

**MINUTES OF ORDINARY COUNCIL MEETING OF THE COUNCIL OF
THE CITY OF RANDWICK HELD ON TUESDAY, 19 OCTOBER 2010 AT
6:08PM**

Present:

The Mayor, Councillor M Matson (Chairperson) (East Ward)

Councillor K Smith (Deputy Chairperson) (North Ward)

North Ward	- Councillors P Tracey & M Woodsmith
South Ward	- Councillors R Belleli, C Matthews & A White
East Ward	- Councillors T Bowen & B Notley-Smith
West Ward	- Councillors J Procopiadis & S Nash (from 8.22pm)
Central Ward	- Councillors A Andrews (from 6.38pm), T Seng & G Stevenson

Officers Present:

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

Prayer & Acknowledgement of Local Indigenous People

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

Apologies/Granting of Leave of Absences

An apology was received from Cr Hughes.

RESOLVED: (Woodsmith/Smith) that the apology received from Cr Hughes be accepted and leave of absence from the meeting be granted.

Confirmation of the Minutes

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY 21 SEPTEMBER 2010**

- 713/10 **RESOLUTION: (Smith/Bowen)** that the Minutes of the Ordinary Council Meeting held on Tuesday 21 September 2010 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

CONFIRMATION OF THE MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON TUESDAY 28 SEPTEMBER 2010

- 714/10 **RESOLUTION: (Woodsmith/Smith)** that the Minutes of the Extraordinary Council Meeting held on Tuesday 28 September 2010 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

Declarations of Pecuniary and Non-Pecuniary Interests

- (a) The Mayor declared a non significant non pecuniary interest in item CP85/10 as the Greens candidate for the state seat of Coogee is involved in this matter.
- (b) Cr Tracey declared a non significant non pecuniary interest in item CP84/10 as one of the objectors is related to someone he knows.
- (c) Cr Matthews declared a non significant non pecuniary interest in item CP83/10 as he knows the Vice President and is a member of the Seals Club.
- (d) Cr White declared a non significant non pecuniary interest in item CP83/10 as he is a member of the Seals Club.
- (e) Cr Belleli declared a non significant non pecuniary interest in item CP83/10 as his wife is a member of the Seals Club
- (f) Cr Andrews declared a non significant non pecuniary interest in item CP83/10 as he knows the Vice President and is a member of the Seals Club.
- (g) Cr Bowen declared a non significant non pecuniary interest in item CP83/10 as the Seals Club bought tickets to an ALP fundraiser some years ago.
- (h) Cr Notley-Smith declared a non significant non pecuniary interest in item CP83/10 as he went to primary school with the applicant.
- (i) Cr Smith declared a non significant non pecuniary interest in item CP83/10 as he serves on the Randwick City Tourism Committee with the applicant.

Address of Council by Members of the Public

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

CP82/10 4 NOLAN AVENUE, CLOVELLY

For Jenny Askin - Planner on behalf of applicant

CP84/10 1-3 MOORE STREET, COOGEE

Against Jill O' Meara - Objector

For Warwick Gosling - Applicant

CP85/10 PART 3A MAJOR PROJECT APPLICATION FOR THE MONTEFIORE AGED-CARE HOME AT 100-120 KING STREET AND 30-36 DANGAR STREET, RANDWICK

Against Dan Murphy on behalf of the objectors

NM48/10 MOTION PURSUANT TO NOTICE FROM CR BOWEN – MONUMENT TO FORMER MAYOR JOHN MCDUGALL

For Mr Sean O'Connell

CS24/10 OUTDOOR SENIORS EXERCISE AREA

For Trudy Wiedeman

The meeting was adjourned at 6.51pm and was resumed at 7.11pm.

Mayoral Minutes

MM52/10 Mayoral Minute - Local Government Chief Executive Officers Conference (F2008/00390)

715/10

RESOLUTION: (Mayor, Cr M Matson) that Council note the General Manager's attendance at the annual conference of the Local Government Chief Executive Officers' Group to be held in Melbourne from 24-26 November 2010.

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

MM53/10 Mayoral Minute - Support for an Eastern States High Speed Rail System (F2004/08001)

716/10

RESOLUTION: (Mayor, Cr M Matson) that Council:

- a) write to the Minister for Infrastructure, Transport Regional Development and Local Government supporting the announced \$20 million investment into a high-level feasibility study for the eastern seaboard corridor concentrating on the Sydney to Newcastle route;
- b) adopt a formal Council policy of supporting a broader High Speed Rail system for the eastern Australia states; and
- c) call on the Minister to initiate a concept study for a broader High Speed Rail system that should address:
 - Current and future service demand, preservation of corridors and location and number of stations;
 - Environmental, social and economic costs and benefits of the range of route and train technology configurations;
 - An examination of existing major highway routes;
 - Comparisons with alternative options, including new or expanded airports and road networks;
 - Options for the financing, governance and public ownership of the rail network;
 - Options for providing a carbon neutral energy source to meet the trains' electricity requirements;
 - Previous studies including the 2010 joint AECOM/Infrastructure Partnerships Australia (IPA) study; and
- d) will seek to raise this resolution as a late motion at the pending Local Government Association Conference.

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

MM54/10 Mayoral Minute - Nomination of Councillor John Procopiadis for 2010 CRC Awards for Volunteering (F2007/00388)

Note: Cr Procopiadis left the chamber during the debate and voting on this matter.

717/10 **RESOLUTION: (Mayor, Cr M Matson)** that Randwick City Council endorses the preparation of a submission to the CRC Awards for Volunteering, putting forward Councillor Procopiadis as its nominee for the two award categories, before the closing date of 22nd October 2010.

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

RESOLVED: (Procedural Motion) (Bowen/Stevenson) that the motion pursuant to notice on the monument to former Mayor John McDougall be considered at this point in the meeting. **CARRIED.**

RESOLVED: (Procedural Motion) (Andrews/Matthews) that the motion pursuant to notice on the rezoning of Malabar Headland be brought forward to this point in the meeting for consideration prior to the mayoral minute on the same subject. **LOST.**

RESOLVED: (Procedural Motion) (Belleli/Matthews) that the motion pursuant to notice on the rezoning of Malabar Headland be brought forward to this point in the meeting for consideration in conjunction with the mayoral minute on the same subject. **CARRIED.**

MM55/10 Mayoral Minute - Malabar Headland - Future Land Use Zones (F2004/06759)

Note: This mayoral minute was considered in conjunction with the motion pursuant to notice on the same subject.

718/10 **RESOLUTION: (Mayor, Cr M Matson/Andrews)** that Council:-

- (a) reaffirm its position that the eastern and western parts of Malabar Headland should be zoned an appropriate conservation zone such as National Park; and
- (b) write to the Federal Member asking for a timetable on the handover of Malabar Headland to the NSW government.

MOTION: (Mayor, Cr M Matson/Andrews) CARRIED - SEE RESOLUTION.

MM56/10 Mayoral Minute - Mary MacKillop Place - Proposal to Rename Reserve to Saint Mary MacKillop Place (F2004/06876)

719/10 **RESOLUTION: (Mayor, Cr M Matson)** that the proposal to rename Mary MacKillop Place to Saint Mary MacKillop Place be approved in principle subject to consultation with the Catholic Church.

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

MM57/10 Mayoral Minute - Recognition of Local Athletes – Congratulations on Selection for Commonwealth Games (F2004/07086)

720/10 **RESOLUTION: (Mayor, Cr M Matson)** that Council:-

- (a) write to our three local athletes who represented Australia at the 2010 Commonwealth Games congratulating them on their selection and efforts in India; and

- (b) invite these athletes to our Sporting Awards ceremony in November to publicly acknowledge their wonderful achievements.

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

**MM58/10 Mayoral Minute - Report on Meeting with the Hon Peter Garrett MP
on the Dedication of the Randwick Environment Park
(DA/747/2002)**

721/10

RESOLUTION: (Mayor, Cr M Matson) that Council notes its disappointment that the dedication of the Randwick Environment Park has not proceeded as agreed with the Department of Defence and calls on the Department to honour its financial, community and environmental commitments.

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

Urgent Business

Nil.

Director City Planning Reports

**CP82/10 Director City Planning Report - 4 Nolan Avenue, Clovelly
(DA/411/2010)**

722/10

RESOLUTION: (Woodsmith/Tracey)

That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 411/2010 for demolition of existing structures on site and construction of a two-storey dwelling with single garage and associated landscape works, at No. 4 Nolan Avenue, Clovelly, subject to the following conditions:

Conditions of Consent

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

1. The development must be implemented substantially in accordance with the following plans (Job Number 1001):

Plan Number	Dated	Received	Prepared By
A001(C)	31.08.10	2 September 2010	John House Architect
A002(C)	31.08.10	2 September 2010	
A200(C)	31.08.10	2 September 2010	
A201(C)	31.08.10	2 September 2010	
A300(C)	31.08.10	2 September 2010	

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

2. The colours, materials and finishes of the external surfaces to the building are to be consistent with the submitted Sample Board, Job No. 1001, prepared by John House Architect, and received by Council on 2 September 2010.

of the building shall be non-reflective.

3. The southern elevation of Bedroom 2 at the first floor level of the building, with the exception of any supporting column, shall incorporate an additional front setback of 500mm, or be setback no less than 4000mm from the Nolan Avenue boundary, whichever is the greater. Details demonstrating compliance with the above requirement shall be incorporated in the Construction Certificate documentation.
4. The proposed "roof garden" located above the ground floor kitchen and adjacent to the first floor rear balcony shall be designed and constructed so that it is not trafficable and does not function as a deck.
5. The fence on the Nolan Avenue alignment shall have a maximum height of 1800mm, as measured from the footpath level, and be designed so that the upper two-thirds of the fence (excluding any piers or posts) is at least 50% open, to maintain reasonable levels of amenity to the streetscape.
6. Any fences located on the side or rear boundaries of the site shall not exceed a maximum height of 1800mm, measured above the existing ground levels.

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

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

7. There must be no encroachment of the structure/s or associated articles onto Council's road reserve, footway, nature strip or public place.
8. Street numbering must be provided to the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council, **prior to an occupation certificate being issued** for the development.
9. The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of approved paving or the like on the ground) without the written consent of Council.
10. External lighting to the premises shall be designed so as not to cause a nuisance to nearby residents.
11. No cooking facilities or sanitary fittings other than those indicated on the approved plans are to be installed in the premises without the prior written consent of the Council.
12. Open-able windows to a room, corridor, stairway or the like with a floor level more than 4m above the external ground/surface level, must be designed and constructed to reduce the likelihood of a child accessing and falling through the window opening.

Options may include one or more of the following measures:

- i) The window having a minimum sill height of 1.5m above the internal floor level,
- ii) Providing a window locking device at least 1.5m above the internal floor

- level,
- iii) Fixing or securing the window (e.g. by screws or a window locking device) to restrict or to be able to secure the extent of the opening to a maximum of 125mm,
- iv) Installing a fixed heavy-duty gauge metal screen over the opening (e.g. A metal security screen or metal security mesh and frame system, but not standard fly-screen material),
- v) Other appropriate effective safety measures or barrier.

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

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

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

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

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

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

14. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, based on the development cost of \$580,000, the following applicable monetary levy must be paid to Council: **\$5,800.**

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

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

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

15. 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.
16. 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.

17. 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)

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

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

The following condition has been applied to ensure that adequate drainage is provided from the premises and to maintain adequate levels of health and amenity in the locality:

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

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

20. 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.

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

22. **Prior to the commencement of any building works**, the following

requirements must be complied with:

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

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

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

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

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

The *Principal Certifying Authority* must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the *Principal Certifying Authority*, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

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

Assessment Regulation 2000.

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

26. 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.

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

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

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

29. Smoke alarms must be installed in each Class 1 building or residential dwelling in accordance with the relevant provisions of Part 3.7.2 of the B.C.A. – Housing Provisions.

Smoke alarms must comply with AS3786 – Smoke alarms and be connected to the consumer mains electric power supply and provided with a battery back-up. Details of compliance with the provisions of the Building Code of Australia must be included in the plans / specification for the **construction certificate**.

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

30. The demolition of buildings and the removal, storage, handling and disposal of building materials must be carried out in accordance with the relevant requirements of WorkCover NSW, the NSW Department of Environment & Climate Change and Randwick City Council policies, including:
- Occupational Health & Safety Act 2000 & Regulations
 - WorkCover NSW Code of Practice for the Safe Removal of Asbestos
 - WorkCover NSW Guidelines and Codes of Practice
 - Australian Standard 2601 (2001) – Demolition of Structures
 - The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 2005

- Relevant DECC/EPA Guidelines
- Randwick City Council Asbestos Policy (adopted 13 September 2005)

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

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

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

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

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

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

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

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

- Relevant Occupational Health & Safety legislation and WorkCover NSW requirements
- Randwick City Council's Asbestos Policy (adopted 13 September 2005)
- A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
- On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.
- Asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2005*.

- A Clearance Certificate or Statement, prepared by a suitably qualified person (ie an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the Principal certifying authority upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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

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

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

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

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.

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. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 E of the *Environmental Planning & Assessment Regulation 2000*, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.

- a) If the development involves an excavation that extends below the level

of the base of the footings of a building on adjoining land, the person having the benefit of the development must, at the person's own expense:

- i) protect and support the adjoining premises from possible damage from the excavation, and
 - ii) where necessary, underpin the adjoining premises to prevent any such damage.
- b) The condition referred to in subclause 1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.
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 between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and Public Holidays.

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

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

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

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

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

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

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

The survey documentation must be forwarded to the Principal Certifying Authority and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority.

39. 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.
40. Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied, to the satisfaction of Council.

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

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

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

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

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

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

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

42. Sediment and erosion control measures must be provided in accordance with

the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to Council's satisfaction.

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

43. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:
- a) Building materials, sand, soil, waste materials, construction equipment or 5 other activities must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
 - b) Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line or any public place and the stockpiles must be protected with adequate sediment control measures.
 - c) Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.
 - d) Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health Building and Regulatory Services section.
 - e) Any part of Council's road, footway or nature strip which is damaged as a result of the work must be repaired or replaced to Council's satisfaction.

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

44. The installation of rainwater tanks shall comply with the following noise control requirements:-
- a) The operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997 and Regulations*.

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

minimise noise emissions and possible nuisance to nearby residents.

- c) The operation of plant and equipment associated with the rainwater tank(s) are to be restricted to the following hours if the noise emitted can be heard within a habitable room in any other residential premises:
- before 8.00am or after 8.00pm on weekends or public holiday; or
 - before 7.00am or after 8.00pm on weekdays.

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

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

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

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

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

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

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

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

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

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

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

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

commencement of any building/demolition works.

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

48. 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 concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.
49. 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.
50. 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.

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

51. The Council's Development Engineer has inspected the above site and has determined that the design alignment level at the property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage.
52. The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.
53. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$402.00 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.

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

54. 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.
55. 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.
56. A Road / Asset Opening Permit must be obtained from Council prior to carrying out any public utility service works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.

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

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

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

57. Generally all site stormwater shall be piped to a sediment/silt arrester pit that drains to an infiltration area with a minimum 5 m² base area. An overflow pipe shall be provided from the silt arrester pit to drain to Council's kerb and gutter.

The location and details of the proposed internal stormwater pipelines, silt arrester pit and the infiltration area shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the plans shall be forwarded to Council, prior to a construction certificate being issued, if Council is not the certifying authority.

Notes:

- a. The sediment/silt arrester pit shall be constructed:-
 - i. within the site at or near the street boundary.
 - ii. with a child proof and corrosion resistant fastening system (e.g. spring loaded jay-bolt).
 - iii. with a minimum of 4 x 90 mm diameter weep holes (preferably located in the walls of the pit at the floor level) and with a suitable geotextile material **with a high filtration rating** located around the weep holes.
 - iv. with the pit floor being a minimum 300mm below the invert level of the outlet pipelines.
 - v. with a **galvanised** heavy duty screen (Lysaght RH3030 Maximesh or similar) located over the outlet pipes draining to the infiltration pit and the kerb. (Similar to a Mascot GRC stormwater discharge control pit, product code DS3SDC).

- b. The infiltration/rubble pit shall:-
- i. have a minimum 300 mm of soil cover (600 mm where the pit is located under a garden/landscaping area).
 - ii. be located a minimum of 3.0 metres from the dwelling or other structure (closer if a structural engineer certifies that the infiltration area will not adversely affect the structure) and 2.1 metres from the adjacent side or rear boundaries.
 - iii. be constructed with a minimum 200 mm thick layer of 20 mm basalt/blue metal (or similar) that is wrapped in a suitable geotextile material covering with a high filtration rating (Geofabrics Bidim "A" range of filtration fabrics or equivalent). A suitable means of dispersing the stormwater over the area of infiltration is to be constructed.
Note: other equivalent methods of infiltration may be adopted.
 - iv. have a minimum base area of 5.0 square metres (m²).

The outlet from the silt arrestor pit to the infiltration area shall be located at least 50 mm below the outlet from the silt arrestor pit to the kerb and gutter.

- c. The requirement for an infiltration/rubble pit will not be enforced should the underground soil conditions preclude the construction of the infiltration pit (eg rock is located within 300 mm of the base of the infiltration area). If the infiltration/rubble pit is not constructed then all site stormwater shall be discharged to the kerb and gutter via a sediment/silt arrestor pit (as detailed in note a. above).

All works shall be to the satisfaction of the certifying authority.

- d. The overflow pipe/s from the rainwater tank/s shall be directed into the infiltration area.

58. Any stormwater runoff which cannot be directed to the kerb and gutter at the front of the property (via the infiltration area as detailed above) shall be discharged either:

- Through private drainage easements to Council's kerb and gutter (or underground drainage system); OR
- To a separate suitably sized infiltration area. As a guide, infiltration areas which do not have an overflow to the street shall be sized based on a minimum requirement of 1 m² of infiltration area (together with 1 m³ of storage volume) for every 20 m² of roof/impervious area draining to the infiltration area.

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

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

59. A landscape plan prepared by a qualified professional in the Landscape/Horticultural industry (must be a registered member of either

AILD or AILA) shall be submitted to, and be approved by the PCA, **prior to the issue of a construction certificate** (with a copy of the approved plan to be forwarded to Council prior to the commencement of site works if not the PCA) and must detail the following:

- A Planting Plan & Plant Schedule which includes proposed species, botanic and common names, pot size at the time of planting, quantity, location, dimensions at maturity, maintenance practices (hedging, shaping etc), as well as any other landscape details to describe the proposed works.
 - A predominance of species with low water requirements that can withstand poor quality sandy soils.
60. 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.
61. The naturestrip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.

Tree Management

62. Permission is granted for the selective pruning of overhanging branches from the trees located on the adjoining property. This approval does not imply any right of entry onto a neighbouring property nor does it allow pruning beyond a common boundary. However, where such measures are desirable in the best interests of correct pruning procedures, it shall be necessary for the applicant to negotiate with the tree owner. All pruning must be undertaken by a qualified Arborist, with suitable qualifications in Arboriculture and to Australian Standard AS 4373-1996 'Pruning of Amenity Trees.'

ADVISORY MATTERS:

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

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

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

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

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

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

**CP83/10 Director City Planning Report - 7R Marine Parade, Maroubra
(DA/246/2010/A)**

723/10

RESOLUTION: (Procopiadis/Smith)

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 DA/246/2010 for permission to modify the approved development by installation of two external surfboard storage cupboards to the existing building, alteration to internal layout and installation of external hose at 7R Marine Parade, Maroubra in the following manner:

A Condition No. 1 is amended to read:

1. The development must be implemented substantially in accordance with the plan numbered 10006, dated March 2010 and received by Council on 12/04/2010, the application form and on any supporting information received with the application, as amended by the **Section 96 plan numbered S96 100 (Project No. 10006), dated 16/08/2010 and received by Council on 16 August 2010, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application**, except as may be amended by the following conditions and as may be shown in red on the attached plans:

B Add new Condition No. 28:

28. The proposed surfboard storage cupboards are to be carefully constructed to minimise damage to original building fabric including masonry base, and timber posts, timber weatherboards and decorative valance at the top of the walls. In particular, any flashing to the new roof and walls are to be constructed to avoid damage to the timber elements.

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

**CP84/10 Director City Planning Report - 1-3 Moore Street, Coogee
(DA/696/2010)**

724/10

RESOLUTION: (Tracey/Woodsmith)

That Council, as the consent authority, grant development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/696/10 for the construction of car parking structures at 1-3 Moore Street, Coogee subject to the following conditions:

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

1. The development must be implemented substantially in accordance with the plans numbered ms-001 Issue-B, undated and received by Council on the 24th August 2010, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:
2. The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.

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

3. There must be no encroachment of the structure/s or associated articles onto Council's road reserve, footway, nature strip or public place.
4. The existing sewer vent must be relocated to the western side of the site and within the footpath area directly in front of the property 1-3 Moore Street Coogee. A copy of the formal agreement from Sydney Water for the relocation of the sewer vent to the western side of the site must be provided to Council or the accredited certifier prior to issuing of a construction certificate.

The following group of conditions have been applied to ensure that adequate drainage is provided from the premises and to maintain adequate levels of health and amenity in the locality:

5. Surface water/stormwater must be drained and discharged to the street gutter or suitably designed absorption pit, to the satisfaction of the Certifying Authority and details are to be included in the construction certificate application for the development.

Absorption pits must be located not less than 3m from any adjoining premises and the stormwater must not be directed or flow onto any adjoining premises or cause be submitted to and approved by Council prior to commencement of works.

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

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

Regulations:

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

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

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

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

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

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

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

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

The *Principal Certifying Authority* must specify the relevant stages of construction to be inspected 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).

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

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

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

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

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

14. 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.

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:

15. Certificate of Adequacy supplied by a *professional engineer* shall be submitted to the certifying authority (*and the Council, if the Council is not the certifying authority*) **prior to a construction certificate being issued** for the development, certifying the structural adequacy and stability of the proposed car parking deck.
16. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 E of the *Environmental Planning & Assessment Regulation 2000*, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.

- a) If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development must, at the person's own expense:
- i) protect and support the adjoining premises from possible damage from the excavation, and
 - ii) where necessary, underpin the adjoining premises to prevent any such damage.
- b) The condition referred to in subclause 1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.
17. Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all building, demolition and associated site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and Public Holidays.

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

18. Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant requirements of the *Protection of the Environment Operations Act 1997* and NSW DECC Guidelines must be satisfied at all times.
19. Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied, to the satisfaction of Council.

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

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

20. A Construction Site Management Plan is to be developed and implemented **prior to the commencement of any works**. The site management plan must include the following measures, as applicable to the type of development:
- location and construction of protective fencing / hoardings to the perimeter of the site;
 - location of site storage areas/sheds/equipment;
 - location of building materials for construction;

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

The site management measures are to be implemented prior to the commencement of any site works and be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity to the satisfaction of Council.

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

The sediment and erosion control measures are to be in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to the satisfaction of Council and details are to be provided in the Construction Site Management Plan.

21. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:
- a) Building materials, sand, soil, waste materials, construction equipment or other activities must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
 - b) Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.
 - c) Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health Building and Regulatory Services section.
 - d) Any part of Council's road, footway or nature strip which is damaged as a result of the work must be repaired or replaced to Council's satisfaction.

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

22. 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 minimum 3.8m wide concrete vehicular crossing and layback at kerb opposite the vehicular entrances to the site.
23. 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.

24. 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.

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

25. 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, must match the back of the existing footpath along the full site frontage.
26. The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.
27. The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$135.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.

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

28. 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.
29. 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.

30. Prior to the issuing of a construction certificate the approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site www.sydneywater.com.au for Quick Check agent details and Guidelines for Building Over/Adjacent to Sydney Water Assets.

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

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

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

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

32. That part of the nature-strip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant's expense prior to the issue of a final Occupation Certificate.

Removal & Replacement of Council's Street Tree

33. Due to its small size, approval is granted for the applicant to remove and dispose of (at their own cost) the existing *Banksia integrifolia* (Coastal Banksia), on Council's Moore Street nature strip, located centrally across the width of the site, during excavations associated with the proposed common vehicle crossing as shown, and must satisfy themselves as to the location of all site services, prior to the commencement of any works on public property.
34. The applicant must also submit a total payment of **\$214.50** (including GST) being to cover the cost for Council to supply and plant a 25 litre replacement tree of the same species elsewhere in this street upon completion of all site works.

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

The applicant will be required to contact Council's Landscape Development Officer on 9399-0613 (quoting the receipt number), and giving a minimum of 4 weeks notice to arrange for planting of the replacement street tree upon completion of all site works.

Removal of trees within site

35. Approval is granted for the removal of the *Cyathea cooperi* (Tree Fern) in the front courtyard of 1 Moore Street, in order to accommodate the elevated car-space as shown.

ADVISORY MATTERS:

A1 Demolition, building or excavation work must not be commenced until;

- A Construction Certificate has been obtained from Council or an Accredited Certifier
- Council or an Accredited Certifier has been appointed as the Principal Certifying Authority for the development
- Council and the Principal Certifying Authority have been given at least 2 days notice (in writing) prior to commencing any works.

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

A2 A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:-

- Install or erect any site fencing, hoardings or site structures
- Operate a crane or hoist goods or materials over a footpath or road
- Placement of a waste skip (greater than 3m in length) or any container or other article.

A3 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place, to the satisfaction of the certifying authority

MOTION: (Andrews/Belleli) that development consent be granted as per the recommendation contained in the business paper.

AMENDMENT: (Tracey/Woodsmith) CARRIED AND BECAME THE MOTION.

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Bowen	Councillor Matthews
Councillor Matson	
Councillor Notley-Smith	
Councillor Procopiadis	
Councillor Seng	
Councillor Smith	
Councillor Stevenson	
Councillor Tracey	
Councillor White	
Councillor Woodsmith	
Total (11)	Total (2)

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

**CP85/10 Director City Planning Report - Part 3A Major Project Application
for the Montefiore Aged-Care Home at 100-120 King Street and 30-
36 Dangar Street, Randwick (F2009/00460)**

725/10

RESOLUTION: (Smith/Tracey) that Council:-

- (a) whilst supporting this aged care facility in principle, raises the issues contained in the Director City Planning Report CP85/10 in a submission to the NSW Department of Planning for their consideration prior to determination of the major concept proposal and project application;
- (b) notes the submission received from ABC Planning on behalf of the Randwick North Residents Action Group and forwards this, on behalf of the residents, to the NSW Department of Planning;
- (c) notes all submissions received to date from concerned local residents and forwards these to the NSW Department of Planning alongside the above submission; and
- (d) adds the following issues to its submission before forwarding it to the NSW Department of Planning:-
 - the impact of large number of aged care beds on hospital emergency services in the event of an evacuation;
 - lack of consultation with emergency services to gain their feedback;
 - lack of emergency plans in place;
 - the large number of childcare places proposed;
 - the impacts of 89 extra staff;
 - the extra shifts that would be required;
 - insufficient parking;
 - late night transportation for female workers,
 - lightspill on to adjoining properties
 - view loss to adjoining properties,
 - the proposal is a gross overdevelopment of the site.

MOTION: (Woodsmith/Bowen) that whilst Council supports this aged care facility in principle, Council adds the following issues to its current draft submission to be tabled at the next available Council meeting for consideration, before being forwarded to the NSW Department of Planning for their consideration prior to determination of the major concept proposal and project application:-

- the impact of large number of aged care beds on hospital emergency services in the event of an evacuation;
- lack of consultation with emergency services to gain their feedback;
- lack of emergency plans in place;
- the large number of childcare places proposed;
- the impacts of 89 extra staff;
- the extra shifts that would be required;
- insufficient parking;
- late night transportation for female workers,
- lightspill on to adjoining properties
- view loss to adjoining properties,
- the proposal is a gross overdevelopment of the site.

AMENDMENT: (Andrews/Matthews) that Council oppose this application in our

submission to the NSW Department of Planning as the proposal is well over the FSR, is excessive in height, will have an adverse impact on the streetscape, provides inadequate landscaping, results in view loss, contains insufficient parking, will result in light spills on to adjoining properties, result in the devaluation of surrounding properties and is not in the public interest. **LOST.**

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Bowen	Councillor Matthews
Councillor Matson	Councillor Seng
Councillor Notley-Smith	
Councillor Procopiadis	
Councillor Smith	
Councillor Stevenson	
Councillor Tracey	
Councillor White	
Councillor Woodsmith	
Total (10)	Total (3)

Note: Councillors Andrews and Matthews requested that their names be recorded as being opposed to the above decision.

AMENDMENT: (Smith/Tracey) CARRIED AND BECAME THE MOTION.

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Bowen	Councillor Seng
Councillor Matson	Councillor Stevenson
Councillor Matthews	
Councillor Notley-Smith	
Councillor Procopiadis	
Councillor Smith	
Councillor Tracey	
Councillor White	
Councillor Woodsmith	
Total (10)	Total (3)

Cr Nash arrived at this point in meeting, the time being 8.22pm.

MOTION: (Smith/Tracey) CARRIED UNANIMOUSLY – SEE RESOLUTION.

CP86/10 Director City Planning Report - Reporting Variation to Development Standard under State Environment Planning Policy No. 1 (SEPP1) for the Month of September, 2010 (F2008/00122)

726/10

RESOLUTION: (Procopiadis/Smith) that the Director City Planning's report be received and noted.

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

General Manager's Reports

GM47/10 General Manager's Report - Motor vehicles and other benefits for contracted staff (F2004/07337)

727/10 **RESOLUTION: (Procopiadis/Woodsmith)** that:

- a) as senior staff contracts come up for renewal or anniversary, they be updated to reflect the new motor vehicle and benefits provisions based on an agreed 50% business to 50% private basis and vehicle contributions will be made post-tax to offset FBT liability.
- b) the 'Motor Vehicles and other Benefits for Contracted Staff' policy be adopted.

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

GM48/10 General Manager's Report - Randwick City Council 2009-10 Annual Report (F2010/00310)

728/10 **RESOLUTION: (Belleli/Notley-Smith)** that:

- a) the Randwick City Council 2009-10 Annual Report be received and noted;
- b) the General Manager be authorised to make any minor changes if required; and
- c) a copy of the Report be submitted to the Chief Executive, Division of Local Government, Department of Premier and Cabinet.

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

Director City Services Reports

CS24/10 Director City Services Report - Outdoor Seniors Exercise Area (F2006/00660)

729/10 **RESOLUTION: (Woodsmith/Andrews)** that Council:-

- (a) considers the proposal for an Outdoor Seniors Exercise Area in Jack Vanny Memorial Park in the 2011-12 Parks Capital Works Budget;
- (b) also seek input on the proposal from its Access Advisory Committee & Older Persons Advisory Committee; and
- (c) consider a further report on a proposal to consider a similar facility for disabled people.

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

CS25/10 Director City Services Report - 9 Judge Street, Randwick - Encroachment of Structures on Public Road Reserve (f2004/07158)

730/10 **RESOLUTION: (Procopiadis/Woodsmith)** that:

- a) The Council not close and sell the portion of 9 Judge Street that has been encroached upon; and

b) the owner of 9 Judge Street, Randwick be advised of this recommendation.

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

Director Governance & Financial Services Reports

GF51/10 Director Governance & Financial Services Report - 2009-10 Disclosure of Interest Returns (F2010/00955)

731/10 **RESOLUTION: (Procopiadis/Woodsmith)** that it be noted that the Register of Disclosure of Interests Returns for 2009-10 has been tabled at the Ordinary Council Meeting of 19th October, 2010.

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

GF52/10 Director Governance & Financial Services Report - Withdrawal of Caveat and Affixing of the Council Seal (F2004/06862)

732/10 **RESOLUTION: (Procopiadis/Woodsmith)** that the Council's Seal be affixed to the withdrawal of caveat form for the property at 48 Broome Street, Maroubra also known as Lot 63 in DP 226181.

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

GF53/10 Director Governance & Financial Services Report - Investment Report - September 2010 (F2004/06527)

733/10 **RESOLUTION: (Procopiadis/Woodsmith)** that the investment report for September 2010 be received and noted.

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

GF54/10 Director Governance & Financial Services Report - Matraville Town Centre Action Plan - Short Term Projects Undertaken by Economic Development Officer (F2010/00091)

734/10 **RESOLUTION: (Belleli/Andrews)** that Council's Economic Development Officer commences work on these projects, to be completed within six months, with a report on the outcomes to come back to Council for consideration.

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

Petitions

Nil.

Motion Pursuant to Notice

NM46/10 Motion Pursuant to Notice - Motion Pursuant to Notice from Councillor Belleli - Report on trials for countdown timers at traffic lights (F2005/00825)

735/10 **RESOLUTION: (Belleli/Andrews)** that a report come back to Council regarding the outcome on City of Sydney Council's trial of countdown timers on the walk signal at traffic lights to improve pedestrian safety.

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

**NM47/10 Motion Pursuant to Notice - Motion Pursuant to Notice from
Councillor Andrews - Rezoning Malabar Headland (F2004/06759)**

Note: This motion was resolved in conjunction with the Mayoral Minute on the same subject matter. See minute number 718/10.

That Council:-

- (a) reaffirm its position that the eastern and western parts of Malabar Headland should be zoned an appropriate conservation zone such as National Park; and
- (b) write to the Federal Member asking for a timetable on the handover of Malabar Headland to the NSW government.

**NM48/10 Motion Pursuant to Notice - Motion Pursuant to Notice from
Councillor Bowen - Monument for the Former Mayor John
McDougall (F2004/06577)**

736/10 **RESOLUTION: (Bowen/Woodsmith) that:**

- (a) the Council prepare a report on the feasibility of restoring the monument to former Mayor McDougall at Randwick General Cemetery;
- (b) Council liaise with the Randwick & District Historical Society about including a reference to the grave of former Mayor McDougall on the Council website and other appropriate publications as a matter of local historical interest; and
- (c) the Mayor write to the Mayor of Waverley Council to express our appreciation to Mr O'Connell and other Waverley council staff for their efforts.

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

Confidential Reports

The meeting moved into closed session in order to consider confidential items.

Closed Session

**CS26/10 Confidential - T19/10 Bunnerong Road Upgrade - Military Road to
Anzac Parade, La Perouse (F2010/00119)**

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

737/10 **RESOLUTION: (Matthews/Andrews) that Council:**

- a) That Council approve the 2010-11 budget contra variation of:

(\$278,494)	Local Roads Resurfacing and Rehabilitation Program
(\$200,000)	Footpath Defects Program
(\$144,900)	Environment Levy Reserve - Cycleways
<u>\$623,394</u>	Bunnerong Road Upgrade
<u>\$0</u>	TOTAL VARIATION

- b) Accepts the tendered offer by Statewide Civil Pty Ltd for Stage 2 of T19/10 Bunnerong Road Upgrade – Military Road to Anzac Parade, La Perouse at a lump sum price of \$1,480,250;

Council accepts tendered offer by Statewide Civil Pty Ltd Stage 1 and 3 of T19/10 Bunnerong Road Upgrade, subject to:

- (i) Statewide Civil Pty Ltd maintaining their prices for Stage 1 and 3 of T19/10 Bunnerong Road Upgrade – Military Road to Anzac Parade, La Perouse.
- (ii) Council adopting the funding as outlined in Recommendation Part (c) for 2011-2012 Budget.
- c) Council consider funding Stages 1 and 3 of the Bunnerong Road Upgrade – Military Road to Anzac Parade, La Perouse in the 2011-2012 Capital Works Budget at an estimated value of \$3.2 million from the Stormwater Levy (\$1.611m), Roads to Recovery Program (\$434k), Road Rehabilitation Program (\$1m) and the Footpath Program (\$186,476).
- d) Notifies the unsuccessful tenderers accordingly.
- e) A further report will be brought back to Council.

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

GF55/10 Confidential - La Perouse Aboriginal Land Council - Waiving of Interest (F2004/07687)

This matter is considered to be confidential under Section 10A(2) (b) Of the Local Government Act, as it deals with discussion in relation to the personal hardship of a resident or ratepayer.

738/10

RESOLUTION: (Procopiadis/Woodsmith) that:-

- (a) the extended repayment plan offered by the LPLALC be accepted. Repayments to commence at \$2,000.00 per month to be reviewed after 6 months and 12 months;
- (b) all accrued interest charges be reversed upon the LPLALC clearing all overdue arrears; and
- (c) Council provide staff resources to assist the LPLALC with the formation of a sustainable financial business plan.

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

Open Session

The meeting moved back into open session.

Notice of Rescission Motions

Nil.

There being no further business, His Worship the Mayor, Cr J Procopiadis, declared the meeting closed at 9.45pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 23 November 2010.

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CHAIRPERSON