimum of 300mm using imported virgin soil or purpose specific soil for the garden beds.
3. The proposed compost toilet is to be approved subject to compliance with Department of Water and Energy Guidelines 2008 and a requirement for a local approval in relation to the installation/operation of the compost toilet.
4. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council immediately.

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

CP39/10 Director City Planning Report - 88-102 Moverly Road, South Coogee (DA/127/2010)

Note: A rescission motion was submitted on this matter in accordance with Council's Code of Meeting Practice and will be considered at the Planning Committee Meeting to be held on 8th June, 2010.

530/10

RESOLUTION: (Andrews/White)

That Council as the consent authority grant its development consent under of Section 80 and 80A of the Environmental Planning and Assessment Act 1979 to Development Application No. DA/127/2010 for the construction of 25 dwellings houses and associated landscape treatment within the private domain of each allotment and utility service installation to dwellings, landscape design and treatment associated with public domain within Stage 3B and subdivision of the Stage 3 site into 49 Torrens Title lots at 88-102 Moverly Road, South Coogee, subject to the following conditions:

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

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

Plan No.	Revision	Revision Date	Received on
001	A	02-02-10	25-02-10
003	C	03-05-10	04-05-10
004	B	03-05-10	04-05-10
005	B	03-05-10	04-05-10
006	C	03-05-10	04-05-10
3B-DA-008	B	15-04-10	16-04-10
3B-DA-009	A	02-02-10	25-02-10
3B-DA-010	A	02-02-10	25-02-10
3B-DA-011	A	02-02-10	25-02-10
3B-DA-012	A	02-02-10	25-02-10
3B-DA-013	A	02-02-10	25-02-10
3B-DA-014	A	02-02-10	25-02-10
3B-DA-015	A	02-02-10	25-02-10
3B-DA-016	A	02-02-10	25-02-10
3B-DA-017	A	02-02-10	25-02-10
3B-DA-018	A	02-02-10	25-02-10
3B-DA-019	A	02-02-10	25-02-10
3B-DA-020	B	26-03-10	29-03-10
3B-DA-021	B	26-03-10	29-03-10
3B-DA-022	A	02-02-10	25-02-10
3B-DA-023	C	15-04-10	16-04-10
3B-DA-024	A	02-02-10	25-02-10
3B-DA-025	A	02-02-10	25-02-10
3B-DA-026	A	02-02-10	25-02-10
3B-DA-027	B	15-04-10	16-04-10
3B-DA-028	A	02-02-10	25-02-10
3B-DA-029	A	02-02-10	25-02-10
3B-DA-030	A	02-02-10	25-02-10
3B-DA-031	B	03-05-10	04-05-10
3B-DA-032	B	03-05-10	04-05-10
047	A	02-02-10	25-02-10
048	B	03-05-10	04-05-10

and draft subdivision plans dated 30 April 2010 and received by Council on 4 May 2010, the application form and any supporting information received with the application, except as may be amended by the following conditions:

2. The colours, materials and finishes of the external surfaces of the dwelling hours are to be consistent with that indicated in the sample board accompanying the subject development application and received by Council on 25 February 2010.
3. Prior to the issue of any occupation certificate for any dwelling erected within the Stage 3 site, the developer must have completed the construction of the following public pedestrian access ways from the internal roads of the development:
 - (a) to the east to Moverly Road, South Coogee through No. 132 Moverly Road as per Development Consent No. 555/2009; and
 - (b) to the west to Grevillea Place, South Coogee through No. 11 Grevillea Place as per Development Consent No. 554/2009.
4. Fences located on the side or rear boundaries of the premises shall not exceed a maximum height of 1800mm, measured above the finished ground level within the individual site.

On sloping sites or at changes in ground levels, the maximum height of the fence may exceed the abovementioned specified height by up to 150mm maximum adjacent to any required 'step-downs' or changes in ground level.

The applicant and owner is advised that the relevant provisions of the *Dividing Fences Act 1991* are to be satisfied accordingly and any necessary approvals or agreements should be obtained from the owner/s of the adjoining land beforehand.

5. There must be no encroachment of the structure/s or associated articles onto Council's road reserve, footway, nature strip or public place.
6. Street 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 issuing an occupation certificate.**

7. 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 approved paving or the like on the ground) without the written consent of Council.
8. External lighting to the premises shall be designed so as not to cause a nuisance to nearby residents.

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

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

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

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

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

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

10. 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 more than \$200,000	\$8,276,576	1%	\$82,765.76

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 imposed to promote ecologically sustainable development and energy efficiency.

11. 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.
12. 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.

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

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

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

15. 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.

16. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).

17. **Prior to the commencement of any building works**, the following requirements must be complied with:

- a) a Construction Certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.

A copy of the construction certificate, the approved development consent plans and 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.

- b) a *Principal Certifying Authority* (PCA) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and
- c) a *principal contractor* must be appointed for the building work, or in relation to residential building work, an *owner-builder* permit may be obtained in accordance with the requirements of the *Home Building Act 1989*, and the PCA and Council are to be notified accordingly; and
- d) the *principal contractor* must be advised of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*; and
- e) at least two days notice must be given to the Council, in writing, prior to commencing building works.

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

18. The building works must be inspected by the *Principal Certifying Authority* (or other *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 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).

19. A sign must be erected and maintained in a prominent position on the site for the duration of the works, which contains the following details:
 - name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours, or *owner-builder* permit details (as applicable)
 - name, address and telephone number of the *Principal Certifying Authority*,
 - a statement stating that "unauthorised entry to the work site is prohibited".
20. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, the requirements of the *Home Building Act 1989* must be complied with.

Details of the Licensed Building Contractor (and a copy of the relevant Certificate of Insurance) or a copy of the Owner-Builder Permit (as applicable) must be provided to the Principal Certifying Authority and Council, in writing, **prior to commencement of works**.

21. 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.

22. 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 relevant requirements of the *Environmental Planning & Assessment Act 1979* and conditions of development consent must be satisfied prior to the issuing of an occupation certificate.

23. **Prior to the issuing of an interim or final occupation certificate**, a statement is required to be obtained from the Principal Certifying Authority or other suitably qualified person, which confirms that the development is not inconsistent with the development consent and the relevant conditions of development consent have been satisfied.
24. Smoke alarms must be installed in each Class 1 building or residential dwelling in accordance with the relevant provisions of Part 3.7.2 of the B.C.A. – Housing Provisions.

Smoke alarms must comply with AS3786 – Smoke alarms and be connected to the consumer mains electric power supply and provided with a battery back-up. Details of compliance with the provisions of the Building Code of Australia

must be included in the plans / specification for the **construction certificate**.

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

25. A dilapidation report prepared by a professional engineer, building surveyor or other suitably qualified independent person must be submitted to the satisfaction of the Principal Certifying Authority **prior to commencement** of any demolition, excavation or building works, in the following cases:
- excavations for new dwellings, additions to dwellings, swimming pools or the like which are proposed to be located within the *zone of influence* of the footings of any dwelling, associated garage or other substantial structure located upon an adjoining premises,
 - new dwellings or additions to dwellings sited up to shared property boundaries (e.g. additions to a semi-detached dwelling or terraced dwellings),
 - excavations for new dwellings, additions to dwellings, swimming pools or the like which are within rock and may result in vibration and or potential damage to any dwelling, associated garage or other substantial structure located upon an adjoining premises,
 - as otherwise may be required by the Principal Certifying Authority.

The report (including photographs) are required to detail the current condition and status of any dwelling, associated garage or other substantial structure located upon the adjoining premises, which may be affected by the subject works. A copy of the dilapidation report is to be given to the owners of the premises encompassed in the report/s before commencing any works.

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

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

Details of proposed retaining walls, shoring or piling are to be submitted to and approved by the Principal Certifying Authority for the development prior to commencing such excavations or works.

27. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 E of the *Environmental Planning & Assessment Regulation 2000*, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.
- a) If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development must, at the person's own expense:
- i) protect and support the adjoining premises from possible damage from the excavation, and
 - ii) where necessary, underpin the adjoining premises to prevent any

such damage.

- b) The condition referred to in subclause 1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

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

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

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

Noise and vibration from any rock excavation machinery, pile drivers and all plant and equipment must be minimised, by using appropriate plant and equipment, silencers and the implementation of noise management strategies.

A Construction Noise Management Plan, prepared by a suitably qualified person is to be implemented throughout the works, to the satisfaction of the Council. A copy of the strategy must be provided to the Principal Certifying Authority and Council **prior to the commencement of works.**

The Construction Noise Management Plan is to be prepared in accordance with the NSW DECC Construction Noise Guideline.

30. A Registered Surveyor's check survey certificate or *compliance certificate* is to be obtained at the following stage/s of construction to demonstrate compliance with the approved setbacks, levels, layout and height of the building to the satisfaction of the Principal Certifying Authority:

- prior to construction of the footings or first completed floor slab (prior to the pouring of concrete),
- upon completion of the building, prior to issuing an occupation certificate.

The survey documentation must 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.

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

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

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

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

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

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

33. A Construction Site Management Plan is to be developed and implemented **prior to the commencement of any 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 details.

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 amenity to the satisfaction of Council. A copy of the Construction Site Management Plan must be provided to the Principal Certifying Authority and Council. A copy must also be maintained on site and be made available to Council officers upon request.

34. Sediment and erosion control measures must be provided in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to Council's satisfaction.

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.

35. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:
- a) Building materials, sand, soil, waste materials, construction equipment or 5 other activities must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
 - b) 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.
 - c) 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.
 - d) Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health Building and Regulatory Services section.
 - e) Any part of Council's road, footway or nature strip which is damaged as a result of the work must be repaired or replaced to Council's satisfaction.

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:

36. The air conditioning plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:
- before 8.00am or after 10.00pm on any Saturday, Sunday or public holiday; or
 - before 7.00am or after 10.00pm on any other day.
37. The operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997 and Regulations*.
- In this regard, the operation of the plant and equipment shall not give rise to an $L_{Aeq, 15 \text{ min}}$ sound pressure level at any affected premises that exceeds the background $L_{A90, 15 \text{ min}}$ noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Department of Environment & Conservation Noise Control Guidelines.
38. The installation of rainwater tanks shall comply with the following noise control requirements:-
- a) The operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment*

Operations Act 1997 and Regulations.

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

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

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

39. Adequate provisions are to be made within the premises for the storage and removal of waste and recyclable materials, to the satisfaction of Council and details are to be included in the construction certificate documentation.
40. A construction Waste Management Plan (WMP) must be developed and implemented for the development, to the satisfaction of Council, **prior to the commencement of works.**

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

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

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

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

41. The land must be remediated to meet the relevant criteria in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 and the following requirements must be complied with:
 - a) **Prior to the commencement of any works**, a Remediation Action Plan (RAP) is required to be prepared and be submitted to Council. The RAP is also required to be reviewed by an independent NSW Department of Environment & Climate Change (DECC) Accredited Site Auditor and a written statement is to be provided to the Council with the RAP from the Site Auditor, which confirms that the RAP satisfies the relevant legislative guidelines and requirements and that the land is able to be remediated to the required level and will be suitable for the intended development and use.

- b) The RAP is to be prepared in accordance with the relevant Guidelines made or approved by the NSW Department of Environment & Climate Change, including the Guidelines for Consultants Reporting on Contaminated Sites.

This RAP is to include procedures for the following:

- Excavation, removal and disposal of contaminated soil,
 - Site management planning,
 - Validation sampling and analysis,
 - Prevention of cross contamination and migration or release of contaminants,
 - Ground water remediation, dewatering, drainage, monitoring and validation,
 - Unexpected finds.
- c) A NSW Department of Environment & Climate Change (formerly EPA) Accredited Site Auditor, accredited under the *Contaminated Land Management Act 1997*, must be appointed to assess the suitability of the site for its intended development and use.
- d) A Statutory Site Audit Statement and Summary Site Audit Report is to be submitted to Council which verifies that the land has been remediated and the site is suitable for the intended development and satisfies the relevant criteria in the NEPM 1999.

Any requirements contained within an Environmental Management Plan (EMP) which forms part of the Site Audit Statement and Site Audit Report, form part of this consent and must be implemented accordingly. Council is required to be consulted with prior to the development of the EMP and any comments made by Council are required to be taken into consideration prior to finalising the EMP.

- e) The site remediation must be carried out to the satisfaction of the Accredited Site Auditor and a Site Audit Statement and Summary Site Audit Report must be submitted to Council **prior to:**
- i) **a construction certificate being issued for the development or**
 - ii) **a subdivision certificate being issued** for the development, which ever comes first
- f) Remediation works shall be carried out in accordance with the requirements of the *Contaminated Land Management Act 1997*, environmental planning instruments applying to the site, guidelines made by the NSW Department of Environment & Climate Change and Department of Infrastructure Planning & Natural Resources, Randwick City Council's Contaminated Land Policy 1999 and the *Protection of the Environment Operations Act 1997*.
- g) Should the approved remediation strategy including the 'capping' or 'containment' of any contaminated land, details are to be included in the Site Audit Statement (SAS) and Environmental Management Plan (EMP) to the satisfaction of the Site Auditor.

Details of the SAS and EMP (including capping and containment of contaminated land) are also required to be included on the Certificate of Title for the subject land under the provisions of section 88 of the *Conveyancing Act 1919*.

- h) The Site Audit Statement must, where no guideline made or approved under the NSW *Contaminated Land Management Act* is available (as with asbestos), clearly state the source of the standard adopted in determining the suitability of the land for the intended development and use and must also demonstrate its suitability to Council.

In relation to any asbestos contamination, a comprehensive remediation strategy and remedial action plan must be developed, to the satisfaction of the Site Auditor and NSW Department of Health or other suitably qualified and experienced specialist to the satisfaction of the Site Auditor.

The remediation strategy and remedial action plan must demonstrate that the land will be remediated in accordance with relevant guidelines (if any) and to a level or standard where no unacceptable health risk remains from asbestos exposure, which shall be verified upon completion of the remediation works to the satisfaction of the Site Auditor.

- i) A Site Remediation Management Plan must be prepared prior to the commencement of remediation works by a suitably qualified environmental consultant and be implemented throughout remediation works. The Site Remediation Management Plan shall include measures to address the following matters:
- general site management, site security, barriers, traffic management and signage
 - hazard identification and control
 - worker health & safety, work zones and decontamination procedures
 - prevention of cross contamination
 - site drainage and dewatering
 - air and water quality monitoring
 - disposal of hazardous wastes
 - contingency plans and incident reporting
 - details of provisions for monitoring implementation of remediation works and persons/consultants responsible.

A copy of the Site Remediation Management Plan is to be forwarded to Council prior to commencing remediation works.

- j) Any fill importation to the site is to be monitored and classified by the Site Auditor appointed for remediation of the site or a person with his qualifications. Only 'Virgin Excavated Natural Material' (VENM) is to be imported to the site, as detailed in the NSW DECC Waste Classification Guidelines (2008).
- k) Hazardous or intractable wastes arising from the demolition, excavation and remediation process being removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, and with the provisions of:
- *New South Wales Occupational Health and Safety Act, 2000;*
 - *The Occupational Health and Safety (Hazardous Substances) Regulation 2001;*
 - *The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;*
 - *Protection Of the Environment Operations Act 1997 (NSW) and*
 - *NSW DECC Waste Classification Guidelines (2008).*

- l) The works must not cause any environmental pollution, public nuisance or, result in an offence under the *Protection of the Environment Operations Act 1997* or *NSW Occupational Health & Safety Act (2000) & Regulations (2001)*.
- m) Any new information which is identified during remediation, demolition or construction works that has the potential to alter previous conclusions about site contamination or the remediation strategy shall be notified to the Site Auditor and Council immediately in writing.

The written concurrence of Council must be obtained prior to implementing any changes to the remediation action plan or strategies.

Security Deposit Conditions

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

42. 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) \$5000.00 - 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:

43. Prior to the issuing of an Occupation Certificate for any of the residential dwellings the applicant must meet the full cost for Council or a Council approved contractor to:
 - a. Construct full width concrete vehicular crossings and laybacks at kerb opposite the vehicular entrances to the proposed dwellings.
44. All civil infrastructure works within the proposed development site including, but not limited to, construction of the drainage system within the proposed road reserve, construction of the drainage system from the proposed road reserve to the downstream end of the development site, construction of the private interallotment drainage system/s, construction of the road pavement, construction of kerb and gutter, construction of footpaths within the road

reserve and construction of vehicular crossings must be undertaken in accordance with the development consent for Stage 1 and the construction certificates for Stages 2 and 3 civil infrastructure works. Construction certificate applications for the proposed dwellings must demonstrate compliance with this requirement.

45. All private interallotment drainage systems and future Council controlled drainage systems within the proposed Stage 3B (Development Application 127/2010), Stage 3A (Development Application 126/2009) and Stage 2B (Development Application 578/2009) must be completed prior to the issuing of an occupation certificate for any dwelling within Stage 3B.
46. 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.
47. Prior to the issue of a construction certificate for the proposed dwellings, 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 construction phase of the development.

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

Alignment Level Conditions

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

48. The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage.
 - **2.5% above the design top of kerb opposite at all points within the proposed Stage 3B development site.**

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

49. 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.

Service Authority Conditions

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

50. A public utility impact assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.

51. The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.
52. All street lighting is to be provided on Energy Australia approved light poles and connected to the Energy Australia street lighting system. The light poles shall be consistent with those approved for Stage 2 works.
53. 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.
54. 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.
55. All services must be located underground.
56. 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:

57. The floor level of all habitable areas, storage areas and garages in the proposed dwellings must be a minimum of 300mm above the critical 1 in 100 year ARI flood level. The applicant's hydraulic consultant, (i.e. the consultant engaged to prepare the drainage system design for the Stage 3 construction certificate), must provide to the certifying authority certification of compliance with this requirement prior to the issuing of a construction certificate for any dwelling.
58. The proposed internal driveways must be designed with a high point at least 150 mm above the critical 1 in 100 year ARI flood level. The applicant's hydraulic consultant, (i.e. the consultant engaged to prepare the drainage system design for the Stage 3 construction certificate), must provide to the certifying authority certification of compliance with this requirement prior to the issuing of a construction certificate for any dwelling.

59. All stormwater discharge from the proposed dwellings site shall be directed to either the proposed street drainage system, (for houses on the high side of the proposed road) or to the proposed private interallotment drainage system/s for houses that drain away from the road reserve.
60. Detailed drainage plans for each dwelling shall be submitted to and approved by the certifying authority prior to the issue of a construction certificate for that dwelling. The drainage plans shall demonstrate compliance with the conditions of this development approval. All drainage details shall be prepared by a suitably qualified hydraulic consultant who shall, at the completion of the works, certify that the drainage works have been constructed in accordance with the approved drainage plans and relevant standards.

Subdivision Conditions

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

61. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

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

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

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

62. The applicant shall provide Council with the finalised survey plan of the property prior to receiving subdivision approval.
63. The applicant shall create suitable rights of carriageway, easements for services, support and stormwater lines, as required. The applicant shall be advised that the minimum easement width for any stormwater line is 0.9 metres.
64. A formal subdivision application is required to be submitted to and approved by the Council or an accredited certifier and all conditions of this development consent are required to be satisfied prior to the release of the subdivision plans.
65. Details of critical stage inspections carried out by the principal certifying authority, together with any other certification relied upon, must be provided to Council or the accredited certifier prior to the issuing of a subdivision certificate.

Waste Management Conditions

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

66. A waste storage area shall be provided within each dwelling, screened from view and sized to contain a total of 3 waste bins (1 x 120L garbage bin, 1 x 240L recycling bin & 1 x 240L green waste bin) whilst providing satisfactory

access to these bins. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.

67. 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:

68. Landscaping for each individual lot within Stage 3B must be installed substantially in accordance with the Stage 3 Private Lot Principles & Planting Schedule and Typical House Layouts by AECOM, drawing numbers L-DA-948B, 949B and 950B, revision B, dated 19.02.2010; however, Council requires that the following changes be shown on amended plans, which must be submitted to, and be approved by the PCA for each lot, prior to the issue of Construction Certificates for each dwelling:
- a) Deletion of the following species, which are to be replaced with alternative species of similar form and function:
 - i. *Pennisetum alopecuroides* (Fountain Grass) as this species has also demonstrated a capacity to escape cultivation and spread by wind blow seed;
 - ii. *Coprosma repens* (Looking Glass Plant) as it is recognised as an environmental weed which invades areas of native bushland; and
 - iii. *Poa labillardieri* (Poa) as it does not remain evergreen which gives a poor appearance.
 - b) Plant schedules must nominate the quantity, location and spacing for all planting proposed within each lot, and must be shown at their full size at maturity in order to avoid future maintenance issues for both the landscaping and dwellings;
 - c) Any tree plantings that will achieve a height of 6 metres, and/or, a canopy spread of 4 metres upon maturity, must be setback a minimum distance of 2.5 metres from any physical part of a proposed dwelling;
 - d) Additional notation or details for soil, mulch, edging, paving, fencing, surface finishes, retaining walls or any other landscape elements in order to fully describe the proposed landscape works;
 - e) Any hydraulic/stormwater systems must attempt to reduce the placement of detention tanks and pits within areas of private open space so as to maximise the useability of these areas by future occupants.
69. The landscaping must be installed in accordance with the approved documentation, prior to the issue of a Final Occupation Certificate, and must be maintained in accordance with these plans.

Removal of trees

70. In accordance with the adopted Tree Survey and Arborists Report, approval is

granted for the removal of Tree 92, a *Eucalyptus robusta* (Swamp Mahogany, Category rating 'B'), as its retention will not be possible due to its location on a steep slope that would prevent any usable area of private open space for future occupants, with the raising of soil levels and construction of retaining walls not an option as this would only result in its death.

71. Approval is also granted for the removal of Tree 93, a *Melaleuca quinquinervia* (Broad Leafed Paperbark), and Tree 94, a *Pinus radiata* (Radiata Pine), both Category rating 'C', to the southeast of Tree 92, as the approved works will require the complete severance of numerous major, structural roots at ground level which would cause the death of both trees.

Replacement Planting

72. The approvals described above are subject to a minimum of 1 x 200 litre (pot/bag size at the time of planting) replacement tree being provided in the rear yard of House 83, along the rear (northeast) boundary, towards the northwest corner of this Lot, selecting an evergreen species that is endemic to the Randwick LGA, and which will attain a minimum height of between 6-10 metres at maturity.
73. This replacement tree shall also be supplemented by the planting of a continuous evergreen hedge along the length of the rear (northern) boundary, selecting a species that will achieve at minimum, the height of the common boundary fencing in this location.
74. 1 x 100 litre (pot/bag size at the time of planting) replacement tree shall also be provided in the rear yard of House 84, along the rear (northern) boundary, selecting a species which will attain a
75. Compliance with these requirements, nominating the proposed species, size and their location, must be provided on the plans submitted for the Construction Certificate application.

ADVISORY MATTERS:

- A1 Demolition, building or excavation work must not be commenced until;
- A Construction Certificate has been obtained from Council or an Accredited Certifier
 - Council or an Accredited Certifier has been appointed as the Principal Certifying Authority for the development
 - Council and the Principal Certifying Authority have been given at least 2 days notice (in writing) prior to commencing any works.

Failure to comply with these important requirements is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million under the *Environmental Planning & Assessment Act 1979*. Alternatively, Council may issue a penalty infringement notice (for up to \$1,500) for each offence.

- A2 A local approval application must be submitted to and be approved by Council's Building Certification Services section prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:-
- Install or erect any site fencing, hoardings or site structures
 - Operate a crane or hoist goods or materials over a footpath or road
 - Placement of a waste skip or any other container or article.

For further information please contact Council's Building Certification Services on 9399 0944.

- A3 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place, to the satisfaction of the Certifying Authority.
- A4 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA) and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards and you are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.
- A5 The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

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

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Andrews	Councillor Belleli
Councillor Bowen	Councillor Matson
Councillor Matthews	Councillor Notley-Smith
Councillor Nash	Councillor Tracey
Councillor Procopiadis	Councillor Woodsmith
Councillor Seng	
Councillor Smith	
Councillor Stevenson	
Councillor White	
Total (9)	Total (5)

AMENDMENT: (Matson/Woodsmith) that the application be approved subject to an extra condition being added stating that the tree identified as tree 92 in the backyard of house identified as house number 83 be retained, the existing remnant kerbing be retained and buried and the applicant to lower the ground level of the proposed fill in the back of house 83 to achieve an overall reduction of soil around the base of the tree. **LOST ON CASTING VOTE OF THE MAYOR.**

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Bowen	Councillor Matthews
Councillor Matson	Councillor Nash
Councillor Notley-Smith	Councillor Procopiadis
Councillor Stevenson	Councillor Seng
Councillor Tracey	Councillor Smith
Councillor Woodsmith	Councillor White
Total (7)	Total (7)

**CP40/10 Director City Planning Report - 77-97 Alison Road, Randwick
(DA/880/2009)**

531/10

RESOLUTION: (White/ Matson) that this application be deferred to the next ordinary meeting of Council to allow the applicant to conduct further traffic studies to address Council's concerns.

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

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Bowen	Councillor Andrews
Councillor Hughes	Councillor Belleli
Councillor Matson	
Councillor Matthews	
Councillor Nash	
Councillor Notley-Smith	
Councillor Procopiadis	
Councillor Seng	
Councillor Smith	
Councillor Stevenson	
Councillor Tracey	
Councillor White	
Councillor Woodsmith	
Total (13)	Total (2)

**CP41/10 Director City Planning Report - 261-275 Avoca Street Randwick
(DA 215/2010) - Council Submission to the Joint Regional Planning
Panel (F2009/00257)**

Note: Councillors Bowen, Matson and Nash having previously declared an interest in this matter, left the chamber and took no part in the debate or voting on this item.

532/10

RESOLUTION: (Andrews/White) that Council endorse the attached submission to the Joint Regional Planning Panel, in relation to DA 215/2010 (261-275 Avoca Street, Randwick).

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

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Andrews	Councillor Belleli
Councillor Procopiadis	Councillor Matthews
Councillor Seng	Councillor Notley-Smith
Councillor Stevenson	Councillor Smith
Councillor Tracey	Councillor Woodsmith
Councillor White	
Total (6)	Total (5)

**CP42/10 Director City Planning Report - Metropolitan Strategy Review and
Metropolitan Transport Plan (F2005/00270)**

533/10

RESOLUTION: (Andrews/Belleli) that Council endorse the proposed submission in response to the Metropolitan Strategy Review and Metropolitan Transport Plan.

MOTION: (Andrews/Belleli) CARRIED UNANIMOUSLY - SEE RESOLUTION.

General Manager's Reports

GM14/10 General Manager's Report - Affixing of the Council Seal (F2004/07367)

534/10 **RESOLUTION: (Andrews/Nash)** that the Council's Seal be affixed to the signing of agreements between Council and Jai Guo Yin & Jennifer Chang in relation to an assignment of lease for 28 Silver Street, Randwick.

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

GM15/10 General Manager's Report - Review of the 2009-13 Management Plan - March 2010 Quarterly Report (F2009/00052)

535/10 **RESOLUTION: (Andrews/Nash)** that the information contained in the March 2010 Quarterly Review of the 2009-13 Management Plan be received and noted.

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

GM16/10 General Manager's Report - Invitation to Attend International Sister City Mayor's Conference (F2007/00072)

536/10 **RESOLUTION: (Andrews/Nash)** that the invitation from the Mayor of Hangzhou for the Mayor, Lady Mayoress, Director City Planning and Manager Administrative Services to attend the 2010 International Sister City Mayor's Conference from 14th to 17th October 2010 be accepted.

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

Director City Services Reports

Nil

Director Governance & Financial Services Reports

GF20/10 Director Governance & Financial Services Report - Investment Report - April 2010 (F2004/06527)

537/10 **RESOLUTION: (Stevenson/Woodsmith)** that the investment report for April 2010 be received and noted.

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

GF21/10 Director Governance & Financial Services Report - Budget Review - March 2010 Quarter (F2009/00344)

538/10 **RESOLUTION: (Stevenson/Nash)** that:

- a) the report in relation to the March 2010 budget review be received and noted; and
- b) the proposed March 2010 budget variations shown in Attachment 3 to this report be adopted.

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

GF22/10 Director Governance & Financial Services Report - Complaints Management System (F2005/00427)

539/10 **RESOLUTION: (Andrews/Nash)** that:

- a) the Customer Compliments and Complaints Policy be superseded by the 'Complaints Management Policy and Procedure'; and
- b) the Complaints Management Policy and Procedure' be adopted for immediate implementation.

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

GF23/10 Director Governance & Financial Services Report - Review of Delegations of Authority (F2004/06895)

540/10 **RESOLUTION: (Andrews/Nash)** that pursuant to section 377 of the Local Government Act, the Delegations of Authority be amended as follows;

RP063	Planning Control – Planning Certificates
Current delegation	To issue planning certificates under Section 149 of the Environmental Planning and Assessment Act.
Proposed new delegation	To issue planning certificates (excluding Building Certificates) under Section 149 of the Environmental Planning and Assessment Act. (For Building Certificates see RC002)
RB005	Building Professionals Board – Lodgement of Complaints
New delegation	To make a complaint, on behalf of the Council, to the Building Professionals Board.
RB010	Building Professionals Board – Recommend Council Accredited Certifiers
New delegation	To make recommendations to the Building Professionals Board in relation to the accreditation of Council Accredited Certifiers.
RT012	Tenders – Calling of
	To call Tenders on the Council's behalf.
Currently delegated to:	General Manager (in consultation with the Mayor)
Proposed amendment:	General Manager

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

GF24/10 Director Governance & Financial Services Report - Merger of External Audit Company Spencer Steer Chartered Accountants (F2004/06504)

541/10 **RESOLUTION: (Andrews/Nash)** that the report be received and noted.

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

Petitions

Nil.

Motion Pursuant to Notice**NM19/10 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Andrews - Sydney Pedestrian Crash Investigation Project (F2004/08309)**

542/10

RESOLUTION: (Andrews/Belleli) that this Council write to the NSW Roads & Traffic Authority and the State Member for Maroubra, The Honourable Michael Daley, seeking funding and implementation of the relevant recommendations as proposed in the Sydney Pedestrian Crash Investigation Project – Anzac Parade and Maroubra Road, Maroubra.

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

NM20/10 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Bowen - Addressing Homelessness in Randwick City Council Area (F2005/00714)

543/10

RESOLUTION: (Bowen/Belleli) that Council:-

- (a) convene and host a meeting of local stakeholders to examine ways to address the issue of homelessness in the Randwick City Council area with a view to developing a local action plan; and
- (b) write to the Prime Minister and the Premier asking them both to examine ways of addressing the issue of homelessness in the Randwick City Council area.

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

NM21/10 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Notley-Smith - Installation of Life Buoys at Clovelly Beach (F2004/08153)

544/10

RESOLUTION: (Notley-Smith/Smith) that Council:-

- (a) install life buoys at Clovelly Beach as deemed necessary; and
- (b) investigate the new types of life buoys that have a locator beacon built into them with a view to installing them at selected beaches and rockpools.

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

NM22/10 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Matson - Local Government Association Conference (F2009/00058)

545/10

RESOLUTION: (Matson/Woodsmith) that Council submits a motion to the next Local Government Association Conference reflecting Council's Waste Management Strategy resolution of 11 May 2010, which shall read as follows:

'That, in recognising the need for proper legislation to control the impending waste crisis facing Sydney metropolitan Councils, the association will urgently approach Sydney metropolitan Councils to request support for a campaign calling for the introduction of State container deposit legislation.'

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

NM23/10 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Matson - Response to the Premier's Announced Cycling Plan (F2004/07424)

546/10

RESOLUTION: (Matson/Woodsmith) that Council:

- 1) respond positively to the Premier's announced cycling plan to close gaps in Sydney's cycleways with specific reference to dedicated off-road cycle tracks;
- 2) advises the Premier of Council's previous resolution for an off-road cycle path down the median strip of Anzac Parade and the recent submission we have made to the RTA on this matter seeking funding;
- 3) notes the request for feedback on the Premier's plan and accordingly makes a submission requesting funding under the plan for the Anzac Parade project; and
- 4) advises Bicycles NSW of the submission.

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

Confidential Reports

CS6/10 Confidential - Tender for Retaining Wall Reconstruction - Alison Road, Coogee - T08/10 (F2010/00137)

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.

547/10

RESOLUTION: (Andrews/Nash) that Council:

- a) accepts the Option C tender offered by Shamrock development Pty Ltd at a lump sum price of \$389,480.00 to carry out reconstruction of the retaining wall at Alison Road Coogee: and
- b) delegate the General Manager authority to sign a contract with Shamrock Development Pty Ltd to carry out the work.

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

Notice of Rescission Motions

NR3/10 Notice of Rescission Motion - Notice of Rescission Motion from Crs Andrews, Procopiadis and Seng - 35 Napier Street, Malabar (DA/795/2009)

548/10

RESOLUTION: (Andrews/Seng) that the resolution passed at the Planning Committee meeting held on Tuesday, 11 May 2010 reading as follows:

(Tracey/Belleli) that Council, as the consent authority, refuses development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 795/2009

for demolition of existing structures and construction of new part 2, part 3 storey attached dual occupancy with garaging, swimming pool and associated works at No. 35 Napier Street, Malabar for the following reasons:

1. the proposal has excessive bulk and scale.
2. the proposal will adversely impact on the views from neighbouring properties.
3. the proposal will result in adverse overshadowing to 105 Victoria Street, Malabar.
4. the proposal does not comply with the Floor Space Ratio standard of Council's LEP.

BE AND IS HEREBY RESCINDED.

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

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Andrews	Councillor Belleli
Councillor Matson	Councillor Bowen
Councillor Nash	Councillor Matthews
Councillor Notley-Smith	Councillor Smith
Councillor Procopiadis	Councillor Tracey
Councillor Seng	Councillor Woodsmith
Councillor Stevenson	
Councillor White	
Total (8)	Total (6)

549/10

RESOLUTION: (Andrews/Nash) that this development application be deferred to the next available meeting to allow for immediate mediation between the applicant and objectors.

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

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Andrews	Councillor Tracey
Councillor Belleli	Councillor Woodsmith
Councillor Bowen	
Councillor Matson	
Councillor Matthews	
Councillor Nash	
Councillor Notley-Smith	
Councillor Procopiadis	
Councillor Seng	
Councillor Smith	
Councillor Stevenson	
Councillor White	
Total (12)	Total (2)

Note: A rescission motion on item CP39/10 was submitted by Councillors Matson, Tracey and Woodsmith in accordance with Council's Code of Meeting Practice and will be considered at the Planning Committee meeting to be held on 8th June, 2010.

There being no further business, His Worship the Mayor, Cr J Procopiadis, declared the meeting closed at 10.40 pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 22 June 2010.

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CHAIRPERSON