

**MINUTES OF ORDINARY COUNCIL MEETING OF THE
COUNCIL OF THE CITY OF RANDWICK HELD ON
TUESDAY, 24 AUGUST 2010 AT 6:07PM**

Present:

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

Councillor R Belleli (Deputy Chairperson) (South Ward)

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| 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 & 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
Senior Administrative Coordinator	Ms J Hartshorn
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 Smith. The Acknowledgement of Local Indigenous People was read by Cr Woodsmith.

Apologies/Granting of Leave of Absences

An apology was received from Cr Seng.

RESOLVED: (Andrews/Belleli) that the apology received from Cr Seng be accepted and leave of absence from the meeting be granted.

Confirmation of the Minutes

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

643/10

RESOLUTION: (Andrews/Belleli) that the Minutes of the Ordinary Council Meeting held on Tuesday 27 July 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 White declared a non significant non pecuniary interest in Item CS18/10 as his son plays for the Maroubra Saints AFL Club which will benefit from the proposed work.
- b) Cr Andrews declared a non significant non pecuniary interest in Item MM37/10 as he attends the parish concerned.
- c) Cr Andrews declared a non significant non pecuniary interest in Item CP68/10 as he knows one of the Directors of IWD No. 2 Pty Ltd.
- d) Cr Procopiadis declared a non significant non pecuniary interest in Item CP68/10 as he knows the applicant.
- e) Cr Nash declared a non significant non pecuniary interest in Item CP63/10 as he has a professional association with the author of the report, Mr Stuart Harding.
- f) Crs Belleli, Nash, Notley-Smith and Smith declared a non significant non pecuniary interest in Item CP66/10 as one of the objectors to the original development application is a member of the Liberal Party. Crs Belleli, Nash, Notley-Smith and Smith indicated that they would not be participating in the debate or the vote on the matter.
- g) Cr Matthews declared a non significant non pecuniary interest in Item GM38/10 as he knows many members of the South Maroubra Surf Life Saving Club.
- h) Cr Bowen declared a non significant non pecuniary interest in Item GM38/10 as a former member of the South Maroubra Surf Life Saving Club.
- i) Later in the meeting (see page 35 of these Minutes) Cr Smith declared a pecuniary interest in Item CS20/10 as this matter could have financial implications for his employer. Cr Smith did not take part in the debate or the vote on the matter.

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:

CP63/10 4 NORTHUMBERLAND STREET, CLOVELLY

Against Antje Pizzuto - applicant

CP64/10 254 CLOVELLY ROAD, COOGEE

Against Leoni Holmes

Having declared an interest in Item CP66/10 earlier in the meeting, Crs Belleli, Nash, Notley-Smith and Smith left the meeting at this point 6.21pm.

CP66/10 72 DENNING STREET, SOUTH COOGEE

For Con Harris

Crs Belleli, Nash, Notley-Smith and Smith returned to the meeting at this point 6.22pm.

CS18/10 BUILDINGS FOR OUR COMMUNITY PROGRAM - PIONEERS PARK AMENITIES BUILDING (UPPER FIELD) PROJECT RESCHEDULE

For Dean Lance

CS21/10 CORAL SEA PARK - PROPOSED NEW SPORTSFIELD LIGHTING PROJECT

For George Phillips

NM39/10 MOTION PURSUANT TO NOTICE FROM CR MATSON – PROPOSAL TO UPGRADE MARINE RESERVE TO MARINE SANCTUARY

For David Hempton

The meeting was adjourned at 6.45pm and was resumed at 7.00pm.

Mayoral Minutes

MM37/10 Mayoral Minute - Greek Orthodox Church Epiphany Ceremony - Request for Waiving of Fees (F2005/00954)

644/10 **RESOLUTION: (Mayor, Cr Procopiadis) that:**

- a) Council vote \$6,329.00 to cover the fees associated with the event and funds be allocated from the 2010-11 Contingency Fund;
- b) The event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event;
- d) The Mayor or the Mayor's representative shall be given the opportunity to address the event on behalf of Council; and
- e) The event organisers undertake to invite the South Ward Councillors to attend the ceremony.

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

MM38/10 Mayoral Minute - Anzac Day Dawn Service at High Cross Park Randwick - Request for Financial Assistance (F2010/00309)

645/10 **RESOLUTION: (Mayor, Cr Procopiadis) that Council support our local RSL Clubs in the conduct of the 2011 Anzac Day Dawn Service at High Cross Park, Randwick through the hire and installation of temporary shelters and chairs at a cost of \$1,781.45 with funds to come from the 2010-11 Contingency Fund.**

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

MM39/10 Mayoral Minute - Approval for storage container and provision of a cash donation (F2004/07851)

646/10 **RESOLUTION: (Mayor, Cr Procopiadis) That:**

- a) Approval be given to placing a storage container at a suitable location within Heffron Park.
- b) Council donate \$1,000 to help cover the costs associated with this storage container and this be funded from the 2010-11 Contingency Fund.

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

MM40/10 Mayoral Minute - Sydney to Wollongong Annual Charity Bike Ride - Request for Council Sponsorship (F2004/06540)

647/10 **RESOLUTION: (Mayor, Cr Procopiadis) that Council lend its support to this year's "Sydney to the Gong" charity bike ride by forming and sponsoring a Council team \$2,000.00, from the Council Contingency Fund 2010-11, and by donating council**

shirts/caps and publicity via the Mayoral Column.

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

MM41/10 Mayoral Minute - Rotary Civic Reception (F2010/00029)

648/10 **RESOLUTION: (Mayor, Cr Procopiadis)** that Council host a Civic Reception for the Rotary Club in the Lodge Room, Randwick Town Hall on 5th October, 2010 to be funded from the 2010-11 Events Budget.

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

MM42/10 Mayoral Minute - Constitutional Education Fund of Australia - Request for Council Support (F2004/06290)

649/10 **RESOLUTION: (Mayor, Cr Procopiadis)** that Council support the initiative of the Constitutional Education Fund of Australia in holding this educational night at Woollahra Council on Tuesday 12 October 2010 through:

- a) the attendance of the Mayor or Deputy Mayor at the event;
- b) a \$500.00 donation to CEFA from the 2010-11 Contingency Fund; and
- c) inviting up to ten representatives from our local area including school principals, P&C representatives and youth organisations free of charge.

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

MM43/10 Mayoral Minute - 2010 Local Government Week Awards (F2007/00057)

650/10 **RESOLUTION: (Mayor, Cr Procopiadis)** that Council's success in the 2010 Local Government Week Awards for '2010 Local Government Partnership Award' and the RH Dougherty Award 'Reporting to your Community Award (Population over 100,000)' be received and noted and the relevant staff be congratulated.

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

MM44/10 Mayoral Minute - Community Childcare Co-op Awards (F2007/00154)

651/10 **RESOLUTION: (Mayor, Cr Procopiadis)** that Council:

- a) acknowledges the fantastic efforts of the centre staff; and
- b) extends its congratulations to Chun Yuan and Jenny Doull.

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

MM45/10 Mayoral Minute - Promoting access to Council's events and activities (F2009/00255)

652/10 **RESOLUTION: (Mayor, Cr Procopiadis)** that the Council include information on wheelchair accessibility to venues and locations, where appropriate, in advertising and publicity material for the Council's events and activities.

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

Urgent Business

Nil.

Director City Planning Reports

CP63/10 Director City Planning Report - 4 Northumberland Street, Clovelly (DA/232/2008/C)

653/10

RESOLUTION: (Smith/Woodsmith) that Council, as the consent authority, refuse its consent to modify Development Consent No 232/2008 under Section 96 of the Environmental Planning and Assessment Act 1979 for the following reasons:

1. The proposal is inconsistent with relevant objectives of the Residential A zone.
2. The objectives and/or performance criteria of Part 2 – Designing in Context, Clause 4.5 – Visual and Acoustic Privacy and Clause 4.9 – Foreshore Development of the Dwelling Houses and Dual Occupancies Development Control Plan are not satisfied.
3. The proposed modification is not of a minimal environmental impact.
4. The proposal will result in adverse impacts to the built and social environments.
5. The proposal will result in unreasonable impacts to the privacy of neighbouring residents.
6. The proposed built form is incompatible with existing development facing Northumberland lane.

MOTION: (Andrews/Matthews) that Council, as the consent authority, grants its consent to modify Development Consent No. 232/2008 under Section 96 of the Environmental Planning and Assessment Act 1979, subject to the standard conditions of consent. **LOST.**

A **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 Hughes
	Councillor Matson
	Councillor Matthews
	Councillor Nash
	Councillor Notley-Smith
	Councillor Procopiadis
	Councillor Smith
	Councillor Stevenson
	Councillor Tracey
	Councillor White
	Councillor Woodsmith
Total (1)	Total (13)

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

CP64/10 Director City Planning Report - 254 Clovelly Road, Coogee (DA/123/2010)

654/10

RESOLUTION: (Smith/Notley-Smith) -

- A. That Council supports the Objections under State Environmental Planning Policy No. 1 – Development Standards in respect to non-compliance with Clauses 20B(4), 20F(1) and 20G(3) of Randwick Local Environmental Plan (1998)

(Consolidation), relating to allotment size for attached dual occupancy development, floor space ratio and external wall height 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. 123/2010 for demolition of existing structures on site, construction of an attached dual occupancy comprising 2 x 4-bedroom dwellings with double garages and swimming pools at 254 Clovelly Road, subject to the following conditions:

Conditions of Consent

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 Number	Dated	Received	Prepared By
1001-DA-01(C)	13/4/10	16 April 2010	Martin + Spork Pty. Ltd.
1001-DA-02(C)	13/4/10	16 April 2010	
1001-DA-03(B)	22/2/10	25 February 2010	
1001-DA-04(B)	22/2/10	25 February 2010	

the application form and any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:

2. **This proposed subdivision of the subject site is not approved and must be deleted from the plans and documentation submitted for the construction certificate.**
3. The colours, materials and finishes of the external surfaces to the building are to be consistent with the submitted "Proposed Colour Scheme", undated, and stamp-received by Council on 16 April 2010.

The external walls and claddings are to be finished with neutral colours (such as white, off-white, sand, earth, grey and the like). The use of saturated or primary colours or reflective paints is prohibited by this consent.

4. The colour and finishing of the metal roof sheeting shall be designed to minimise light reflection to the surrounding areas. Details demonstrating compliance are to be incorporated in the Construction Certificate documentation to the satisfaction of the certifying authority.
5. The rooftop areas over Bedroom 4/Study, which are adjacent to Bedroom 2 at first floor level of both proposed dwellings, shall be designed and constructed so that they are non-trafficable. The above areas shall not be converted to balconies without the written consent from Council.
6. The windows attached to the first floor ensuite and the ground floor bathroom areas on the side elevations of the building shall be constructed with obscured or translucent glazing. Details demonstrating compliance are to be incorporated in the Construction Certificate documentation to the satisfaction

7. The maximum ridge height over the first floor bedroom areas shall not exceed RL55.00 AHD. The maximum ridge height over the ground floor bedroom areas shall not exceed RL53.00 AHD. Details demonstrating compliance shall be incorporated in the Construction Certificate documentation to the satisfaction of the certifying authority.
8. The fence on the Clovelly Road alignment shall have a maximum height of 1800mm, as measured from the footpath level, and be designed so that the upper two-thirds of the fence (excluding any piers or posts) is at least 50% open, to maintain reasonable levels of amenity to the streetscape.
9. Fences located on the side or rear boundaries of the site shall not exceed a maximum height of 1800mm, measured above the existing ground levels.

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

10. There must be no encroachment of the structure/s or associated articles onto Council's road reserve, footway, nature strip or public place.
11. 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.
12. 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.
13. The external walls of the building must be located not less than 900mm from the side property boundaries.
14. Eaves, gutters, hoods and similar structures or attachments are required to be setback from the side boundaries of the allotment a minimum distance of 500mm and details of compliance are to be included in the construction certificate details.
15. External lighting to the premises shall be designed in accordance with Australian Standard AS 4282:1997 - Control of the Obtrusive Effects of Outdoor Lighting, so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.
16. 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.
17. Open-able windows to a room, corridor, stairway or the like with a floor level more than 4m above the external ground/surface level, must be designed and constructed to reduce the likelihood of a child accessing and falling through the window opening.

Options may include one or more of the following measures:

- i) The window having a minimum sill height of 1.5m above the internal floor level,
- ii) Providing a window locking device at least 1.5m above the internal floor level,
- iii) Fixing or securing the window (e.g. by screws or a window locking device) to restrict or to be able to secure the extent of the opening to a maximum of 125mm,
- iv) Installing a fixed heavy-duty gauge metal screen over the opening (e.g. A metal security screen or metal security mesh and frame system, but not standard fly-screen material),
- v) Other appropriate effective safety measures or barrier.

The following condition is applied to mitigate the loss of low cost rental accommodation:

18. A monetary contribution of **\$22,575** is required for the purpose of mitigating the loss of low-rental accommodation on the site caused by the development, pursuant to Clause 51 of the State Environmental Planning Policy (SEPP) Affordable Rental Housing 2009. The contribution must be paid in full to Council prior to the issue of any Construction Certificate relating to the development.

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

19. 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:

20. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, based on the development cost of \$496,000, the following applicable monetary levy must be paid to Council: **\$4,960.**

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:

21. 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.
22. 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.

23. 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)
24. 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 condition has been applied to ensure that adequate drainage is provided from the premises and to maintain adequate levels of health and amenity in the locality:

25. External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the building, or cause a nuisance or damage to the adjoining premises.

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

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

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

27. 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).

28. **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.

29. 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).

30. 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".

31. 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**.

32. 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.

33. 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.

34. **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.

35. 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:

36. The demolition of buildings and the removal, storage, handling and disposal of building materials must be carried out in accordance with the relevant requirements of WorkCover NSW, the NSW Department of Environment & Climate Change and Randwick City Council policies, including:

- Occupational Health & Safety Act 2000 & Regulations
- WorkCover NSW Code of Practice for the Safe Removal of Asbestos
- WorkCover NSW Guidelines and Codes of Practice
- Australian Standard 2601 (2001) – Demolition of Structures
- The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 2005
- Relevant DECC/EPA Guidelines
- Randwick City Council Asbestos Policy (adopted 13 September 2005)

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

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

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

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

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

If the work involves asbestos products or materials, a copy of the Demolition Work Plan must also be provided to Council not less than 2 days before commencing those works.

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

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

- Relevant Occupational Health & Safety legislation and WorkCover NSW requirements
- Randwick City Council's Asbestos Policy (adopted 13 September 2005)
- 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.

- On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.
- Asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2005*.
- A Clearance Certificate or Statement, prepared by a suitably qualified person (ie an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the Principal certifying authority upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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

39. Dilapidation Reports are to be prepared for the properties 250-252 and 256 Clovelly Road, Coogee. Such Dilapidation Reports must be prepared by a professional engineer, building surveyor or other suitably qualified independent person and must be submitted to the satisfaction of the Principal Certifying Authority **prior to commencement** of any demolition, excavation or building works.

The reports (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. Copies of the dilapidation reports are to be given to the owners of the premises encompassed in the report/s before commencing any works.

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

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

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

41. 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.
42. Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all building, demolition and associated site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and 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.

43. 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.

44. 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.

45. 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.

46. 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.

47. 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.

48. 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.

49. 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 are applied to ensure compliance with the Swimming Pools Act 1992 and to maintain public safety and amenity:

50. Swimming pools are to be provided with childproof fences and self-locking gates, in accordance with the *Swimming Pools Act 1992* and regulations.

The swimming pool is to be surrounded by a fence having a minimum height of 1.2m, that separates the pool from any residential building situated on the premises and from any place (whether public or private) adjoining the premises; and that is designed, constructed and installed in accordance with AS 1926.1 - 2007.

Gates to pool area shall be a maximum width of 1 metre, and be self-closing and latching; the gate is required to open outwards from the pool area and prevent a small child opening the gate or door when the gate or door is closed.

Temporary pool safety fencing is to be provided pending the completion of all building work and the pool must not be filled until a fencing inspection has been carried out and approved by the principal certifying authority.

A 'warning notice' must be erected in a prominent position in the immediate vicinity of the swimming pool, in accordance with the provisions of the *Swimming Pools Regulation 2008*, detailing pool safety requirements, resuscitation techniques and the importance of the supervision of children at

all times.

51. Swimming pools are to be designed, installed and operated in accordance with the following general requirements: -
- a) Backwash of the pool filter and other discharge of water is to be drained to the sewer in accordance with the requirements of the Sydney Water Corporation; and
 - b) All pool overflow water is to be drained away from the building and adjoining premises, so as not to result in a nuisance or damage to premises; and
 - c) Water recirculation and filtrations systems are required to comply with AS 1926.3 – 2003: Swimming Pool Safety – Water Recirculation and Filtration Systems; and
 - d) Pool plant and equipment is to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents; and
 - e) The pool 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:
 - i. before 8.00am or after 8.00pm on any Sunday or public holiday; or
 - ii. before 7.00am or after 8.00pm on any other day.

52. Written notification must be provided to Council advising of the installation and completion of the Swimming Pool (or Spa Pool), to satisfy the requirements of the *Swimming Pools Act 1992*, **prior to issuing an Occupation Certificate**.

Council's "Notification & Registration of a Swimming Pool" form must be completed and forwarded to Council prior to any Occupation Certificate being issued for the pool.

53. 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.

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:

54. 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.
55. 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.

56. 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:

57. 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.

58. A demolition and 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 demolition and construction waste materials, proposed re-use and recycling of materials, methods of disposal and details of recycling outlets and land fill sites.

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

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.

Security Deposit Conditions

The following conditions are applied to provide adequate security against

damage to Council's infrastructure:

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

- a) \$2000.00 - Damage / Civil Works Security Deposit

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

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

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

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

60. Prior to the issuing of an Occupation Certificate the applicant must meet the full cost for Council or a Council approved contractor to:

- a) Construct new concrete vehicular crossings and laybacks at kerb opposite the vehicular entrance to the site.
- b) Remove any redundant concrete vehicular crossing and layback and to reinstate the area with concrete footpath, turf and integral kerb and gutter to Council's specification.
- c) Construct a concrete footpath along the remainder of the Dans Ave site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.

61. 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.

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

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

63. The Council's Development Engineer has inspected the above site and has determined that the design alignment level at the property boundary for driveways, access ramps and pathways or the like, must be as follows:

Clovelly Rd Frontage - match the back of the existing footpath along the full site frontage.

Dans Ave Frontage - 100mm above the top of the kerb at all points opposite the kerb, along the full site frontage.

64. The design alignment levels issued by Council and their relationship to the kerb/footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.
65. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$1234.00 calculated at \$44.00 (inclusive of GST) per metre of site frontage. This amount is to be paid to Council prior to a construction certificate being issued for the development.

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

66. 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.
67. 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.
68. 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 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.

69. 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, 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.

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

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

alignment levels.

- g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.
71. All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.
72. All site stormwater must be discharged (by gravity) to either:
- The kerb and gutter or drainage system opposite either site frontage; OR
 - A suitably sized infiltration system.
73. Should stormwater be discharged to Council's street drainage system, on-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a **1 in 10** year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by the Director of City Planning. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.

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

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

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

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

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

75. Any Infiltration systems/Absorption Trenches must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.
76. The detention area/infiltration system must be regularly cleaned and maintained to ensure it functions as required by the design.
77. The maximum depth of ponding in above ground detention areas (and/or infiltration systems with above ground storage) shall be as follows:
- 150mm in uncovered carparking areas (with an isolated maximum depth of 200mm permissible at the low point pit within the detention area).
 - 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than

1 in 10).

- 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10.
- 1200mm in landscaped areas where a childproof fence is provided around the outside of the detention area.

Notes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Notes:

- a. 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.
 - b. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.
85. Prior to the issuing of an occupation certificate, the applicant shall submit to Council, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:
- The location of the detention basin with finished surface levels;
 - Finished site contours at 0.2 metre intervals;
 - Volume of storage available in the detention areas;
 - The location, diameter, gradient and material (i.e PVC, RC etc) of all stormwater pipes;
 - The orifice size(s) (if applicable);
 - Details of any infiltration/absorption systems; and
 - Details of any pumping systems installed (including wet well volumes).
86. Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a

suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with the conditions of development consent. The certification must be provided to the satisfaction of the PCA.

The following condition is applied to provide adequate provisions for waste management:

87. Prior to the Principal Certifying Authority issuing an occupation certificate for the proposed development the applicant is to contact Council's Manager of Waste in regards to meeting Council's requirements for waste services to the 2 dwellings.

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

88. Landscaping at the site shall be installed substantially in accordance with the Landscape Plan by Martin + Spork Pty Ltd, drawing number 1001-DA-03, revision B, dated 22/2/10, subject to the following changes being shown on an amended plan, prior to the commencement of any site works, which must be submitted to, and be approved by, the PCA, and includes:
- Inclusion of 1 x 100 litre (pot/bag size at the time of planting) native coastal tree within the rear yard of each proposed dwelling, selecting those species which will attain a minimum height of 5 metres at maturity, and must be sited a minimum distance of 2.5 metres from any physical part of a permanent building;
 - The grassed verge on Council's Dans Avenue frontage must extend for a distance of 1500mm off both the eastern and western site boundaries so as to accommodate the new street tree plantings upon completion.
89. The PCA must ensure that the landscaping is completed in accordance with the approved plan, prior to the issue of a Final Occupation Certificate, with the applicant/owner required to ensure the landscaping is maintained in a healthy and vigorous state until maturity.
90. The nature-strip upon Council's Dans Avenue footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.

Removal of Council's Street Tree

91. The applicant shall submit a total payment of **\$806.50** (including GST), being to cover the costs for:
- a. Council to remove the existing street tree, *Callistemon viminalis* (Weeping Bottlebrush) from Council's Dans Avenue nature strip, to the east of the existing vehicle crossing, prior to the commencement of site works, in order to accommodate the proposed double width crossing and garages as shown;
 - b. Council to supply and install 2 x 25 litre street trees, *Banksia serrata* (Saw Toothed Banksia), being one each in line with both the eastern and western site boundaries, at the completion of all works (\$214.50);
 - c. A loss of amenity fee in order to compensate Council and the

community for the loss of this established public tree for no other reason than to accommodate the development of private property as shown.

The contribution shall be paid into **Tree Amenity Income** at the Cashier on the Ground Floor of the Administrative Centre **prior to a Construction Certificate being issued for the development.**

The applicant will also be required to contact Council's Landscape Development Officer on 9399-0613 (quoting the receipt number), and giving at least four working weeks notice to arrange for removal of the existing street tree, prior to the commencement of any site works, as well as planting of the replacement street trees upon completion of all site works.

Removal of trees within the site

92. Approval is granted for the removal of all existing vegetation within the site where necessary in order to accommodate the proposed works as shown, including the *Persea americanna* (Avocado Tree), located within the narrow side setback, about halfway along the eastern boundary, as it is already exempt from the provisions of Council's Tree Preservation Order (TPO) due to its inappropriate location near the existing dwelling, and will also be in direct conflict with the proposed work as shown, and is subject to full implementation of the approved landscaping.

Protection of Council's Palm Trees

93. In order to ensure retention of the row of three *Archontophoenix cunninghamiana* (Bangalwo Palms) located within Council's Clovelly Road footpath, being one in line with the western site boundary, one centrally across the width of the site and one towards the eastern site boundary in good health, the following measures are to be undertaken:
- a. All documentation submitted for the construction certificate application must show their retention, with the position and diameter of their trunks and crowns to be clearly shown on all drawings.
 - b. Any new services, pipes, stormwater systems or similar that need to be installed over public property along this frontage must be done so an equal distance between any of the palms so as to minimise root damage.
 - c. The applicant is not authorised to perform any works to these palm trees, and shall contact Council's Landscape Development Officer on 9399-0613 should pruning or any similar such work appear necessary, with the applicant required to cover all associated costs with such work, to Council's satisfaction, prior to the issue of a final occupation certificate.
 - d. All Site Management Plans must acknowledge that there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble over any of these tree squares or around their trunks.
 - e. A refundable deposit in the form of cash, credit card or cheque for an amount of **\$2,000.00** shall also be paid at the Cashier on the Ground Floor of the Administrative Centre, **prior to a construction certificate being issued for the development**, in order to ensure compliance with the conditions listed in this consent, and ultimately, preservation of

these public palm trees.

The refundable deposit will be eligible for refund following the issue of a Final Occupation Certificate, subject to completion and submission of Council's 'Security Deposit Refund Application Form', and pending a satisfactory inspection by Council's Landscape Development Officer (9399-0613).

Any contravention of Council's conditions relating to the palms at any time during the course of the works, or prior to the issue of a final occupation certificate, may result in Council claiming all or part of the lodged security in order to perform any rectification works necessary, as per the requirements of 80A (6) of the Environmental Planning and Assessment Act 1979.

Further information and details on Council's requirements for trees on development sites can be obtained from the recently adopted Tree Technical Manual, which can be downloaded from Council's website at the following link, <http://www.randwick.nsw.gov.au> - Looking after our environment - Trees - Tree Management Technical Manual; which aims to achieve consistency of approach and compliance with appropriate standards and best practice guidelines.

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

**CP65/10 Director City Planning Report - 350 Maroubra Road, Maroubra
(DA/782/2009/A)**

655/10

RESOLUTION: (Andrews/Matthews) that Council as the consent authority grant consent under Section 96 of the Environmental Planning and Assessment Act 1979 to modify Development Consent No DA/782/2009/A for extension of external blade walls, addition of lift with associated internal and external changes, increase in size of garage accessed off Maroubra Road to double garage, alteration to windows and a new fence at the Storey St elevation at 350 Maroubra Road, Maroubra in the following manner:

Amend Condition No 1 to read:

1. The development must be implemented substantially in accordance with the plans numbered A-03, A-04 and A-05, dated October 2009 and received by Council on 29 October 2009, the application form and on any supporting information received with the application, **as amended by the Section 96 plans stamped received by Council 23 April 2010 and 26 May 2010 only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application**, except as may be amended by the following conditions and as may be shown in red on the attached plans:

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

**CP66/10 Director City Planning Report - 72 Denning Street, South Coogee
(DA/739/2009/A)**

Having declared an interest in this item earlier in the meeting, Crs Belleli, Nash, Notley-Smith and Smith left the meeting during the debate and the vote on the matter.

656/10

RESOLUTION: (Andrews/White) that Council, as the consent authority, grants its consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Consent No. 739/2009 for relocation of water tanks to northern side, carspace storage created by additional excavation, addition of sauna and study on lower ground floor with new window, reduction in size of rumpus and living rooms with increase in setbacks, at No. 72 Denning Street, Coogee, in the following manner:

A. Amendment of Condition No. 1 to make reference to the Section 96 drawings, which will read as follows:

1. The development must be implemented substantially in accordance with the plan numbered 02a, dated 12/10/2009 and received by Council on 13 October 2009, and plans numbered 03b, 04b and 05b, dated 12/10/2009 and received by Council on 2 March 2010, the application form and on any supporting information received with the application, except as may be amended by the **Section 96 plans numbered 01 and 02 both Revision a, both dated 21 May 2010, and stamped received by**

Council on 21 May 2010, only in so far as they relate to the modifications detailed in the Section 96 applications, and highlighted on the Section 96 plans as amended by the following conditions and as may be shown in red on the attached plans.

B. Add conditions as follows:

61. As the above site may encounter seepage water within the depth of the basement excavation, the basement garage and similar structures are to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard, to the satisfaction of the certifying authority. A copy of the certification is to be forwarded to Council.

Notes:

- a) Any subsoil drainage (from planter boxes etc) is to be disposed of within the site and is not to be discharged to Council's kerb & gutter and/or underground drainage system.
- b) Adequate provision is to be made for the ground water to drain around the basement garage (to ensure that the basement will not dam or slow the movement of the ground water through the development site).
- c) Seepage water **must not** be collected and discharged from the site.
62. The doors to the tank room on the garage level shall be altered to be of sliding configuration to avoid conflict with vehicles using the adjacent carspace. Plans submitted for the construction certificate shall demonstrate compliance with this requirement.

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

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

FOR	AGAINST
Councillor Andrews	Councillor Matson
Councillor Bowen	Councillor Tracey
Councillor Hughes	Councillor Woodsmith
Councillor Matthews	
Councillor Procopiadis	
Councillor Stevenson	
Councillor White	
Total (7)	Total (3)

Crs Belleli, Nash, Notley-Smith and Smith returned to the meeting.

CP67/10 Director City Planning Report - 88-102 Moverly Road, South Coogee (DA/77/2008/C)

657/10

RESOLUTION: (Nash/Andrews) 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/77/2008 to amend the wording of Conditions 4B, 12 and 27(b) to reflect the intended stages of the development at 88-102 Moverly Road, South Coogee, in the following manner:

1. **Amend Condition No. 4B to read as follows:**

- 4B. Prior to the issue of any occupation certificate for any dwelling erected upon the land the developer must have completed the construction of the public pedestrian accessway referred to in condition 4A(b) above.

Prior to the issue of any occupation certificate for any dwelling erected upon the land in Stage 4 the developer must have completed the construction of the public pedestrian accessway referred to in condition 4A(a) above.

2. **Amend Condition No. 12 to read as follows:**

12. All internal roads within the development site shall be dedicated to Council, at no cost to Council, following construction of the roads to Council's design standards and specification. Council will accept certain works to be bonded on application for a subdivision certificate for each stage including footpaths and crossovers, verge landscaping, temporary construction access and final road seal. The value of the bond will be 150% of the cost to complete the works, such cost to be based on Council's adopted unit rates for civil construction works. At the time of lodging the bonds an indicative time frame for completion of all bonded works must be provided to Council for approval. Bonded works must be completed in general compliance with the agreed time frame unless prior approval is granted in writing by Council. Prior to the issuing of an Occupation Certificate for a particular house within a stage, (interim or final), the applicant must have completed the footpaths and verge landscaping works fronting the subject house, and must have constructed the vehicular crossing serving the subject house. All works must be to the satisfaction of the Certifying Authority and Council.

3. **Amend Condition No. 27(b) to read as follows:**

- 27(b).The applicant must design and construct channelisation traffic facilities on Moverly Road at its intersection with Macleay Street and Byrne Avenue. The traffic facilities shall achieve a reduction of vehicle speeds by narrowing the carriageway and deflecting the traffic (if design permits). The channelisation is to be achieved with concrete traffic islands, line marking and signs but is to minimise the loss of parking. The traffic facility shall be designed to accommodate all existing vehicle manoeuvres. The design shall be in accordance with relevant traffic facility design guidelines and Randwick City Council standards. The applicant must contact Randwick Council's Manager Integrated Transport prior to undertaking any investigation/design work to obtain Randwick Council's requirements for the traffic facilities. Design plans for the traffic facilities must be submitted to Randwick Council for approval, and be approved prior to the issuing of a Construction Certificate for any Stage 1 works. The channelisation works shall be constructed as soon as practicable however they must be completed prior to the issuing of an occupation certificate for any house within Stage 4 of the development. To ensure that traffic safety conditions are not compromised as a result of occupation certificates being issued prior to construction of the channelisation, the applicant must install and maintain appropriate signage and undertake linemarking as required by Council's Manager Integrated Transport. The required signage and linemarking must be in place at the time of issuing of an Occupation Certificate for any Stage 1 dwelling.

The developer shall be responsible for all public utility

adjustment/relocation works and costs, necessitated by the above work. These works shall be undertaken as required by the relevant public utility authorities and/or their agents.

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

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

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

CP68/10 Director City Planning Report - 13-15 Botany Street, Randwick (DA/850/2008/D)

Note: a RESCISSION MOTION in relation to this item was submitted in accordance with Council's Code of Meeting Practice and will be considered at the Planning Committee Meeting to be held on 14 September 2010.

658/10

RESOLUTION: (Tracey/Woodsmith) that Council as the responsible Consent Authority refuses consent under Section 96AA of the Environmental Planning and Assessment Act 1979 to modify Development Consent No DA/850/2008 for permission to modify approved development by alteration to carparking and driveway, internal reconfiguration, alteration to privacy screens, alteration to openings, additional landscaping to northern boundary, alteration to some balconies, alteration to southern extension of some units, alteration to fire stairs, addition of roof terraces to units 301 and 302, alteration to roof, relocation of mechanical exhaust, alteration to skylights and to some exterior materials at 13-15 Botany Street, Randwick, for the following reasons:

1. the proposal will result in excessive floor space contributing to the bulk and scale of the building.
2. the proposal is excessive in height.
3. the proposal does not comply with the parking requirements.

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

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

FOR	AGAINST
Councillor Bowen	Councillor Andrews
Councillor Matson	Councillor Belleli
Councillor Matthews	Councillor Hughes
Councillor Nash	Councillor Procopiadis
Councillor Notley-Smith	Councillor Stevenson

Councillor Smith	Councillor White
Councillor Tracey	
Councillor Woodsmith	
Total (8)	Total (6)

CP69/10 Director City Planning Report - 495-503 Bunnerong Road, Matraville (DA/67/2009/A)

659/10

RESOLUTION: (Andrews/Matthews) that Council, as the consent authority, grants development consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify development consent No. DA/67/2009 for permission to correct the description of work and modify deferred commencement condition No. 2 to allow work to start prior to registration of the VPA on the title for the development at Nos. 495-503 Bunnerong Road, Matraville, in the following manner:

- **Amend Deferred Commencement Condition No. 2 to read:**

2. The execution of the VPA by the Council and the Applicant.

- **Add Deferred Commencement Condition Nos. 2A and 2B that reads as follows:**

2A. Lodgement of the executed VPA with Land and Property Management Authority for registration.

2B. The applicant must produce details of the lodgement of the VPA with Land and Property Management Authority within 35 days of lodgement.

- **Add Condition No. 130 that reads as follows:**

130. The VPA must be registered on the title of the subject land prior to the issuing of either an interim or final occupation certificate.

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

CP70/10 Director City Planning Report - Voluntary Planning Agreement - 495-503 Bunnerong Road, Matraville (DA/67/2009)

660/10

RESOLUTION: (Andrews/Matthews) that:

a) Council enter into the Voluntary Planning Agreement relating to the proposed development under DA No. 67/2009 at Nos 495-503 Bunnerong Road, Matraville as publicly exhibited from 28 July to 24 August 2010.

b) the Mayor and the General Manager be authorised to make minor drafting changes to the Voluntary Planning Agreement (VPA) as required, prior to its execution.

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

CP71/10 Director City Planning Report - Reporting variation to Development Standard under State Environment Planning Policy No. 1 (SEPP1) from 1 July to 31 July 2010 (F2008/00122)

661/10

RESOLUTION: (Andrews/Matthews) that the report be received and noted.

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

CP72/10 Director City Planning Report - Draft Prince Henry Centre Plan of Management for Exhibition Purposes (F2010/00298)

662/10 **RESOLUTION: (Andrews/Matthews)** that Council:

- a) endorse the attached draft Prince Henry Centre Plan of Management for public exhibition and a public hearing;
- b) agree that the Director City Planning may make minor modifications to rectify any numerical, typographical, interpretation and formatting errors as required in preparing the Plan of Management for public exhibition.

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

General Manager's Reports

GM37/10 General Manager's Report - Review of the 2009-13 Management Plan - June 2010 Quarterly Report (F2009/00052)

663/10 **RESOLUTION: (Woodsmith/Bowen)** that the information contained in the June 2010 Quarterly review of the 2009-13 Management Plan be received and noted, subject to the General Manager writing to the establishments that have withdrawn their support from the Pumpkin Bus and expressing Council's disappointment at their decision and it be noted in the Mayoral Column that Council has taken this action and that the matter be raised at the next meeting of the local Liquor Accord.

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

GM38/10 General Manager's Report - South Maroubra Surf Life Saving Club - Extension of Lease (F2004/06336)

664/10 **RESOLUTION: (Andrews/Notley-Smith)** that Council agrees in principle to a twenty year extension of its lease with the South Maroubra Surf Life Saving Club to 1 July 2031, subject to an updated lease between the parties being drawn up by Council's Properties Section and approval being obtained from the Land & Property Management Authority.

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

GM39/10 General Manager's Report - Request for payment of travel expenses - Manager Administrative Services (F2007/00626)

665/10 **RESOLUTION: (Andrews/Notley-Smith)** that Council agrees to pay the cost of the return airfare to Tokyo in the amount of \$1,772.00 to enable the Manager Administrative Services to attend the 2010 Local Government Exchange and Cooperation Seminar (which is being held in Japan from 7-17 November 2010) as the LGMA's representative.

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

Director City Services Reports

CS18/10 Director City Services Report - Buildings for our Community Program - Pioneers Park amenities building (upper field) project reschedule (PROJ/10552/2010)

666/10 **RESOLUTION: (Andrews/Belleli)** that Council bring forward funding of \$500,000 for the new Pioneers Park amenities building (upper field) from Year 3 (2012-13) to Year 1 (2010-11) of the Building Program, and that funding is borrowed internally from the Infrastructure Reserve and repaid from the Building Levy Reserve in 2012-

13.

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

CS19/10 Director City Services Report - Pool Enclosure - Des Renford Aquatic Centre - Regional and Local Community Infrastructure Program (Round 3) (F2006/00408)

667/10 **RESOLUTION: (Andrews/Belleli)** that, if successful in securing funding of \$176,000, Randwick City Council fund the extra \$244,000 required to complete the Pool enclosure project at Des Renford Aquatic Centre by means of an internal loan of \$244,000 be drawn from the Infrastructure Reserve and repaid within two years from the Des Renford Aquatic Centre Operation.

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

CS20/10 Director City Services Report - Maroubra Beach - Beach Soccer (F2009/08302)

668/10 **Cr Smith declared an interest in this Item at this point in the meeting and left the Council Chamber during the debate and the vote on the matter.**

RESOLUTION: (Matthews/Andrews) that:

- a) the applicant be advised that Council gives its "in principle approval" to the event subject to the applicant complying with any conditions of approval that may be imposed once the event is processed.
- b) no alcohol to be allowed at the event and that signs be erected to this effect at the applicant's cost.

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

Cr Smith returned to the meeting at this point.

CS21/10 Director City Services Report - Coral Sea Park - proposed new sportsfield lighting project (F2010/00292)

669/10 **RESOLUTION: (Andrews/Matthews)** that Council brings forward funding of \$100,000 from the 2011-12 Sportsfield Program to part fund the Coral Sea sportsfield lighting project, and that funding is borrowed internally from the Infrastructure Reserve and repaid from the 2011-12 Sportsfield Program.

MOTION: (Matson/Nil) that the proposal be deferred to allow community consultation around the park perimeter. **LAPSED FOR WANT OF A SECONDER.**

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

CS22/10 Director City Services Report - Formal Amalgamation of Randwick and Botany SES Units (F2004/07606)

670/10 **RESOLUTION: (Andrews/Notley-Smith)** that the General Manager be authorised to negotiate and sign the formal cost sharing agreement with Botany Bay City Council.

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

Director Governance & Financial Services Reports**GF37/10 Director Governance & Financial Services Report - 2009-10
Financial Statements (Unaudited) (F2009/00341)**

671/10

RESOLUTION: (Andrews/Notley-Smith) that:

- a) in relation to the financial statements required in accordance with Section 413(2)(c) of the Local Government Act 1993:
 - i) Council resolve that in its opinion the General Purpose Financial Statements, Special Purpose Financial Statements and Special Schedules for the year ended 30 June 2010:
 - a. have been properly drawn up in accordance with the provisions of the Local Government Act 1993 and the Regulations there under, the Australian Accounting Standards and professional pronouncements, and the Local Government Code of Accounting Practice and Financial Reporting;
 - b. to the best of the Council's knowledge and belief the statements present fairly the Council's operating result and financial position for the year and accords with the Council's accounting and other records; and
 - c. the Council is unaware of any matter that would render the financial statements false or misleading in anyway.
 - ii) The Statement by Councillors and Management for both the General Purpose Financial Statements and Special Purpose Financial Statements be signed by the Mayor, another Councillor, the General Manager and the Responsible Accounting Officer.
- b) the financial statements be referred to the Council's Auditors for audit.
- c) Council adopt the date of receipt of the Auditor's Report as the appropriate "authorised for issue" date relating to the Annual Financial Statements.
- d) arrangements be made to place copies of the audited financial statements on public exhibition and the necessary advertisements be published.
- e) a copy of the audited financial statements be forwarded to the Division of Local Government.
- f) the audited financial statements be presented at a meeting of Council to be held on 21 September 2010 in accordance with Section 418 of the Local Government Act, 1993.

MOTION: (Andrews/Notley-Smith) CARRIED - SEE RESOLUTION.**GF38/10 Director Governance & Financial Services Report - Affixing of the
Council Seal (F2004/06336)**

672/10

RESOLUTION: (Belleli/Hughes) that the Council's Seal be affixed to the signing of agreements between Council and:

1. Junction Neighbourhood Centre Inc. Y0005718 in relation to a lease of Suites 1 & 2 Bowen Library, 669-677 Anzac Parade, Maroubra.

MOTION: (Stevenson/Andrews) that this matter be deferred to enable further

details to be provided to Councillors in relation to the details of the proposed agreement. **LOST.**

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

GF39/10 Director Governance & Financial Services Report - Investment Report - July 2010 (F2004/06527)

673/10

RESOLUTION: (Andrews/Notley-Smith) that the investment report for July 2010 be received and noted.

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

Petitions

Nil.

Motion Pursuant to Notice

NM39/10 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Matson - Proposal to Upgrade Marine Reserve to Marine Sanctuary (F2005/00624)

674/10

RESOLUTION: (Matson/Woodsmith) that the General Manager table the Waverley Council report in relation to this matter for Council's consideration, as soon as it is completed.

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

Councillors Hughes and Matson called for a **DIVISION.**

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 Hughes	Councillor White
Councillor Matson	
Councillor Nash	
Councillor Notley-Smith	
Councillor Procopiadis	
Councillor Smith	
Councillor Stevenson	
Councillor Tracey	
Councillor Woodsmith	
Total (11)	Total (3)

Confidential reports (closed session)

That the meeting move into closed session in order to consider confidential items.

Closed Session

MM36/10 Confidential Mayoral Minute - General Manager's Performance Review 2009-2010 (F2006/00304)

This matter is considered to be confidential under Section 10A(2)(a) of the Local Government Act, as it deals with personnel matters concerning particular individuals.

675/10

RESOLUTION: (Andrews/Mathews) that:

- a) Council receive and note the General Manager’s performance review; and
- b) in accordance with section 8.5 of the General Manager’s performance based employment contract, the General Manager’s total remuneration package be increased by the amount determined by the Remuneration Tribunal for the State Executive Services 2010, effective on the 6 October 2010.

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

Open Session

That the meeting move back into open session.

Notice of Rescission Motions

Note: A rescission motion in relation to item CP68/10 (13-15 Botany Street, Randwick) was submitted in accordance with Council’s Code of Meeting Practice, by Councillors Andrews, Matthews, Procopiadis and Seng, and will be considered at the Planning Committee Meeting to be held on 14 September 2010.

There being no further business, His Worship the Mayor, Cr J Procopiadis, declared the meeting closed at 8.40pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 21 September 2010.

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CHAIRPERSON