



**MINUTES OF ORDINARY COUNCIL MEETING OF THE  
COUNCIL OF THE CITY OF RANDWICK HELD ON  
TUESDAY, 21 SEPTEMBER 2010 AT 6:08PM**

**Present:**

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

Councillor R Belleli (Deputy Chairperson) (South Ward)

North Ward	- Councillors K Smith, P Tracey & M Woodsmith
South Ward	- Councillors C Matthews & A White
East Ward	- Councillors T Bowen, M Matson & B Notley-Smith
West Ward	- Councillors B Hughes & S Nash
Central Ward	- Councillors A Andrews, T Seng (from 9.47pm) & G Stevenson

**Officers Present:**

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoples
Director City Planning	Ms S Truvert
Director Governance & Financial Services	Mr G Banting
Manager Administrative Services	Mr D Kelly
Manager Development Assessment	Mr K Kyriacou
Communications Manager	Ms D Brien
Manager Corporate & Financial Planning	Ms C Foley
Manager Organisational Staff Services	Ms F Calabrese
Senior Strategic Planner	Mr P North

**Prayer & Acknowledgement of Local Indigenous People**

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

**Apologies/Granting of Leave of Absences**

Nil.

**RESOLVED: (Notley-Smith/Hughes)** that Council sends its deepest condolences to the family of Mr Peter Vessels, former President of the Randwick Precinct Committee, who passed away recently.

### **Confirmation of the Minutes**

#### **CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY 24 AUGUST 2010**

676/10

**RESOLUTION: (Belleli/Matson)** that the Minutes of the Ordinary Council Meeting held on Tuesday 24 August 2010 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting, subject to the inclusion of a notation showing that the Liberal Councillors left the room during, and not being marked down as voting on, item number CP66/10.

### **Declarations of Pecuniary and Non-Pecuniary Interests**

- (a) Cr Belleli declared a non significant non pecuniary interest in item CP73/10 as one of the objectors served on the access committee when he was the Chair of this Committee.
- (b) Cr Belleli declared a pecuniary interest in item MM47/10 as his wife's dance school has performed at this event previously. Cr Belleli will be taking no part in the debate or voting on the matter.
- (c) Cr Matson declared a non significant non pecuniary interest in item CP77/10 as he knows former Councillor John Buchanan and his partner, who have both put in submissions on the matter.
- (d) Cr Matthews declared a non significant non pecuniary interest in item CP77/10 as he served on Council with former Councillor John Buchanan who put in a submission on this matter.
- (e) Cr White declared a pecuniary interest in item GM40/10 as he works with the secretary of Wylies Baths. Cr White will be taking no part in the debate or voting on the matter.
- (f) Cr Andrews declared a non significant non pecuniary interest in item GM44/10 as he knows the Director of the company in question.
- (g) Cr Belleli declared a non significant non pecuniary interest in item GM44/10 as the applicant is a past client of his.
- (h) Cr Smith declared pecuniary interest in item CP77/10 as his employer has a business relationship with the applicant. Cr Smith will be taking no part in the debate or voting on the matter.
- (i) All Liberal Councillors declared a non significant non pecuniary interest in items CP78/10 and CP79/10 as both applicants have made donations to the State Liberal Party.
- (j) Cr Smith declared a pecuniary interest in item CS23/10 as his employer has a business relationship with a supplier at this event. Cr Smith will be taking no part in the debate or voting on the matter.
- (k) Cr Hughes declared a non significant non pecuniary interest in item CP79/10 as the applicant has the same name as a client of his and he was unsure if it's the same person.
- (l) Cr Bowen declared a non significant non pecuniary interest in item CP77/10 as he had his 40<sup>th</sup> birthday at the subject premises, before he was a councillor.
- (m) The Mayor declared a non significant non pecuniary interest in item CP76/10 as he knows a relative of the owner of the subject premises.

- (n) Cr Belleli declared a pecuniary interest in item CP81/10 as his wife's dance school has performed at some of these events. Cr Belleli will be taking no part in the debate or voting 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:

CP73/10 34 MILFORD STREET, RANDWICK

**Against** Terry Fletcher (objector)

**For** Phillip Thallis - Architect on behalf of Applicant

CP74/10 491 BUNNERONG ROAD, MATRAVILLE

**For** Diana Prowse - applicant

CP77/10 51-69R DOLPHIN STREET, COOGEE

**Against** Trudy Wiedeman - objector

**For** Lenard Cherry - on behalf of Coogee Bowling Club

CP76/10 52 STURT STREET, KINGSFORD

**Against** George Joannou (objector)

**For** Scott Lockrey - applicant

CP78/10 88-102 MOVERLY ROAD, SOUTH COOGEE

**Against** Tony Moody on behalf of the objectors

**For** Leanne Boyle - on behalf of Mirvac

CP79/10 301 ALISON ROAD, COOGEE

**For** Joe Saad - on behalf of the objectors

GF42/10 PRESENTATION OF THE 2009-10 FINANCIAL STATEMENTS

**For** Gary Mottau - Auditor

NM44/10 MOTION PURSUANT TO NOTICE FROM CR BOWEN - DEFERRMENT OF WORK ON THE COOGEE TOWN CENTRE

**For** Maria Bradley

The meeting was adjourned at 7.21pm and was resumed at 7.48pm.

### Mayoral Minutes

#### MM46/10 Mayoral Minute - South's Cares - Request for Sponsorship (F2010/00282)

677/10

**RESOLUTION: (Mayor, Cr J Procopiadis)** that Council supports the South's Cares annual fundraiser by booking a table for ten at the annual Red & Green Ball to be held

on Friday 8 October 2010 with funds to come from the 2010-11 Contingency Fund.

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

**MM47/10 Mayoral Minute - 10th Annual Des Renford Charity and Gala Day - Request to Use Des Renford Aquatic Centre (F2008/00064)**

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Cr Belleli, having previously declared an interest in this matter, left the chamber and took no part in the debate or voting on this item.

678/10 **RESOLUTION: (Mayor, Cr J Procopiadis)** that Council vote \$7,500.00 to cover the costs associated with Council's contribution towards the organising and staging of the Des Renford Family Day and Swim Challenge to be held on Sunday 7 November 2010, for the purpose of raising money for the Victor Chang Cardiac Foundation, and this be funded from the 2010-11 Contingency Fund.

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

**MM48/10 Mayoral Minute - Art Roadshow for Mental Health Month (F2010/00096)**

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679/10 **RESOLUTION: (Mayor, Cr J Procopiadis)** that fees in the amount of \$245.00 associated with the Urban Arts Base Painting Workshop at Goldstein Coogee Beach, on 1 October 2010 to mark Mental Health Month, be waived and these fees be funded from the 2010-11 Contingency Fund.

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

**MM49/10 Mayoral Minute - International Awards for the "Buildings for Our Community" Consultations (F2010/00044)**

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680/10 **RESOLUTION: (Mayor, Cr J Procopiadis)** that this Mayoral Minute on the Council's success in the IAP2 Awards be received and noted and the relevant staff be congratulated.

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

**MM50/10 Mayoral Minute - LGMA Award for the "Buildings for Our Community" Consultations (F2010/00044)**

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681/10 **RESOLUTION: (Mayor, Cr J Procopiadis)** that this Mayoral Minute on Council's success in the LGMA Awards be received and noted and the relevant Council staff be congratulated.

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

**Urgent Business**

Nil.

**Director City Planning Reports**

**CP73/10 Director City Planning Report - 34 Milford Street, Randwick (DA/964/2009)**

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682/10 **RESOLUTION: (Notley-Smith/Nash)** that the application be deferred again for mediation between the applicant and objectors.

**MOTION: (Bowen/Woodsmith)** that Council, as the consent authority, refuses development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 964/2009 for demolition of existing structures on site and construction of a part 3 and part 4-storey

residential flat building consisting of 2 x 1-bedroom units and 2 x 3-bedroom units, car parking for 7 vehicles and associated landscape works, at No. 34 Milford Street, Randwick, for the following reasons:

1. the proposal is excessive in both height and scale;
2. the proposal exceeds the external wall height by 2.5m and this is considered unreasonable; and
3. the proposal exceeds the floor space ratio.

**AMENDMENT: (Notley-Smith/Nash). CARRIED ON THE CASTING VOTE OF THE MAYOR AND BECAME THE MOTION. MOTION CARRIED - SEE RESOLUTION.**

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Hughes	Councillor Bowen
Councillor Matson	Councillor Matthews
Councillor Nash	Councillor Stevenson
Councillor Notley-Smith	Councillor Tracey
Councillor Procopiadis	Councillor White
Councillor Smith	Councillor Woodsmith
<b>Total (7)</b>	<b>Total (7)</b>

**CP74/10 Director City Planning Report - 491 Bunnerong Road, Matraville (DA/907/2009)**

Note: A rescission motion on this matter was submitted in accordance with Council's Code of Meeting Practice and will be considered at the next available meeting.

683/10

**RESOLUTION: (White/Andrews)** that Council, as the responsible authority, grant its development consent under section 80 & 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application DA/907/2009 for the demolition of the existing dwelling and construction of a part 3/part 5 storey mixed use development in two building forms comprising a retail tenancy at ground level, 10 residential dwellings and 2 levels of basement parking for 15 vehicles at 491 Bunnerong Road, Matraville, subject to the following conditions:

**Development consent conditions**

**Referenced Plans:**

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

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

Plan Number	Revision	Prepared by	Plot Date	Received on
DA01	B	Architectural Solutions	May 10	02/09/10
DA02	E		-	07/09/10
DA03	B		May 10	07/09/10
DA04	B		May 10	02/09/10
DA05	B		May 10	11/06/10
DA06	B		May 10	11/06/10

DA07	B		May 10	11/06/10
DA077	B		May 10	07/09/10
DA08	B		May 10	11/06/10
DA09	B		May 10	11/06/10
DA10	D		-	07/09/10
DA11	D		-	07/09/10

the application form and any supporting information received with the application, except as may be amended by the following conditions:

2. The colours, materials and finishes of the external surfaces to the building are to be consistent with the details shown on colour finishes image received by Council on 4 December 2009.
3. Street and unit numbering must be provided to the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council, **prior to an occupation certificate being issued** for the development.

In this regard, an Application must be submitted to and approved by Council's Director of City Planning, together with the required fee, for the allocation of appropriate street and unit numbers for the development, **prior to issuing an occupation certificate.**

4. The enclosure of balconies is prohibited by this consent.
5. A single common television aerial, and/or satellite dish (having a maximum diameter of 700mm and not located on the front or street elevation of the building) is to be installed to serve the development.
6. Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.
7. In accordance with the provisions of clauses 143A and 154A of the Environmental Planning & Assessment Regulation 2000, a 'Design Verification Certificate' must be provided to the Certifying Authority and the Council, prior to issuing a construction certificate and an occupation certificate, respectively.
8. A ceiling fan must be installed in each bedroom of all proposed residential units within the development. Details are to be provided in the Construction Certificate documentation to the satisfaction of the Principal Certifying Authority.
9. A separate Development Application and Construction Certificate or a Complying Development Certificate (as applicable) must be obtained with regard to the proposed usage of the retail tenancy at ground floor level.
10. The proposed development (except the awning over the footpath) must not encroach onto Council's land (i.e. airspace).

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

11. In accordance with Section 80A (11) of the Environmental Planning and Assessment Act 1979 and Clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition that all of the required commitments listed in the relevant BASIX Certificate for this development are fulfilled.

12. In accordance with the provisions of the Environmental Planning & Assessment Regulation 2000, a relevant BASIX Certificate and associated documentation must be submitted to the Certifying Authority with the **Construction Certificate** application for this development.

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

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

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

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

14. In accordance with Clause 154B of the Environmental Planning & Assessment Regulation 2000, a Certifying Authority must not issue a final 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 the final Occupation Certificate.

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

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

Category	Cost	Applicable Levy	S94A Levy
Development cost \$100,001 - \$200,000	-----	0.5%	-----
Development Cost More than \$200,000	\$2,466,493.70	1%	\$24,664.95

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](http://www.randwick.nsw.gov.au).

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

16. 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.

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

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

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

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

- i) appoint a *Principal Certifying Authority* for the building work, and
- ii) appoint a *principal contractor* for the building work, or in relation to residential building work and notify the *Principal Certifying Authority* and Council accordingly in writing, and
- iii) notify the *principal contractor* of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*, and
- iv) give at least two days notice to the Council, in writing, of the person's intention to commence building works.

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

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

The *Principal Certifying Authority* must specify the relevant stages of construction to be inspected in accordance with section 81A (2) (b1) (ii) of the Environmental Planning & Assessment Regulation 2000 and a satisfactory inspection must be carried out, to the satisfaction of the *Principal Certifying*



*Authority*, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

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

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

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

- name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours,
- name, address and telephone number of the *Principal Certifying Authority*,
- a statement stating that "unauthorised entry to the work site is prohibited".

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

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

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

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

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

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

- has been informed in writing of the licensee's name and contractor number; and

- is satisfied that the licensee has complied with the insurance requirements of Part 6 of the *Home Building Act 1989*, or

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

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

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

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

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

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

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

If suitable, the plans will be appropriately stamped. For Quick Check agent details please refer to Sydney Water's web site at [www.sydneywater.com.au](http://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**.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33. A Certificate prepared by a *professional engineer* shall be submitted to the certifying authority (*and the Council, if the Council is not the certifying*

*authority) prior to issuing an occupation certificate*, which certifies that the building works satisfy the relevant structural design requirements of the Building Code of Australia.

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

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

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

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

35. The adjoining land and buildings located upon the adjoining land must be adequately supported at all times.

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of any building located on an adjoining allotment of land, the person causing the excavation must:

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

**Notes**

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

*supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).*

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

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

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

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

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

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

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

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

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

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

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

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

41. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:
- a) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.
  - b) Building materials, sand, soil, waste materials, construction equipment or other materials or articles must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
  - c) Bulk bins, waste containers or other articles must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container or other articles in a public place can be made to Council's Health, Building & Regulatory Services department.
  - d) 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.
  - e) A temporary timber, asphalt or concrete crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council, unless access is via an existing concrete crossover.
  - f) The applicant/builder is required to hold Public Liability Insurance, with a minimum liability of \$10 million and a copy of the Insurance cover is to be provided to Council.
  - g) A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities upon any part of the footpath, road or nature strip or in any public place:-
    - Install or erect any site fencing, hoardings or site structures
    - Operate a crane or hoist goods or materials over a footpath or road
    - Placement of a waste skip or any other container or article in a public place.

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

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

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

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

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

Dust control measures and practices may include:-

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

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

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

commencement of any site works and be maintained throughout construction. A copy of the approved details must be forwarded to the Council and a copy is to be maintained on-site and be made available to Council officers upon request.

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

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

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

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

45. Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted.

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

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

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

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

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

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

If it is proposed to locate any site fencing, hoardings or amenities upon any part of the footpath, nature strip or any public place, the written consent from Council's Building Services section must be obtained beforehand and detailed



plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.

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

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

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

47. The demolition, removal, storage, handling and disposal of materials and all building work must be carried out in accordance with the following requirements (as applicable):
- Australian Standard 2601 (2001) – Demolition of Structures
  - Occupational Health and Safety Act 2000
  - Occupational Health and Safety (Hazardous Substances) Regulation 2001
  - Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
  - WorkCover NSW – Guidelines and Codes of Practice
  - Randwick City Council's Asbestos Policy
  - The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.
48. A Demolition Work Plan must be prepared for the development in accordance with Australian Standard AS2601-2001, Demolition of Structures.

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

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

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

49. Any work involving the demolition, storage and disposal of asbestos products and materials must be carried out in accordance with the following requirements:
- a) Randwick City Council's Asbestos Policy (adopted 13 September 2005).  
*A copy of Council's Asbestos Policy is available on Council's web site at [www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au) in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.*
  - b) A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m<sup>2</sup> 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.
  - c) On sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.
  - d) Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996. Asbestos waste must be disposed of at an approved waste disposal depot (refer to the DEC or Waste Service NSW for details of sites). Copies of all receipts detailing method and location of disposal must be maintained on site and be provided to Council officers upon request, as evidence of correct disposal.
  - e) A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council upon completion of the works **prior to an Occupation Certificate being issued**, which confirms that the asbestos material have been removed appropriately and the relevant requirements contained in the Asbestos Survey and conditions of consent in relation to the safe removal and disposal of asbestos, have been satisfied.

**The following conditions are applied to provide access and facilities for people with disabilities:**

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

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

51. The use and operation of the premises shall not give rise to an environmental

health or public nuisance, vibration to other premises or, result in an offence under the *Protection of the Environment Operations Act 1997 and Regulations*.

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

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

53. A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the certifying authority and Council **prior to an occupation certificate being issued** for the development, which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager of Health, Building & Regulatory Services.

54. A separate development application and construction certificate or a complying development certificate (as applicable) must be obtained if the retail tenancy is to be used at any time for any of the purposes detailed below:

- All food businesses (including premises used for the sale, storage, preparation and distribution of food and drinks)
- Hairdressing salons, Beauty salons, Businesses involving Skin Penetration & Piercing, Massage businesses
- Licensed premises, places of public entertainment and hotels
- Places of Shared Accommodation (including Boarding / Lodging Houses, Bed & Breakfast businesses, Backpackers, Residential Hotels or the like)
- Premises which have a Cooling Tower or Warm Water System
- Business providing any form of sexual service (i.e. brothel or the like).

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

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

55. The residential units are to achieve the following internal acoustic amenity criteria:

- a) In naturally ventilated residential units; the repeatable maximum  $L_{Aeq}$  (1 hour) shall not exceed:
- 35 dB(A) between 10pm and 7am in sleeping areas when the windows are closed;
  - 45 dB(A) in sleeping areas when windows are open;
  - 45 dB(A) in living areas (24 hours) when the windows are closed,

- and
  - 55 dB(A) in living areas when the windows are open.
- b) In residential units provided with mechanical ventilation, air conditioning or other complying means of ventilation, when doors and windows are shut, the repeatable maximum  $L_{Aeq}$  (1 hour) shall not exceed:
- 38 dB(A) between 10pm and 7am in sleeping areas;
  - 46 dB(A) in living areas (24 hours).

Details of compliance with the relevant criteria is to be included in the construction certificate application and written confirmation of compliance is to be provided to the Council and the Certifying Authority, by the Acoustic consultant, **prior to the construction certificate being issued.**

### **Security Deposit Conditions**

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

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

- a) \$5000.00 - Damage / Civil Works Security Deposit

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

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

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

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

### **Civil Works Conditions**

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

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

- a) Construct a full width concrete (heavy duty vehicular crossing and layback at kerb opposite the vehicular entrance to the site.

NOTE: The design and construction of the gutter crossing off Bunnerong Road shall be in accordance with RTA requirements. Details of these requirements should be obtained from RTA's Project Services Manager, Traffic Projects Section, Parramatta (Ph: 8849 2144).

Detailed design plans of the proposed gutter crossing are to be submitted to the RTA for approval prior to the commencement of any road works.

It should be noted that a plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by the RTA.

- b) Re-construct kerb and gutter for the full site frontage except opposite the vehicular access point.
- c) Reconstruct the Bunnerong Road site frontage in accordance with Council's Urban Elements Design Manual for the Matraville Commercial Centre. It is noted that this will include footpath reconstruction along the full site frontage.

NOTE: In this regard the footpath area immediately in front of the pedestrian entrance and lobby shall be kept clear of street plantings and street furniture for the purpose of a kerbside collection point for waste bins for the residential component of the development. The existing Council street tree shall also be removed (see landscape conditions).

- 58. 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.
- 59. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:
  - a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
  - b) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a *Pre-paid Works Application Form*, prior to issuing an occupation certificate, together with payment of the relevant fees.
  - c) If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.
  - d) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.

### **Traffic & RTA conditions**

**The following conditions are applied to comply with the requirements of the RTA and Council's Traffic Engineering section.**

- 60. All new walls adjacent to vehicular crossings must be lowered to a height of

600mm above the internal driveway level for a distance of 2.0m within the site or splayed 2.0m metre by 2.0 metre to provide satisfactory sight lines. Details are to be submitted to the Certifying Authority prior to the release of the construction certificate showing compliance with this condition.

61. Prior to commencement of works a Road Occupancy Licence should be obtained from the RTA for any works that may impact on traffic flows on Bunnerong Road during construction activities.
62. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Bunnerong Road.
63. Prior to the issue of a construction certificate, the applicant shall submit for approval and have approved by Council's Traffic Engineer a detailed construction traffic management plan. The plan shall demonstrate how construction and delivery vehicles will access the development site during the demolition and construction phase of the development.

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

64. Prior to the issuing of a construction certificate for any works on the subject site, the existing building on the adjoining property at 489 Bunnerong Road must be demolished.
65. Prior to the issuing of a Construction Certificate, the suitable rights of carriageway, easements for access, etc shall be created and places on the 88B Instrument as required to ensure that vehicles can legally use the proposed driveway and access ramp.
66. Prior to the issuing of an Occupation certificate the full length and width of the driveway and access ramp shall be fully constructed for the development.
67. All vehicles are to enter and leave the site in a forward direction.
68. The proposed shared access driveway shall comply with the following requirements from Council's Traffic Engineering section
  - One way arrows are to be painted on the exit/entry access lanes near the front property alignment
  - Two way arrows are to be painted on the access driveway immediately prior to entering the basement garages
  - A 'Keep Left' sign is to be placed on the median island separating the entry/exit lanes for vehicles exiting the site
  - Once the two developments at 489 & 490 Bunnerong Rd are completed, traffic priority in the access driveway shall be given to vehicles exiting the site from 489 Bunnerong Road. A Give way indicator together with appropriate line marking shall be painted on the access ramp from 490 Bunnerong road to indicate to drivers to 'Give Way' to drivers exiting the development at 489 Bunnerong Road.
  - All signs & line marking to be installed to Council's satisfaction

Plans demonstrating compliance with above requirements are to be submitted to Councils Manager of Integrated Transport for approval prior to the issuing of a construction certificate.

69. All works/regulatory signposting associated with the proposed development are to be at no cost to the RTA or Council.

70. In accordance with Australian Standard 2890.1- 2004 (Parking Facilities, Part 1: Off-street car parking), the driveway shall be a minimum of 6.0 metres in width for a minimum distance of 6 metres from the property boundary to allow for two-way simultaneous entry and exit.
71. The layout of the proposed basement carparking associated with the subject development (including driveways, grades, turning paths aisle widths, parking bay dimensions, etc) shall be in accordance with Australian Standard 2890.1:2004 (Part 1-Off street car parking) and Australian Standard 2890.2:2002 (Part 2 -Off-street commercial vehicle facilities).
72. The applicant is to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to the RTA for assessment. The applicant is to meet the full cost of the assessment by the RTA.

This report shall address the following key issues:

- a) The impact of excavation/rock anchors on the stability of Bunnerong Road and detailing how the carriageway would be monitored for settlement.
- b) The impact of the excavation on the structural stability of Bunnerong Road.
- c) Any other issues that may need to be addressed. (Contact: Geotechnical Engineer Stanley Yuen on phone 8837 0246 or Graham Yip on phone 8837 0245 for details).

**NOTE:**

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owners of the roadway are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

73. The minimum clear distance from the existing footpath in Bunnerong Road to the underside of the proposed awning shall be 3.00 metres. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.
74. All new awnings shall be set back a minimum of 600mm from the face of kerb. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.
75. Upon completion of the construction of the awning, certification of the structural adequacy of the awning must be provided to the Council.
76. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to the RTA for approval, prior to the commencement of any works.

Details should be forwarded to:  
The Sydney Asset Management  
Roads and Traffic Authority  
PO Box 973 Parramatta CBD 2124.

A plan checking fee will be payable and a performance bond may be required before the RTA's approval is issued. With regard to the Civil Works requirement please contact the RTA's Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

### **Alignment Level Conditions**

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

77. The Council's Development Engineer has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, shall be:
- **Graded 2.5% from the top of the existing kerb at all points opposite the kerb, along the full site frontage.**
78. The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the kerb must be indicated on the building plans for the construction certificate.
79. The above alignment levels and the site inspection by Council's Development Engineer has been issued at a prescribed fee of \$630 calculated at \$44.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.

**Service Authority Conditions**

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

80. 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.
81. 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.
82. Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied, must be submitted to the certifying authority prior to a construction certificate being issued for the development.
83. A Road / Asset Opening Permit must be obtained from Council prior to carrying out any public utility service works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.

The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council and the RTA, 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.

84. Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view.



The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant must liaise with Energy Australia prior to lodging the construction certificate to determine whether or not an electricity substation is required for the development.

85. The applicant shall meet the full cost of the overhead power lines and telecommunication cables located in the vicinity of the development site to be relocated underground and all redundant power poles to be removed. The applicant shall liaise directly with the relevant service utility authorities to organise for the wires/cables to be relocated. All wires cables must be relocated underground to the satisfaction of the relevant service utility authority prior to the issuing of an occupation certificate for the development.
86. A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92.

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

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

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.

### **Drainage Conditions**

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

87. Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:
- a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
  - b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
  - c) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage system.
  - d) The separate catchment areas within the site, draining to each

collection point or surface pit are to be classified into the following categories:

- i. Roof areas
  - ii. Paved areas
  - iii. Grassed areas
  - iv. Garden areas
- e) Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.
- f) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
- g) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.
88. 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.
89. All site stormwater must be discharged (by gravity) to either:
- a) To the kerb and gutter at the front of the property; OR
  - b) Council's underground drainage system in Daunt Avenue by gravity via a private drainage easement through the adjoining private property/ies (subject to assessment of any impact on trees and dwellings on neighbouring properties); OR
90. 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 5** year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by Council. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.
- Should no formal overland escape route be provided for storms greater than the design storm, the on-site detention system shall be sized for the 1 in 100 year storm event.
- For small areas up to 0.5 hectares, determination of the required cumulative storage must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.
- Where possible the detention tank must have an open base to infiltrate stormwater to the groundwater. Note that the ground water and any rock stratum has to be a minimum of 2.0 metres below the base of the tank.
91. The detention area must be regularly cleaned and maintained to ensure it functions as required by the design.
92. Any onsite detention systems shall be located in areas accessible by residents

of all units.

93. The maximum depth of ponding in above ground detention areas (and/or infiltration systems with above ground storage) shall be as follows:
- a) 300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)
  - b) 600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10.
  - c) 1200mm in landscaped areas where a childproof fence is provided around the outside of the detention area

Notes:

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

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

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

96. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
97. A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention/infiltration area.
98. Should stormwater be discharge to Council's underground drainage system a reflux valve shall be provided (within the site) over any pipelines discharging from the site to ensure that stormwater from Council drainage system does not surcharge back into the site stormwater system.
99. 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.

100. A sediment/silt arrester pit must be provided:-
- a) within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system; and

b) prior to stormwater discharging into any absorption/infiltration system.

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

- The base of the pit located a minimum 300mm under the invert level of the outlet pipe.
- The pit constructed from cast in-situ concrete, precast concrete or double brick.
- A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.
- A galvanised heavy-duty screen located over the outlet pipe/s (Mascot GMS multipurpose filter screen or equivalent).
- The grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system.
- A child proof and corrosion resistant fastening system provided for the access grate (e.g. spring loaded j-bolts or similar).
- A sign adjacent to the pit stating:

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

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

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

Notes:

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

102. **One** car washing bay shall be provided for this development.

- a) The car washing bay must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to an occupation certificate being issued for the proposed development.
- b) The car washing bay must be located outside any required/approved stormwater detention system.

- c) The car washing bay shall be located within one of the visitor parking spaces and signposted with '*Exclusive Carwash Bay Use Sat 2:00pm – 5:00pm and Sunday 10:00am – 2:00pm, Visitor parking at other times*'
- d) The car washing bay/s must be constructed with a minimum 20mm bund around the perimeter of the car washing bay/s (or equivalent)
- e) A water tap shall be located adjacent to the car washing bay/s.
103. Prior to the issuing of an occupation certificate, the applicant shall submit to Council, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:
- a) The location of the detention basin with finished surface levels;
- b) Finished site contours at 0.2 metre intervals;
- c) Volume of storage available in the detention areas;
- d) The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
- e) The orifice size(s) (if applicable);
- f) Details of any infiltration/absorption systems; and
- g) Details of any pumping systems installed (including wet well volumes).
104. Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with the conditions of development consent. The certification must be provided following inspection/s of the site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the PCA.
105. Should groundwater or seepage water be encountered within the depth of the basement excavation, the basement carpark or similar structures must be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard, to the satisfaction of the certifying authority. A copy of the certification is to be forwarded to Council.
- Notes:**
- a) Any subsoil drainage (from planter boxes etc) is to be disposed of within the site and is not to be discharged to Council's kerb & gutter and/or underground drainage system.
- b) Adequate provision is to be made for the ground water to drain around the basement carpark (to ensure that the basement will not dam or slow the movement of the ground water through the development site).
- c) Seepage Water must not be drained from the site
106. Should groundwater or seepage water be encountered within the depth of the basement excavation a report must be submitted to and approved by the Certifying Authority or an accredited certifier, prior to issuing the Construction Certificate, detailing the proposed ongoing method of excavation and dewatering process. This report is to be prepared by suitably qualified and experienced Geotechnical, Hydrological and Structural Engineers and is to include but not limited to:
- The proposed method of shoring/piling and dewatering.

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

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

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

107. If any temporary dewatering of the site is required to facilitate construction of any part of the basement car park and/or detention tank a licence under Part V of the Water Act 1912 will be required. The licence must be obtained from the NSW Department of Water and Energy prior to installation of the works. A copy of the license agreement must be forwarded to Council prior to any dewatering being undertaken.
108. A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of Section 138 of the Roads Act 1993.

### **Waste Management Conditions**

**The following conditions are applied to provide adequate provisions for**

**waste management:**

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

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

112. Prior to the issuing of a construction certificate the applicant shall liaise with Council's Manager of Waste in regards to the presentation of the waste bins to the kerbside for collection.

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

113. The PCA must ensure that landscaping at this site is installed substantially in accordance with the Ground & Level 1 Landscape Plans by Conzept Landscape Architects, drawing numbers LPDA 10-174/1 – 2, dated December 2009, prior to the issue of a Final Occupation Certificate, with the following additional details also to be included on these plans, prior to the commencement of any site works:
  - a. All planter boxes and garden beds constructed on slab must have a minimum *soil depth* of 600mm and all lawn areas must have a minimum *soil depth* of 300mm.
  - b. In order to reduce the amount of storm-water generated by the site, as well as to recharge groundwater supplies, porous/permeable paving shall be used in all hard surfacing not over slab.
  - c. To ensure satisfactory maintenance of the landscaped areas, an automatic drip irrigation system shall be installed throughout all planted areas. Details shall be provided showing that the system will be connected to the sites rainwater tanks, with back-up connection to the mains supply, in accordance with all current Sydney Water requirements.
  - d. All detention tanks and below ground stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping.
  - e. Location of easements within the site and upon adjacent sites (if any).
  - f. Any substation required shall be screened from view. The proposed location, elevation and screening method shall be shown.
114. The landscaping shall be installed in accordance with the approved documentation prior to the issue of a final occupation certificate and shall be

maintained in accordance with those plans.

### **Streetscape Works**

115. The applicant shall meet all costs associated with upgrading the Bunnerong Road site frontage in accordance with Council's Urban Elements Design Manual for the Matraville Commercial Centre. All works carried out on Council property, shall be in accordance with Council's requirements for Civil Works on Council property.

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

The applicant will be required to contact and liaise with Council's Co-ordinator of Landscape Design, Ms Kerry Colquhoun on 9399-0911, prior to preparation of the streetscape plan in order to obtain more detailed, site specific landscape design requirements from the relevant Departments of Council.

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

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

### **Removal of Street Tree**

116. Approval is granted for the applicant to remove and dispose of (at their own cost) the existing *Acmena smithii* (Lilly Pilly), on Council's Bunnerong Road footpath, to the south of the existing/proposed vehicle crossing as shown as part of the proposed works, and must satisfy themselves as to the location of all site services prior to the commencement of any works on public property.

117. The applicant shall submit a total payment of **\$750.00** (including GST) being as a loss of amenity fee to compensate Council for the fact that this street tree is only being removed from public property to accommodate the development of private property, with a replacement not possible due to the new overhead awning.

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.**

### **Removal of neighbours trees**

118. The row of four *Eucalyptus robutsa* (Swamp Mahogany's) within the adjoining property to the south, 493 Bunnerong Road, running in an east-west arrangement, between the neighbours garage and dwelling, all close to the common boundary shall be pruned in accordance with the Arborist's Report prepared by Urban Tree Management dated 20 September 2010.

### **Removal of trees within site**

119. Approval is granted for the removal of the following trees subject to full



implementation of the approved landscaping:

- a) The *Jacaranda mimosifolia* (Jacaranda) within the front yard, in the southwest corner of the site, as well as another *Jacaranda* in the rear yard, adjacent the southeast corner of the existing dwelling, due to their poor health and condition;
- b) The row of trees in the rear yard, along the northern site boundary, being from west to east, a *Hibiscus rosa-sinesnis* (Hibiscus), a *Eucalyptus robusta* (Swamp Mahogany), and a *Brachychiton acerifolius* (Illawarra Flame Tree);
- c) The *Eucalyptus robusta* (Swamp Mahogany) in the rear yard, along the southern site boundary, towards the southeast corner as part of the proposed basement works;
- d) The two *Eucalyptus saligna* (Sydney Blue Gums) located centrally in the rear yard, as the larger, most southern tree has an included branch union near ground level, and poses a safety risk, independent of this application, with the northern tree to be susceptible to wind throw if retained, particularly as excavations associated with the basement (to a depth of 6 metres) would be performed about 3 metres to its west.

#### Protection of tree within rear yard

120. In order to ensure retention of the *Corymbia citriodora* (Lemon Scented Gum) located in the rear yard, towards the northeast corner of the site in good health, the following measures are to be undertaken:
  - a. All documentation submitted for the construction certificate application must show the retention of this tree, with the position and diameter of both its trunk and canopy to be clearly shown on all drawings.
  - b. Any new services, pipes, stormwater systems or similar that need to be installed in the rear yard must be setback a minimum distance of **4.5 metres** off its trunk (measured off its outside edge at ground level), so as to minimise root damage.
  - c. This tree is to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing, which shall be located a minimum distance of **3.5 metres** off its trunk, on all four sides, in order to completely enclose this tree for the duration of works.
  - d. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER".
  - e. Within the TPZ, 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.
  - f. Any roots encountered during the course of the approved works must be cut cleanly by hand, and the affected area backfilled with clean site soil as soon as practically possible.

#### ADVISORY MATTERS:

1. The applicant is advised that the Construction Certificate plans and

specification must comply with the provisions of the Building Code of Australia (BCA).

In this regard, the development consent plans do not show compliance with the deemed-to-satisfy provisions of the BCA, including:

- a) Part B1 - Structural provisions
- b) Part C1 - Fire resistance and stability
- c) Part C2 - Compartmentation and separation
- d) Part C3 - Protection of openings
- e) Part D1 - Provisions for escape
- f) Clause D1.4 - Exit travel distances
- g) Part D2 - Construction of exits
- h) Clause D3.5 - Car parking for people with disabilities
- i) Part E1 - Fire fighting equipment
- j) Part E2 - Smoke Hazard Management
- k) Part E3 - Lift Installations
- l) Part E4 - Emergency lighting, exit signs & warning systems
- m) Part F1 - Damp and weatherproofing
- n) Part F5 - Sound Transmission and Insulation
- o) Section J - Energy efficiency

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

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

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

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

3. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) regulations.

Sydney Airport Corporation Ltd advises that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct.

**MOTION: (White/Andrews) CARRIED ON THE CASTING VOTE OF THE MAYOR – SEE RESOLUTION.**

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 Matthews	Councillor Matson
Councillor Procopiadis	Councillor Nash
Councillor Smith	Councillor Notley-Smith
Councillor Tracey	Councillor Stevenson
Councillor White	Councillor Woodsmith
<b>Total (7)</b>	<b>Total (7)</b>

**AMENDMENT: (Hughes/Nash)** that the recommendation contained in the business paper be adopted. **LOST.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Belleli	Councillor Andrews
Councillor Hughes	Councillor Bowen
Councillor Matson	Councillor Matthews
Councillor Nash	Councillor Procopiadis
Councillor Notley-Smith	Councillor Smith
Councillor Woodsmith	Councillor Stevenson
	Councillor Tracey
	Councillor White
<b>Total (6)</b>	<b>Total (8)</b>

**CP75/10 Director City Planning Report - 164 Brook Street, Coogee  
(DA/702/2009/B)**

684/10

**RESOLUTION: (Andrews/Belleli)** 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. 702/2009 for extension of the eastern walls and balconies, extension of the lift to the roof level, installation of a shelter structure at roof level and relocation of the laundry from the basement to the rear of the upper ground level, at 164 Brook Street, Coogee, in the following manner:

- **Amendment of Condition 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 following plans (Job Number 021202):

<b>Plan Number</b>	<b>Dated</b>	<b>Received</b>	<b>Prepared By</b>
Sec96A/01(B)	02.09.10	2 September 2010	Manolev Associates Pty. Ltd.
Sec96A/02(A)	25.05.10	1 June 2010	
Sec96A/03(B)	02.09.10	2 September 2010	
Sec96A/04(B)	02.09.10	2 September 2010	
Sec96A/06(A)	19.07.10	22 July 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:

- **Imposition of Condition 82 to read as follows:**

82. The front (eastern) balconies on the upper ground floor of the building shall be setback a minimum of 4200mm from both the northern and southern property

Additionally, the above balconies shall have a maximum depth of 2000mm and be setback no less than 3000mm from the Brook Street boundary.

Details demonstrating compliance shall be incorporated in the Construction Certificate application.

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

**CP76/10 Director City Planning Report - 52 Sturt Street, Kingsford  
(DA/392/2010)**

685/10

**RESOLUTION: (Andrews/Nash)** that the application be deferred to the next Planning Committee meeting to allow for mediation between the applicant and objectors.

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

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

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

**CP77/10 Director City Planning Report - 51-69R Dolphin Street, Coogee  
(DA/98/2007/B)**

Cr Smith, having previously declared an interest in this matter, left the chamber and took no part in the debate or voting on this item.

686/10

**RESOLUTION: (Andrews/Nash)** that Council, as the consent authority, grants consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to modify Development Consent No. DA/98/2007 for permission to increase the hours of operation of Coogee Bowling Club till 11pm on Monday to Thursday and Sunday, 12 midnight on Friday and Saturday (with the exception of New Years Eve till 2am the following day) at Nos. 51-69R Dolphin Street, Coogee, in the following manner:

**Amend Condition 9 to read as follows:**

- The operating hours of the Club premises (other than the outdoor smoking terrace & garden terrace/BBQ area) must be restricted to the following and are subject to a review period in accordance with Section 80(A)(10B) of the Environmental Planning & Assessment Act 1979 and Division 14 of the Environmental Planning and Assessment Regulation 2000:

Sunday - Tuesday	10:00am to 10:00pm
Wednesday - Thursday	10:00am to 11:00pm

Friday - Saturday	10.00am to 12 Midnight
New Years Eve	10.00 am to 2.00am the following day

The extended hours of operation will be reviewed by Council within 6 months and 12 months of the date of commencement of the extended use. The operator of the club premises must provide Council with appropriate supporting evidence (including, but not limited to, relevant acoustics measurements) to demonstrate compliance with all conditions of this consent as part of the review.

**Add Condition 9A as follows:**

- 9A. A report prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council **prior to a construction certificate being issued for the development (or prior to any acoustic mitigating measures being installed/undertaken, whichever is the earlier)**, which demonstrates that noise and vibration emissions from the development satisfy the relevant provisions of the *Protection of the Environment Operations Act 1997*, Environmental Protection Authority Noise Control Manual & Industrial Noise Policy, relevant approved acoustics recommendations in report prepared by RSA Acoustics dated August 2010 project number 4939 and recommendations and relevant conditions of consent. The report shall also address any break out noise from the venue. The assessment and report must include all relevant fixed and operational noise sources and include assessments from the nearest affected residential properties (namely the nearest sensitive residential receivers any additional proposed acoustic mitigation measures are to be detailed and included in this report.

The written concurrence from Council's Manager for Health, Building and Regulatory Services is to be obtained **prior to a construction certificate being issued or prior to these works being undertaken** (which ever is the earlier).

**Additional Condition 9B as follows:**

- 9B. An acoustic report, prepared by a suitably qualified and experienced consultant in acoustics, must be provided to the Council **within 4 weeks of commencement of the extended opening hours of the club, and from time to time as requested by Council with reasonable prior notice**, which demonstrates and confirms that the relevant provisions of the *Protection of the Environment Operations Act 1997* and the noise criteria and requirements contained in this consent continues to be satisfied (including reference to the relevant approved acoustic report and recommendations). The assessment must include (but not be limited to):
- Monitoring from the nearest affected residential premises,
  - Monitoring and assessment during the use and operation of the premises when there is a function is being provided and greater occupancy is present,
  - Compliance monitoring shall be carried out during the times when the nearby residential and public domain areas are likely to be most affected, this shall include (but not be limited to) the hours of operation on a Friday and/or Saturday night,
  - Ensure the break out of any internal noise complies with the set criteria. If not, nominate the necessary and required measures to ensure compliance (this may include controlling live entertainment; controlling internal noise; provision of sound locks; other management practices as deemed appropriate and necessary),
  - The report must include all relevant fixed and operational noise sources.

**Additional Condition 9C as follows:**

- 9C. The licensee must establish and maintain a formal and documented system for the recording and resolution of complaints made to the licensed premises by residents. All complaints are to be attended to in a courteous and efficient manner and referred promptly to the licensee or duty manager. The appropriate remedial action, where possible, is to be implemented immediately and the licensee or duty manager is to contact the complainant within 48 hours to confirm details of action taken.

**Additional Condition 9D as follows:**

- 9D. Upon reasonable prior notice, the licensee must make available the incident book to the NSW Police and/or Council officers.

**Additional Condition 9E as follows:**

- 9E. A plan of management shall be submitted to and approved by Council prior to commencing the proposed trading hours, which details the measures to be implemented to:

- ensure compliance with the relevant conditions of approval,
- minimise the potential impact of the operation of the premises upon nearby residents and the public domain,
- effectively minimise and manage anti-social behaviour which affects the surrounding environment, including the installation of patron advisory signage,
- minimise noise emissions and associated nuisances,
- effectively manage and respond to resident complaints,
- ensure responsible service of alcohol and harm minimization, and
- include recommended measures in acoustic report from RSA Acoustics, dated August 2010 (project number 4939) relating to patron management.

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

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Hughes
Councillor Belleli	Councillor Matson
Councillor Bowen	Councillor Stevenson
Councillor Matthews	Councillor Tracey
Councillor Nash	Councillor Woodsmith
Councillor Notley-Smith	
Councillor Procopiadis	
Councillor Smith	
Councillor White	
<b>Total (9)</b>	<b>Total (5)</b>

**AMENDMENT: (Matson/Woodsmith)** that the recommendation contained in the business paper be adopted, subject to condition 9 being amended to provide for opening hours of 10am-10pm every day plus 52 occasions per year where the Club can open till midnight on a Friday or Saturday night. **LOST.**

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

<b>FOR</b>	<b>AGAINST</b>
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Councillor Belleli	Councillor Andrews
Councillor Hughes	Councillor Bowen
Councillor Matson	Councillor Matthews
Councillor Tracey	Councillor Nash
Councillor Woodsmith	Councillor Notley-Smith
	Councillor Procopiadis
	Councillor Smith
	Councillor Stevenson
	Councillor White
<b>Total (5)</b>	<b>Total (9)</b>

**AMENDMENT: (Hughes/Matson)** that the recommendation contained in the business paper be adopted, subject to condition 9 being amended to provide for the Club to be closed at 10:00pm Sundays to Wednesdays. **LOST.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Belleli	Councillor Andrews
Councillor Hughes	Councillor Bowen
Councillor Matson	Councillor Matthews
Councillor Tracey	Councillor Nash
Councillor Woodsmith	Councillor Notley-Smith
	Councillor Procopiadis
	Councillor Smith
	Councillor Stevenson
	Councillor White
<b>Total (5)</b>	<b>Total (9)</b>

**CP78/10 Director City Planning Report - 88-102 Moverly Road, South Coogee (DA/407/2010)**

687/10

**RESOLUTION: (Notley-Smith/Nash)** that:

- this matter be deferred to next Planning Committee to allow the objectors' surveyor to place two retractable height poles on the subject site;
- should the Council officers agree that the height poles are consistent with the photomontage then the development application shall be determined under delegated authority.

**MOTION: (Bowen/Woodsmith)** that this matter be deferred to the next Planning Committee to allow the objectors' surveyor to undertake the objectors' requested study with the height poles.

**AMENDMENT: (Notley-Smith/Nash) CARRIED AND BECAME THE MOTION. MOTION CARRIED – SEE RESOLUTION.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Belleli	Councillor Andrews
Councillor Hughes	Councillor Bowen
Councillor Matson	Councillor Matthews
Councillor Nash	Councillor Smith
Councillor Notley-Smith	Councillor Stevenson
Councillor Procopiadis	Councillor White
Councillor Tracey	

Councillor Woodsmith

**Total (8)****Total (6)****CP79/10 Director City Planning Report - 301 Alison Road, Coogee  
(DA/19/2010)**

688/10

**RESOLUTION: (Andrews/Belleli)** that Council, as the consent authority, refuses development consent under Section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. DA/19/2010 for construction of a new 3 storey multi-unit housing development containing 5 townhouses and associated strata subdivision at 301 Alison Road, Coogee for the following reasons.

1. The proposal has building height up to 10.5m and does not comply with the development standard for building height in Clause 33 Randwick Local Environmental Plan 1998. The proposal has excessive building height and unacceptably impacts on the character of the area and the neighbour's amenity. The proposal does not satisfy the purpose for the development standard and the SEPP 1 objection is not well founded.
2. The proposal has external wall height up to 10.3m and does not comply with the development standard for external wall height in Clause 33 Randwick Local Environmental Plan 1998. The proposal has excessive external wall height and unacceptable impacts on the character of the area and the neighbour's amenity. The proposal does not satisfy the purpose for the development standard and the SEPP 1 objection is not well founded.
3. The proposal has landscaped area of 38% of the site area and does not comply with the development standard for landscaped area in Clause 31 Randwick Local Environmental Plan 1998. The proposal has inadequate landscaped area and unacceptably impacts on the character of the area and the neighbour's amenity. The proposal does not satisfy the purpose for the development standard and the SEPP 1 objection is not well founded.
4. The proposal does not satisfy the 2B Residential Zone objectives in Randwick Local Environmental Plan because it is incompatible with the local built character and unacceptably impact on neighbours' amenity.
5. The lot frontage to Alison Rd is less than 20m, which compounds the overshadowing, privacy and visual impacts of the development. The proposal does not satisfy the performance requirements and preferred solutions for site planning in Clause 3.1.4 Development Control Plan – Multi-unit Housing.
6. The proposal has a minimum rear setback of 1.7m and a minimum average rear setback 4.59m. The rear setback impacts on the privacy and visual amenity of neighbouring lots and does not satisfy the performance requirements and preferred solutions for building setbacks in Clause 3.3.1 of Development Control Plan – Multi-unit Housing.
7. The orientation, height and proximity of balconies and living areas cause severe privacy impacts to sites to the east, south and west. The proposal does not satisfy the preferred solutions and performance requirements for privacy in Clause 4.2.4 of Development Control Plan – Multi-unit Housing.
8. The proposal has only 1 of 5 units with northern solar orientation and does not satisfy the performance requirements for solar access in Clause 4.4.4 of Development Control Plan – Multi-unit Housing.
9. The proposed driveway has a 'gun barrel' alignment and does not satisfy the performance requirements for driveways specified in Clause 5.2.4 Development Control Plan – Multi-unit Housing.



10. The proposed driveway is not adequately setback from the side boundary to allow landscaping and screen planting to minimise the visual impact of the development. The proposal does not satisfy the preferred solutions and performance requirements for driveways in Clause 5.2.4 Development Control Plan – Multi-unit Housing.
11. The proposed driveway does not have passing bays or vehicle manoeuvring area that is adequate to service the car parking spaces. The proposal does not satisfy the preferred solutions and performance requirements for driveways in Clause 5.2.4 Development Control Plan – Multi-unit Housing.
12. The site is unsuitable for the proposed development because of its narrow width and stormwater overflow path.

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

**CP80/10 Director City Planning Report - Reporting Variation to Development Standard Under State Environment Planning Policy No. 1 (SEPP1) from 1 August to 31 August, 2010 (F2008/00122)**

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689/10 **RESOLUTION: (Andrews/Belleli)** that the report be received and noted.

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

**CP81/10 Director City Planning Report - Cultural Community Grants Program September 2010 Assessment Round - Recommended Allocations (F2009/00182)**

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Note: Cr Belleli, having previously declared an interest in this item, left the Chamber and took no part in the debate or the vote on the matter.

690/10 **RESOLUTION: (Woodsmith/Matson)** that Council approve funds totalling \$62,358.50 to be allocated to the organisations listed in the table in Attachment 1 to the report.

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

### **General Manager's Reports**

**GM40/10 General Manager's Report - Wylies Baths Trust - Request for New Trust Member (F2004/06336)**

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Note: Cr White, having previously declared an interest in this item, left the Chamber and took no part in the debate or the vote on the matter.

691/10 **RESOLUTION: (Smith/Andrews)** that Council endorse the appointment of Mr Tony Cousins as a community representative on the Wylies Baths Trust effective immediately and advise the Trust accordingly.

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

**GM41/10 General Manager's Report - SEGRA National Conference 2010 (F2005/00646)**

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692/10 **RESOLUTION: (Matson/Hughes)** that:

- a) it is noted that Councillors are invited to attend the fourteenth annual "Sustainable Economic Growth for Regional Australia" (SEGRA) conference from 18 through to 21 October 2010; and

- b) no Councillors will be attending the conference as it has no relevance to this Council and the date of the conference clashes with the October Ordinary Council Meeting.

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

**GM42/10 General Manager's Report - Affixing of the Council Seal  
(F2004/06336)**

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693/10

**RESOLUTION: (Andrews/Matson)** that the Council's Seal be affixed to the signing of agreements between Council and the Eastern Suburbs Tennis Association Inc Y0704245 in relation to a lease of part J.V. Dick Reserve being land bound by Dolphin, Mount, Brook and Bream Streets.

**MOTION: (Andrews/Matson) CARRIED - SEE RESOLUTION.**

**GM43/10 General Manager's Report - Sydney Coastal Councils Group -  
Request for Contribution to Underwater Sydney Education Program  
(F2005/00949)**

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694/10

**RESOLUTION: (Andrews/Matson)** that Council support the Sydney Coastal Councils Group's "Underwater Sydney Education Program" by contributing \$2,000.00 towards the project.

**MOTION: (Andrews/Matson) CARRIED - SEE RESOLUTION.**

**GM45/10 General Manager's Report - Clovelly Surf Life Saving Club - Request  
for Interest Free Loan (F2010/00292)**

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695/10

**RESOLUTION: (Andrews/Matson)** that Council approve an interest free loan of \$80,000.00 to the Clovelly Surf Life Saving Club, to be used for the purpose of Club renovations as detailed in this report, with the funds to be repaid to Council by 31 December, 2010.

**MOTION: (Andrews/Matson) CARRIED - SEE RESOLUTION.**

Note: Cr Seng arrived at this point in the meeting, the time being 9.47pm.

**Director City Services Reports**

**CS23/10 Director City Services Report - Beach Soccer World Wide -  
Maroubra Beach (F2009/08302)**

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

696/10

**RESOLUTION: (Matthews/Hughes)** that there be no alcohol served at this event.

**MOTION: (Andrews/Stevenson)** that:

- a) a designated licence area be provided for the supply of alcohol at this event and sufficient alcohol harm minimisation measures, be required to be implemented by the event organiser to the satisfaction of Council, including the fulfilment of any requirements for the sale and supply of alcohol under the Liquor Act 2007; and
- b) designated dry areas or family friendly areas are also made available for patrons who did not wish to drink during the event.

**AMENDMENT: (Matthews/Hughes) CARRIED AND BECAME THE MOTION.  
MOTION CARRIED - SEE RESOLUTION.**

**Director Governance & Financial Services Reports****GF40/10 Director Governance & Financial Services Report - Annual review of Councillors' Expenses & Facilities Policy (F2004/06576)**

697/10 **RESOLUTION: (Andrews/Matson)** that, in order to comply with the annual review requirements, the Councillors' Expenses & Facilities Policy be publicly exhibited for a period of 28 days.

**MOTION: (Andrews/Matson) CARRIED - SEE RESOLUTION.**

**GF41/10 Director Governance & Financial Services Report - Fraud and Corruption Prevention Policy (F2005/00178)**

698/10 **RESOLUTION: (Andrews/Matson)** that the Fraud and Corruption Prevention Policy be re-affirmed.

**MOTION: (Andrews/Matson) CARRIED - SEE RESOLUTION.**

**GF42/10 Director Governance & Financial Services Report - Presentation of the 2009-10 Financial Statements (F2009/00341)**

699/10 **RESOLUTION: (Andrews/Matson)** that the Financial Statements for the year ended 30 June 2010 be adopted.

**MOTION: (Andrews/Matson) CARRIED - SEE RESOLUTION.**

**GF43/10 Director Governance & Financial Services Report - Investment Report - August 2010 (F2004/06527)**

700/10 **RESOLUTION: (Andrews/Matson)** that the investment report for August 2010 be received and noted.

**MOTION: (Andrews/Matson) CARRIED - SEE RESOLUTION.**

**GF44/10 Director Governance & Financial Services Report - Local Government Association of NSW - 2010 Annual Conference (F2004/06645)**

701/10 **RESOLUTION: (Tracey/Andrews)** that Council elect two Liberal, two Labor and one Greens Councillor as delegates for the 2010 LGA Conference and all other Councillors be authorised to attend the conference as alternate delegates.

**MOTION: (Notley-Smith/Matson)** that:

- a) Council elect the Mayor, two Liberal, one Labor and one Greens Councillor as delegates to attend the Local Government Association's Conference in Albury in October 2010;
- b) Council nominate two Liberal, one Labor and one Greens Councillor as alternate delegates to attend the conference; and
- c) other interested Councillors attend the conference in the capacity of observers.

**AMENDMENT: (Andrews/Matthews)** that this matter be deferred to the extraordinary meeting on 28<sup>th</sup> September, 2010 to determine the delegates and alternate delegates. **LOST.**

**AMENDMENT: (Tracey/Andrews) CARRIED AND BECAME THE MOTION. MOTION CARRIED - SEE RESOLUTION.**

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**GF45/10 Director Governance & Financial Services Report - Proposed Short Term Lease of Jersey Lane Matrville by Kindaburra Childcare Centre (F2004/07367)**

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702/10 **RESOLUTION: (Andrews/Matson)** that:

- a) Council grants its approval for the General Manager to negotiate and enter into a lease and any future leases for Jersey Lane with Kindaburra Childcare Centre in accordance with the Roads Act 1993; and
- b) Kindaburra Childcare Centre be required to cover all Council's costs in regard to the lease and pay the market rate rental for the lease of Jersey Lane.

**MOTION: (Andrews/Matson) CARRIED - SEE RESOLUTION.**

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**GF46/10 Director Governance & Financial Services Report - Matrville Town Centre Action Plan - Proposed Trial of Waiving Outdoor Dining Licence Fees (F2010/00091)**

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703/10 **RESOLUTION: (Belleli/Nash)** that Council approve the waiving of all outdoor dining fees for a twelve month trial period for all new applicants in the Matrville Town Centre.

**AMENDMENT: (Andrews/Nil)** that all current commercial premises also have their licence fees waived for twelve months. **LAPSED FOR WANT OF A SECONDER.**

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

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**GF47/10 Director Governance & Financial Services Report - Matrville Town Centre Action Plan - Partnering with Matrville Chamber of Commerce to Implement Identified Actions (F2010/00091)**

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704/10 **RESOLUTION: (Belleli/Andrews)** that the appropriate Council officers hold quarterly meetings with the Matrville Chamber of Commerce to assist in the implementation of the identified short term actions in the Matrville Town Centre Action Plan, where the Chamber has been identified as the lead organisation.

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

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**GF48/10 Director Governance & Financial Services Report - Joint Standing Committee on Electoral Matters - 2008 Local Government Elections (F2007/00550)**

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705/10 **RESOLUTION: (Tracey/Woodsmith)** that the report be received and noted and the recommendation in relation to postal voting be discussed at the next Councillors' weekend workshop.

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

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**GF49/10 Director Governance & Financial Services Report - Joint Standing Committee on Electoral Matters - Public Funding of Local Government Election Campaigns (F2007/00550)**

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706/10 **RESOLUTION: (Hughes/Matson)** that the report be received and noted and that Council makes a submission to the Joint Standing Committee on Electoral Matters as detailed in Table 1 of this report.

**MOTION: (Bowen/Andrews)** that the report be received and noted.

**AMENDMENT: (Hughes/Matson) CARRIED AND BECAME THE MOTION.  
MOTION CARRIED – SEE RESOLUTION.**

### **Petitions**

Nil.

### **Motion Pursuant to Notice**

**NM42/10 Motion Pursuant to Notice from Cr Notley-Smith - Postponement of the Coogee Bay Town Centre Urban Design and Streetscape Study (F2010/00212)**

707/10

**RESOLUTION: (Notley-Smith/Matson)** that Council postpone any further work on the Coogee Bay Town Centre Urban Design and Streetscape Study until further resolution by the Council.

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

Note: That all three ward Councillors be acknowledged as co-movers for putting forward similar motions.

Note: Cr Andrews requested that his name be recorded as being opposed to the resolution.

**NM43/10 Motion Pursuant to Notice from Cr Matson - Suspension of Coogee Town Centre Heritage, Urban Design and Streetscape Study (F2010/00212)**

That Council suspend the operation of the Coogee Town Centre Heritage, Urban Design and Streetscape Study until after the Government Architect has completed his announced deliberations on the Coogee Bay Hotel Site, in order not to waste resources and pre-empt the outcome.

Note: This motion was approved in conjunction with item NM42/10.

**NM44/10 Motion Pursuant to Notice from Cr Bowen - Deferment of Work on the Coogee Town Centre (F2010/00212)**

That meetings of the Coogee Town Centre Heritage, Urban Design and Streetscape Study working group be deferred until further resolution by this Council.

Note: This motion was approved in conjunction with item NM42/10.

**NM45/10 Motion Pursuant to Notice by Cr Notley-Smith - Impact of Council Owned Trees on Photovoltaic Cells & Solar Hot Water Systems (F2010/00267)**

708/10

**RESOLUTION: (Notley-Smith/Andrews)** that a report be prepared for Council addressing the issue of council owned street trees and their potential to shade domestic installations of photovoltaic cells and solar hot water heat exchangers.

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

Note: The Council unanimously acknowledged the wonderful contribution and career of our Communications Manager, Ms Dianne Brien who is retiring from her position with Council.

### **Confidential Reports (Closed Session)**

The meeting moved into closed session in order to consider the following confidential item.

**Closed Session****GM44/10 Confidential - See to Shore - Request for 20 year Lease Extension (F2004/06336)**

*This matter is considered to be confidential under Section 10A(2) (g) Of the Local Government Act, as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

709/10

**RESOLUTION: (Nash/Woodsmith)** that Council:

- a) Acknowledges the correspondence received from Shirley Struk, Director of See to Shore;
- b) Rejects the proposal to vary the option period from five (5) to twenty-one (21) years;
- c) Seeks advice from Shirley Struk, See to Shore, whether she wishes to exercise the five (5) year option and if so affix the Council's Seal to the signing of agreements between Council and See to Shore for a period of five (5) years only; and
- d) Re-tenders at the expiry of the five (5) year option for the operation of the Maroubra Beach Pavilion Café Kiosk or if the option is not exercised prepare a tender for the operation of the premises for a period of five (5) years with a five (5) year option.

**MOTION: (Nash/Woodsmith) CARRIED – SEE RESOLUTION.****Open Session**

The meeting moved back into open session.

**Notice of Rescission Motions**

A rescission motion was submitted on item CP74/10- 491 Bunnerong Road, Matraville in accordance with Council's Code of Meeting Practice, by Councillors Matson, Smith and Woodsmith and will be considered at the next available meeting of Council.

There being no further business, His Worship the Mayor, Cr J Procopiadis, declared the meeting closed at 10.51pm.

**The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 19 October 2010.**

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**CHAIRPERSON**