

THESE MINUTES ARE DRAFT UNTIL CONFIRMED AT THE NEXT MEETING OF THIS COUNCIL AND/OR COMMITTEE

**MINUTES OF ORDINARY COUNCIL MEETING OF THE
COUNCIL OF THE CITY OF RANDWICK HELD ON
TUESDAY, 26 FEBRUARY 2013 AT 6:07PM**

Present:

The Mayor, Councillor T Bowen (Chairperson) (East Ward)

Councillor N D'Souza (Deputy Mayor) (South Ward)

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| North Ward | - Councillors K Neilson, L Shurey & K Smith |
| South Ward | - Councillors R Belleli & P Garcia |
| East Ward | - Councillors M Matson & B Roberts |
| West Ward | - Councillors G Moore, S Nash & H Stavrinou |
| Central Ward | - Councillors A Andrews & T Seng |

Officers Present:

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoples
Director City Planning	Ms S Truvert
Director Governance & Financial Services	Mr G Banting
Acting Manager Administrative Services	Ms J Hartshorn
Manager Development Assessment	Mr K Kyriacou
Communications Manager	Mr J Hay
Manager Performance Improvement	Ms A Warner
Manager Strategic Planning	Ms K Armstrong

Prayer & Acknowledgement of Local Indigenous People

The Council Prayer was read by Cr Stavrinou. The Acknowledgement of Local Indigenous People was read by Cr Moore.

Apologies/Granting of Leave of Absences

An apology was received from Cr Stevenson.

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

Confirmation of the Minutes

CONFIRMATION OF THE MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON TUESDAY 11 DECEMBER 2012 AND THE ORDINARY

COUNCIL MEETING HELD ON TUESDAY 11 DECEMBER 2012

1/13

RESOLUTION: (Moore/Nash) that the Minutes of:

- a) the Extraordinary Council Meeting held on Tuesday 11 December 2012; and
- b) the Ordinary Council Meeting held on Tuesday 11 December 2012

(copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

Declarations of Pecuniary and Non-Pecuniary Interests

- a) Cr Matson declared a non significant non pecuniary interest in Item CP5/13 as a former Greens candidate lives in the vicinity of the application.
- b) Cr Shurey declared a non significant non pecuniary interest in Item CP5/13 as a former Greens candidate lives in the vicinity of the application.
- c) Cr Neilson declared a non significant non pecuniary interest in Item CP5/13 as she knows the applicant.
- d) Cr Nash declared a pecuniary interest in Item NM1/13 as his parents own property in the Matraville Town Centre. Cr Nash indicated that he would not take part in the debate or the vote on the matter
- e) Cr Nash declared a non significant non pecuniary interest in Item GM1/13 as several member of the current Museum committee are known to him.
- f) Cr Neilson declared a non significant non pecuniary interest in Item NM7/13 as she knows the mother of one of the speakers.
- g) Cr Belleli declared a non significant non pecuniary interest in Item GM1/13 as several member of the current Museum committee are known to him.
- h) Cr Roberts declared a non significant non pecuniary interest in Item GM1/13 as several member of the current Museum committee are known to him.
- i) Cr Seng declared a non significant non pecuniary interest in Item GM1/13 as several member of the current Museum committee are known to him.
- j) Cr Andrews declared a non significant non pecuniary interest in Item NM1/13 as he knows a number of people from the Matraville Town Centre.
- k) Cr Bowen declared a non significant non pecuniary interest in Item CP5/13 as one of the objectors is known to him.
- l) Later in the meeting, Cr Smith declared a pecuniary interest in Item MM6/13 (given the addition of part (d) to the motion) as his employer manufactures beverages and left the meeting. Cr Smith did not take part in the debate or the vote on the matter.
- m) Later in the meeting Cr D'Souza declared a pecuniary interest in Items NM1/13 as he owns property in the Matraville Town Centre. Cr D'Souza indicated that he would withdraw his Notices of Motion in relation to the Matraville Town Centre.
- n) Later in the meeting, Cr Shurey declared a pecuniary interest in Item CS1/13 as she lives within the area. Cr Shurey indicated that she would not take part in the debate or the vote on the matter.
- o) Later in the meeting, Cr Belleli declared a non significant non pecuniary interest in Item MM10/13 as his daughter attends Maroubra Junction Public School (which is mentioned in part (b) of the motion.

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:

MM6/13 REDUCING STREET AND BEACH LITTER IN RANDWICK

For Tim Silverwood

Procedural Motion

RESOLVED (Neilson/Matson) that Item MM6/13 be brought forward and considered immediately. **CARRIED.**

Procedural Motion

RESOLVED (Neilson/Andrews) that the speaker in relation to NM7/13 be heard and Item NM7/13 be brought forward and considered immediately following the speaker. **CARRIED.**

CP1/13 220-220A CLOVELLY ROAD, RANDWICK (DA/405/2011)

Applicant Anthony Betros (on behalf of the applicant)

CP2/13 86 DUDLEY STREET, COOGEE (DA/452/2010/D)

Objector Michael Richards

Applicant Anthony Betros (on behalf of the applicant)

CP3/13 11 LIGURIA STREET, MAROUBRA (DA/514/2006/C)

Objector Adam Byrnes

Applicant Georgia Constantinou

CP5/13 1-1A MAJOR STREET, COOGEE (DA/617/2012)

Objector Marianne Leitch

Applicant Lisa Mobbs

Procedural Motion

RESOLVED (Andrews/Stavrinos) that the Item CP5/13 be brought forward and considered immediately. **CARRIED.**

NM6/13 NOTICE OF MOTION FROM CR ANDREWS - USE OF MAROUBRA BEACH BY COMMERCIAL PERSONAL TRAINERS

For Kate Mitchell

NM7/13 NOTICE OF MOTION FROM CR NEILSON - BASKETBALL HOOPS AND COURTS IN APPROPRIATE LOCATIONS IN THE CITY OF RANDWICK

For Lachlan Miller

The meeting was adjourned at 7.15pm and was resumed at 7.43pm.

Urgent Business**UB1/13 Motion from Cr Pat Garcia - Storm event - Malabar to Chifley - 24 February 2013 (F2006/00722)**

- 2/13 **MOTION: (Garcia/Matson)** that:
- a) Council recognise the good and important work performed by local emergency services personnel and Randwick Council employees in assisting residents throughout Randwick City following the storms of last Sunday (24 February 2013).
 - b) The Mayor write, on behalf of all Randwick City Councillors, to those persons involved in the response to the storms, congratulating them and thanking them for their good work.
 - c) Council recognise the pivotal role that Randwick Council staff play, and have played, in supporting community resilience in our local wards.
 - d) A briefing be provided to Councillors on Randwick Council's continuing role in supporting local community resilience and in what ways, if any, that might be improved.

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

Procedural Motion

RESOLVED (Andrews/Neilson) that those matters that were the subject of public addresses be brought forward and considered immediately. **CARRIED.**

Mayoral Minutes**MM1/13 Mayoral Minute - Council sponsorship - Rotary Police Awards (F2013/00087)**

- 3/13 **RESOLUTION: (Mayor, Cr Bowen)** that:
- a) Randwick City Council enters into a sponsorship agreement with Rotary by contributing \$3,750 to their Rotary Police Awards program. In return the Randwick Council logo will be displayed on promotional material, be acknowledged as a major sponsor on the night and the opportunity to present a 'Mayor's Award' at the event to be held on 11 April at The Lakes Golf Club.
 - b) \$3,750 be added to the 2013-14 Events Budget to fund the future sponsorship of this event.

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

MM2/13 Mayoral Minute - World Kindness Australia - Request for Financial Assistance (F2011/00470)

- 4/13 **RESOLUTION: (Mayor, Cr Bowen)** that Council accept the invitation of World Kindness Australia and purchase a table at the scholarship dinner at Sydney University on 13 March 2013 with the funds to come from the Contingency Fund 2012-13 and that interested Councillors contact the General Manager as soon as possible to register their interest.

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

MM3/13 Mayoral Minute - Cancer Council NSW Eastern Suburbs Relay For Life 2013 (F2009/00041)

5/13 **RESOLUTION: (Mayor, Cr Bowen)** that Council support the 2013 Cancer Council Eastern Suburbs Relay for Life event by:

- a) continuing to work in partnership with the Waverley and Woollahra Councils in providing Cancer Council NSW with logistical and operational assistance for the 2013 Eastern Suburbs Relay for Life;
- b) allocating \$5,000 from the 2012-13 Contingency Fund towards operational expenses for the 2013 Eastern Suburbs Relay for Life;
- c) providing media and other community information to encourage staff and the community to participate in the 2013 Eastern Suburbs Relay for Life; and that,
- d) the Mayor, or his representative be given the opportunity to address the 2013 Eastern Suburbs Relay for Life event on behalf of Council.

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

MM4/13 Mayoral Minute - Men of League Foundation - Charity Fundraiser (F2013/00001)

6/13 **RESOLUTION: (Mayor, Cr Bowen)** that Council supports the Men of League Foundation's annual fundraiser by booking a table for ten at the charity fundraiser luncheon to be held on Friday 15 March 2013 and that this be funded from the 2012-13 Contingency Fund.

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

MM5/13 Mayoral Minute - Property based options for the NSW Fire Services Levy - Update (F2011/00090)

7/13 **RESOLUTION: (Mayor, Cr Bowen)** that Council maintain its opposition to property based funding for the NSW fire services levy proposal.

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

MM6/13 Mayoral Minute - Reducing street and beach litter in Randwick (F2004/07259)

8/13 **RESOLUTION: (Mayor, Cr Bowen)** that Council:

- a) agrees that Communications, Sustainability and Waste staff develop an ongoing and hard-hitting beach litter campaign to ensure our current education campaign is not just a one-off event and that the existing campaign is strengthened ahead of the next Summer season;
- b) agrees that Recycling and illegal dumping data is reported at least annually, with corresponding actions taken and their results identified, to inform Council of the progress in implementing our Litter and Illegal Dumping Management Plan;
- c) agrees that An initiative be developed that encourages our local cafes and restaurants to consider the use of environmentally sound, takeaway coffee cups that minimize long term impacts on our dwindling landfill space in NSW.

d) reiterates its previous resolutions supporting container deposit legislation.

Given the addition of part (d) to the motion, Cr Smith declared a pecuniary interest in this matter and left the meeting as his employer manufactures beverages. Cr Smith did not take part in the debate or the vote on the matter.

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

Cr Smith returned to the meeting at this point (6.20pm).

MM7/13 Mayoral Minute - Waiving of Fees - Coastrek 2013 (F2013/00096)

9/13 **RESOLUTION: (Mayor, Cr Bowen) that:**

- a) Council vote \$792.00 to cover the associated fees for the 2013 Coastrek event to be held over a 24 hour period in Grant Reserve on 1 and 2 March 2013, and funds be charged to the 2012-13 Contingency Fund;
- b) The activity organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the activity; and
- c) The Mayor or his representative be given the opportunity to address the activity on behalf of Council.

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

MM8/13 Mayoral Minute - Support for constitutional recognition of Indigenous Australians (F2008/00656)

10/13 **RESOLUTION: (Mayor, Cr Bowen) that Council reaffirms its full support for a constitutional referendum on the issue of constitutional recognition for Indigenous Australians by working with the group 'Recognise' to promote their work to the Randwick City community.**

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

MM9/13 Mayoral Minute - Privatisation of the Prince of Wales Hospital Hydrotherapy Services (F2013/06574)

11/13 **RESOLUTION: (Mayor, Cr Bowen) that all Councillors be encouraged to sign the online petition against the privatisation of the Prince of Wales Hospital hydrotherapy services.**

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

MM10/13 Mayoral Minute - Proposal to support the installation of bicycle racks in Randwick schools (F2010/00077)

12/13 **RESOLUTION: (Mayor, Cr Bowen) that Council:**

- a) Approve a trial project to support an annual initiative facilitating the installation of bicycle racks in schools.
- b) Use this trial project, initially in conjunction with Maroubra Junction Public School to develop a process and sensible set of criteria for the application in future projects;

- c) Allocate an annual budget of \$6,000 to support installation to a maximum number of 2 schools per year;
- d) A report on this trial, its success and feasibility for continuing be reported back for consideration by Council by August this year.
- e) Contact the local State Members for Coogee and Maroubra and ask them to contribute to this initiative.

At this point in the meeting, Cr Belleli declared a non significant non pecuniary interest in this matter as his daughter attends Maroubra Junction Public School (which is mentioned in part (b)).

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

MM11/13 Mayoral Minute - Urban Activation Precincts (F2013/00012)

13/13

RESOLUTION: (Mayor, Cr Bowen) that Council:

- a) advise the Minister for Planning and Infrastructure that;
 - i) Cr Bowen, Cr Matson and Cr Stavrinou are nominated for the Steering Committee for the Randwick Health and Education Specialised Centre UAP Precinct;
 - ii) Cr Bowen, Cr Shurey and Cr Seng are nominated for the Steering Committee for the Anzac Parade/South Randwick Steering Committee;
- b) request that further details be provided to Councillors on the role, composition and responsibilities of the Steering Committees.

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

Procedural motion

RESOLVED: (Smith/Garcia) that Item GM3/13 be considered as the next item of business. CARRIED.

Director City Planning Reports

CP1/13 Director City Planning Report - 220-220A Clovelly Road, Randwick (DA/405/2011)

14/13

RESOLUTION: (Andrews/Smith) –

- A. That Council support the objections under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with Clause 20F of the Randwick Local Environmental Plan 1998 (Consolidation), relating to maximum floor space ratio, on the grounds that the proposed development is consistent with the relevant objectives of the clauses and will not adversely affect the amenity of the surrounding locality and that the Department of Planning be advised accordingly.
- B. That Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No DA/405/2011 for the alterations and additions to existing mixed-use building including new second floor containing 2 residential units at 220 Clovelly Road, Randwick, subject to the following conditions:

GENERAL CONDITIONS

The development must be carried out in accordance with the following conditions of consent.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of environmental amenity.

Approved Plans & Supporting Documentation

1. The development must be implemented substantially in accordance with the plans numbered HAR-01, HAR-02 and HAR-03 Revision B, and all dated 05/04/2012 stamped received by Council on 1 May 2012, 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:

<i>BASIX Certificate</i>	<i>No.</i>	<i>Dated</i>
	378682M	28 May 2011

and supporting documentation listed below and endorsed with Council's approved stamp, except where amended by Council in red and/or by other conditions of this consent:

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the amended floor plan, aerial and photomontages prepared by CSA Architects and stamped received on 12 February 2013. Details shall 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 development.

Should the approval be granted to the application, the following conditions should be included in the development consent:

REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

The following conditions of consent must be complied with before a '*Construction Certificate*' is issued by either an Accredited Certifier or Randwick City Council. All necessary information to demonstrate compliance with the following conditions of consent must be included in the documentation for the construction certificate.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent conditions and to achieve reasonable levels of environmental amenity.

3. The colours, materials and finishes of the external surfaces to the proposed development are to be compatible with adjacent developments 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.

- 3A. The enclosure of the front upper level balcony is prohibited by this consent.
4. The reflectivity index of glass used in the external façade of the development must not exceed 20 percent. Details shall 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 development.
5. In accordance with the provisions of clauses 143A and 154A of the Environmental Planning & Assessment Regulation 2000, a 'Design Verification Certificate' must be provided to the Certifying Authority, prior to issuing a construction certificate.

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

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

Category	Cost	Applicable Levy	S94A Levy
Development Cost more than \$200,000	\$ 471.735.00	1%	\$4,717.35

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.

Consent Requirements

7. The requirements and amendments detailed in the 'General Conditions' must be complied with and be included in the construction certificate plans and associated documentation.

Long Service Levy Payments

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

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

Structural Adequacy

10. A Certificate prepared by a professional engineer, shall be submitted to the Council **prior to the issuing of a construction certificate**, certifying the structural adequacy of the existing structure to support the proposed works.

Stormwater Drainage

11. Prior to the issue of a construction certificate, detailed drainage plans with levels reduced to Australian Height Datum (AHD), shall be prepared by a suitably qualified Hydraulic Engineer and be submitted to and approved by the certifying authority. A copy of the plans shall be forwarded to Council, if Council is not the certifying authority.

The drainage plans must demonstrate compliance with the Building Code of Australia, Australian Standard AS3500.3:2003 (Plumbing and Drainage -

- Stormwater Drainage) and the relevant conditions of this development approval.
12. Stormwater runoff from the site shall be discharged to the kerb and gutter along the site frontage by gravity (without the use of a charged system).

REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE

The requirements contained in the following conditions of consent must be complied with and details of compliance must be included in the construction certificate for the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Councils development consent conditions and to achieve reasonable levels of environmental amenity.

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:

9. 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.
10. 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.

Compliance with the Building Code of Australia & Relevant Standards

11. In accordance with section 80A (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).
12. Access and facilities for people with disabilities must be provided in accordance with the relevant requirements of the Building Code of Australia, Disability (Access to Premises – Buildings) Standard 2010, relevant Australian Standards and conditions of consent, to the satisfaction of the Certifying Authority. Details of the required access and facilities for people with disabilities are to be included in the plans/specifications for the construction certificate.

Building & Design

13. The maximum height of the building along the parapet shall be reduced by 100mm to RL78.23. Details are to be included in the plans/specifications for the construction certificate.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

The following conditions of consent must be complied with prior to the commencement of any works on the site. The necessary documentation and information must be provided to the Council or the *'Principal Certifying Authority'*, as applicable.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity.

14. Any metal roof sheeting is to be pre-painted and form part of the colour scheme and external finishes for the development. The reflectivity index of materials used in the external façade of the development must not exceed 20 percent. The details and samples of the materials to be used are to be submitted with the colour and material schedule for the approval of Council's Director of City Planning, prior to the commencement of works.

Certification and Building Inspection Requirements

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

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

16. **Prior to the commencement of any building works**, the person having the benefit of the development consent must:
- appoint a *Principal Certifying Authority* for the building work, and
 - appoint a *principal contractor* for the building work and notify the *Principal Certifying Authority* and Council accordingly in writing, and
 - notify the *principal contractor* of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*, and
 - give at least two days notice to the Council, in writing, of the person's intention to commence building works.

Sydney Water

17. Prior to the commencement of excavation or building works, the approved Construction Certificate plans must be submitted to a Sydney Water Quick Check agent or Customer Centre, 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 works.

Public Utilities

18. 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.

19. The applicant must meet the full cost for telecommunication companies, gas providers, Ausgrid, and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.

Construction Traffic Management

20. Prior to the commencement of any works on the site, an Application for a 'Works Zone' and Construction Traffic Management Plan must be submitted to Councils Integrated Transport Department, and approved by the Randwick Traffic Committee, for a 'Works Zone' to be provided in Mount Street for the duration of the demolition & construction works.

The 'Works Zone' must have a minimum length of 12m and extend for a minimum duration of three months. The suitability of the proposed length and duration is to be demonstrated in the application for the Works Zone. The application for the Works Zone must be submitted to Council at least six (6) weeks prior to the commencement of work on the site to allow for assessment and tabling of agenda for the Randwick Traffic Committee.

The requirement for a Works Zone may be varied or waived only if it can be demonstrated in the Construction Traffic Management Plan (to the satisfaction of Council's Traffic Engineers) that all construction related activities (including all loading and unloading operations) can and will be undertaken wholly within the site. The written approval of Council must be obtained to provide a Works Zone or to waive the requirement to provide a Works Zone prior to the commencement of any site work.

21. A detailed *Construction Site Traffic Management Plan* must be submitted to and approved by Council, prior to:
- a) commencement of any site work [or]
 - b) a construction certificate being issued for the development.

The Construction Site Traffic Management Plan must be prepared by a suitably qualified person and must include the following details, to the satisfaction of Council:

- A description of the demolition, excavation and construction works
- A site plan/s showing the site, roads, footpaths, site access points and vehicular movements
- Any proposed road and/or footpath closures
- Proposed site access locations for personnel, deliveries and materials
- Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site)
- Provision for loading and unloading of goods and materials
- Impacts of the work and vehicular movements on the road network, traffic and pedestrians
- Proposed hours of construction related activities and vehicular movements to and from the site
- Current/proposed approvals from other Agencies and Authorities (including NSW Roads & Traffic Authority, Police and State Transit Authority)

- Any activities proposed to be located or impact upon Council's road, footways or any public place
- Measures to maintain public safety and convenience

REQUIREMENTS DURING CONSTRUCTION & SITE WORK

The following conditions of consent must be complied with during the demolition, excavation and construction of the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity during construction.

Building regulation and construction site management

22. 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.

Inspections during Construction

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

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).

Fire Safety

24. In existing *buildings*, the following works are to be carried out to ensure minimum levels of fire safety:

- 1) Any residential parts of the building must be provided with a smoke detection and alarm system, in accordance with the relevant provisions of the Building Code of Australia.

Restrictions on Hours of works

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

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> • Monday to Friday - 7.00am to 5.00pm • Saturday - 8.00am to 5.00pm • Sunday & public holidays - No work permitted
Excavating of rock, use of jack-hammers, pile-drivers or the like	<ul style="list-style-type: none"> • Monday to Friday - 8.00am to 5.00pm • Saturday - No work permitted • Sunday & public holidays - No work permitted

Internal work only within a commercial or industrial development, located in a commercial or industrial zone, which is not audible within any residential dwelling or commercial or industrial premises

Additional requirements for all development, except for single residential dwellings

- Monday to Saturday - No time limits (subject to column 1)
- Sunday & public holidays - No work permitted
- Saturdays and Sundays before or after a public holiday - No work permitted

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

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

- 1) Demolition work must be carried out in accordance with Australian Standard, AS2601 (2001) - The Demolition of Structures and a *Demolition Work Plan* is required to developed and implemented to the satisfaction of the Principal Certifying Authority **prior to commencing any demolition works.**
- 2) The demolition, removal, storage and disposal of any materials containing asbestos must be carried out in accordance with the relevant requirements of WorkCover NSW, Council's Asbestos Policy and the following requirements:
 - A licence must be obtained from WorkCover NSW for the removal of friable asbestos and or more than 10m² of bonded asbestos (i.e. fibro)
 - Asbestos waste must be disposed of in accordance with the Protection of the Environment Operations Act 1997 & relevant Regulations
 - A sign must be provided to the site/building stating "Danger Asbestos Removal In Progress"
 - A Clearance Certificate or Statement must be obtained from a suitably qualified person (i.e. Occupational Hygienist) upon completion of the asbestos removal works, which is to be submitted to the Principal Certifying Authority and Council **prior to issuing an Occupation Certificate.**

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

- 3) A sign must be provided and maintained in a prominent position, which contains the following details:
 - name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours,

- name, address and telephone number of the *Principal Certifying Authority*,
 - a statement stating that "unauthorised entry to the work site is prohibited".
- 4) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, trip hazards, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.
 - 5) A Road / Asset Opening application must be submitted to and approved by Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.

The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council. For further information, please contact Council's Road / Asset Opening Officer on 9399 0691 or 9399 0999.

- 6) Building materials, sand, soil, waste materials, construction equipment or other materials or articles must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
- 7) Bulk bins, waste containers or other articles must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container or other articles in a public place can be made to Council's Building Services section.
- 8) During demolition and construction, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to the satisfaction of Council.
- 9) Public safety must be maintained at all times and public access to any demolition and building works, materials and equipment on the site is to be restricted. If necessary, a temporary safety fence or hoarding is to be provided to protect the public. Temporary site fences are to be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

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

- 10) Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents.

The requirements and practices contained in the *Protection of the Environment Operations Act 1997* and relevant DECC Construction Noise

and Vibration Guidelines are to be satisfied and a Construction Noise and Vibration Management Plan is to be developed and implemented throughout the works to the satisfaction of Council, **prior to the commencement of works.**

Building & Demolition Work Requirements

27. All work and activities must be carried out in accordance with the relevant regulatory requirements, including:

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

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.

Removal of Asbestos Materials

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

- Occupational Health & Safety legislation and WorkCover NSW requirements
- Randwick City Council's Asbestos Policy
- 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. A copy of the relevant licence must be provided to the Principal Certifying Authority.
- 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*. Details of the landfill site (which must be lawfully able to receive asbestos materials) must be provided to the Principal Certifying Authority.
- 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.

Building Encroachments

29. There must be no encroachment of any structures or building work onto any adjoining premises, Council's road reserve, footway, nature strip or public place.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions of consent must be complied with prior to the 'Principal Certifying Authority' issuing an 'Occupation Certificate'.

Note: For the purpose of this consent, any reference to 'occupation certificate' shall also be taken to mean 'interim occupation certificate' unless otherwise stated.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent and to maintain reasonable levels of public health, safety and amenity.

Occupation Certificate Requirements

30. 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.

Fire Safety Certificate Requirements

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

The *Fire Safety Certificate* must include details of all of the fire safety measures contained in the building and as detailed in the *fire safety schedule* attached to the Construction Certificate.

Prior to issuing any Occupation Certificate the Principal Certifying Authority must be satisfied that all of the relevant fire safety measures have been included and are sufficiently detailed within the *Fire Safety Certificate*. A copy of the *fire safety certificate* must be displayed in the building near the entrance and a copy must be forwarded to the NSW Fire Brigades.

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

32. The existing levels of fire safety and amenity within the building are to be upgraded in accordance with the following requirements and the fire safety certificate provisions of Part 9 of the *Environmental Planning and Assessment Regulation 2000* must be complied with, prior to issuing an occupation certificate or strata subdivision certificate:
- a) The existing levels of fire safety within the premises are to be upgraded to achieve an adequate level of fire safety in accordance with the provisions of clause 94 of the *Environmental Planning and Assessment Regulation 2000* and a report prepared by a suitably qualified person or accredited certifier is to be submitted to and approved by Council's Manager of Environmental Health and Building Services, **prior to the issuing of a construction certificate**, in accordance with section 80A(2) of the *Environmental Planning and Assessment Act 1979*.

The fire safety report must detail the measures considered appropriate to satisfy the relevant deemed-to-satisfy or performance requirements of the Building Code of Australia, to protect persons using the building, and to facilitate their egress from the building in the event of fire and to restrict the spread of fire.

The fire safety upgrading works are to be included in the construction certificate and be implemented prior to occupation of the new building or part and written confirmation is to be provided to Council accordingly.

Structural Certification

33. A Certificate prepared by a professional engineer, shall be submitted to the Council **prior to the issuing of an occupation certificate**, certifying the structural adequacy of the building.

Occupant Safety - Windows

34. Openable 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:

- The window having a minimum sill height of 1.5m above the internal floor level,
- Providing a window locking device at least 1.5m above the internal floor level,
- 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 width of 125mm,
- 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),
- Other appropriate effective safety measures or barrier.

The relevant safety measures must be implemented prior to the issue of an Occupation Certificate.

Council's Infrastructure, Vehicular Crossings, street verge

35. 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.
36. 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.
37. That part of the naturestrip 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 applicants expense prior to the issue of a final Occupation Certificate.

Stormwater Drainage

38. Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with Australian Standard 3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and the conditions of this development approval. The certification must be provided following inspection/s of the site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the PCA.

Sydney Water Requirements

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

Application for a Section 73 Certificate must be made through an authorised Water Servicing Co-ordinator. For details, please refer to the "Your Business" section of Sydney Water's web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under Developing Your Land" or telephone 13 20 92.

Following the application, a "Notice of Requirements" will be provided, detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Water Servicing Co-ordinator, as building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority prior to issuing of an *Occupation Certificate*.

Waste Management

40. Waste Management provisions must be implemented in accordance with the Waste Management Plan submitted with the development application (Prepared by SPD Town Planners dated 26th June 2012), subject to the following amendments:
- Waste bin areas open to the sky are not permitted to be drained to the sewer as this is in breach of Sydney Water requirements.
 - Only 4 x 240L bins consisting of 2 x 240L garbage & 2 x 240L recycling are required for the residential component of the development.

OPERATIONAL CONDITIONS

The following operational conditions must be complied with at all times, throughout the use and operation of the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent and to maintain reasonable levels of public health and environmental amenity.

Environmental Amenity

41. External lighting to the premises must be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.
42. Street numbering must be provided to the front of the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council.

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

The following conditions have been applied to maintain reasonable levels of amenity to the area:

43. 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 (excluding plant and equipment during the construction phase) 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.

44. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997 and Regulations*.

GENERAL ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, or other relevant legislation and requirements. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

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

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

- A2 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.

- A3 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.

AMENDMENT: (Neilson/-) that the staff recommendation be adopted with the

addition of the following two conditions;

1. The enclosure of the front upper level balcony is prohibited by this consent.
2. The pergola over the front upper level balcony shall be reduced in depth by 1m and the posts removed so that it is cantilevered from the building. **LAPSED FOR THE WANT OF A SECONDER.**

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

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

FOR	AGAINST
Councillor Andrews	Councillor Moore
Councillor Belleli	
Councillor Bowen	
Councillor D'Souza	
Councillor Garcia	
Councillor Matson	
Councillor Nash	
Councillor Neilson	
Councillor Roberts	
Councillor Seng	
Councillor Shurey	
Councillor Smith	
Councillor Stavrinou	
Total (13)	Total (1)

**CP2/13 Director City Planning Report - 86 Dudley Street, Coogee
(DA/452/2010/D)**

15/13

RESOLUTION: (Matson/Roberts) that Council, as the consent authority, refuse development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No.452/2010 to modify the existing development consent to to enclose the rear balcony to unit 6, increase the depth of the balcony to the eastern side of the building to unit 6 and install two windows in the eastern elevation of the building to units 2 & 4 at 86 Dudley Street, Coogee for the following reasons:

1. The proposal does not satisfy the objectives of the 2C Zone as the proposal does not maintain the desirable attributes of established residential areas and does not protect the amenity of existing residents.
2. The proposal does not satisfy the Objectives and Performance Requirements in Part 3.4 of the Multi Unit Housing DCP as the additional bulk to the building by the enclosure of the balcony to the rear of the building and enlarged balcony to the eastern side of the building does not minimise the impact of the building on nearby buildings.
3. The proposal does not satisfy the Objectives and Performance Requirements in Part 4.2 of the Multi Unit Housing DCP in that the enlarged balcony to the eastern side of the building does not respect the existing levels of privacy to the adjoining and nearby properties.

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

**CP3/13 Director City Planning Report - 11 Liguria Street, Maroubra
(DA/514/2006/C)**

16/13

RESOLUTION: (Matson/Neilson) that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/514/2006 for permission to modify the approved consent increasing the size of the rear ground floor deck with new thatched roof and privacy screen on western side of the deck, increasing the width of the building by 370mm on western side, changes to the front fence and door opening to TV room for 11 Liguria Street, Maroubra in the following manner:

▪ **Amend Condition No. 1 to read:**

1. The development must be implemented substantially in accordance with the plans numbered 06/0015-1B, 06/0015-2B, 06/0015-3B and 06/0015-4B, dated 18 November 2006, and received by Council on 4 December 2006, the application form and on any supporting information received with the application, as amended by:

- The Section 96 "A" plans drawn by Archman Design Services, numbered 06/015B S96 and received by Council on 28 November 2007, and the plan numbered 06/015B S96 and received by Council on 7 December 2007,
- The Section 96 "B" plan numbered 08/11GNC, dated 13 November 2008 and received by Council on 13 November 2008, and
- The Section 96 "C" plans numbered 06/0015-1C, 06/0015-2C, 06/0015-3C and 06/0015-4C, dated 3 December 2012 and received by Council on 5 December 2012,

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

▪ **Add the following Conditions:**

61. The proposed thatched roof and additional screen along the western side boundary shall be deleted from the development.
62. The planter cut-outs and planter tubs provided on western side of the timber deck must be suitably waterproofed and drained to the approved on-site drainage system. The planting shall be located to provide an added privacy buffer to the western side neighbours rear yard area and maintained to a maximum height of 1600mm above the deck level. The planting within the planter shall be restricted to those species of a hardy evergreen species, of dense foliage with low water and maintenance requirements. Provision must be made for continued maintenance of the plant species to ensure survival; The plants must be installed prior to an occupation certificate being issued for the development.
63. The 1800mm high western side boundary fence adjacent to the rear timber deck as shown on plan number 0600153C and received by Council on 5/12/2012 must be deleted.

MOTION: (Andrews/Seng) that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/514/2006 for permission to modify the approved consent increasing the size of the rear ground floor deck with new thatched roof and privacy screen on western side of the deck, increasing the width of the building by 370mm on western side, changes to the front fence and door opening to TV room for 11 Liguria Street, Maroubra in the following

manner:

▪ **Amend Condition No. 1 to read:**

1. The development must be implemented substantially in accordance with the plans numbered 06/0015-1B, 06/0015-2B, 06/0015-3B and 06/0015-4B, dated 18 November 2006, and received by Council on 4 December 2006, the application form and on any supporting information received with the application, as amended by:
 - The Section 96 "A" plans drawn by Archman Design Services, numbered 06/015B S96 and received by Council on 28 November 2007, and the plan numbered 06/015B S96 and received by Council on 7 December 2007,
 - The Section 96 "B" plan numbered 08/11GNC, dated 13 November 2008 and received by Council on 13 November 2008, and
 - The Section 96 "C" plans numbered 06/0015-1C, 06/0015-2C, 06/0015-3C and 06/0015-4C, dated 3 December 2012 and received by Council on 5 December 2012,

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

▪ **Add the following Conditions:**

61. The proposed thatched roof and additional screen along the western side boundary shall be deleted from the development.
62. The 1800mm high western side boundary fence adjacent to the rear timber deck as shown on plan number 0600153C and received by Council on 5/12/2012 must be deleted. **LOST.**

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

FOR	AGAINST
Councillor Andrews	Councillor Belleli
Councillor Roberts	Councillor Bowen
Councillor Seng	Councillor D'Souza
Councillor Smith	Councillor Garcia
Councillor Stavrinou	Councillor Matson
	Councillor Moore
	Councillor Nash
	Councillor Neilson
	Councillor Shurey
Total (5)	Total (9)

MOTION: (Matson/Neilson) CARRIED UNANIMOUSLY – SEE RESOLUTION.

CP4/13 Director City Planning Report - 94 Marine Parade, Maroubra (DA/689/2012)

17/13

RESOLUTION: (Andrews/Smith) –

- A. That Council support the objections under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with Clause 20E and Clause 20F of the Randwick Local Environmental Plan 1998 (Consolidation), relating to minimum landscape area and maximum floor space ratio on the grounds that the proposed development is consistent with the relevant objectives of the clauses

and will not adversely affect the amenity of the surrounding locality and that the Department of Planning be advised accordingly.

and

- B. That Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No DA/689/2012 for addition of new third level to existing mixed use building containing, bedrooms, bathrooms for existing units, internal alterations to level 1 plus additions of balconies addition of external louvres and changes to windows, alterations to ground level cafe including new awning, signage, new bin enclosure and car port at rear at 94 Marine Parade, Maroubra, subject to the following conditions:

A. GENERAL

Approved Plans & Supporting Documentation

1. The development must be implemented substantially in accordance with the plans numbered DA 02 to DA14, all Issue A, and all dated 22 October 2012, and received by Council on 25 October 2012, the application form and any supporting information received with the application, except as may be amended by the following conditions:

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
- 1) Removal of brickwork on the upper sill of the first floor windows numbered W04, W05, W06 and W07 in the submitted elevations so as to increase glazing vertically on these first floor north-facing windows and to reducing the solid masonry element on the parapet wall above as indicated in an amended photomontage received by Council on 12 February 2013
 - 2) Deletion of the proposed louvres on the first floor windows numbered W04, W05, W06 and W07 as shown in the amended photomontage received by Council on 12 February 2013 and replace these with the provision of sun-shading hoods over in the submitted elevations.
 - 3) Deletion of all proposed glazed awning and replace with sloping awnings of canvass or similar light material and consistent in shape and form to the awnings proposed in the current approved scheme under DA/257/2008.
 - 4) Reduction in height of the proposed roof top air-conditioning enclosure by 0.6m

Details shall be submitted to the Director City Planning for approval prior to a Construction Certificate being issued for the development in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979.

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:

3. The finished ground levels external to the building are to be consistent with the development consent and are not to be raised (other than for the provision of paving or the like on the ground) without the written consent of Council.
4. Lighting to the premises shall be designed in accordance with AS4282 – 1997 Control of the Obtrusive Effects of "Outdoor Lighting" so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.

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

5. 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.

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

The following conditions are applied to ensure that the development satisfies relevant legislative requirements and to provide reasonable levels of health, safety and amenity:

7. 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 (formerly EPA) and Randwick City Council policies and conditions, including:

- Occupational Health and Safety Act 2000
- Occupational Health and Safety (Hazardous Substances) Regulation 2001
- Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
- WorkCover NSW Code of Practice for the Safe Removal of Asbestos
- 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 Department of Environment & Climate Change (DECC) / Environment Protection Authority (EPA) and WorkCover NSW 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.

8. There are to be no emissions or discharges from the premises, which will give rise to an environmental or public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.
9. 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 the location, collection, storage and removal of wastes generated within the premises must not result in a public health nuisance or cause pollution.
10. Development consent is required to be obtained in relation to the specific 'use' of commercial tenancies/occupancies and 'shop fit outs', in accordance with the relevant requirements of the Environmental Planning & Assessment Act 1979.

B. OPERATIONAL MATTERS

The following conditions is applied to ensure occupant safety:

11. Openable 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 width of 125mm,
 - iv. Other appropriate effective safety measures or barrier.
12. 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 (excluding plant and equipment during the construction phase) shall not give rise to an LAeq, 15 min sound pressure level at any affected premises that exceeds the background LA90, 15 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 & Climate Change (DECC) Noise Control Guidelines.

Stormwater Detention System

13. Any detention area must be regularly cleaned and maintained to ensure it functions as required by the design.

Hours of Operation

14. The hours of the operation of the business are restricted to the following: -

Monday through to Sundays, from: 8.00am to 10.00pm

15. Deliveries of food and the like are restricted to the following hours to minimise any disturbances to residences.

Monday to Sunday: 8.00am – 9.00pm

This condition applies where noise being made whilst delivering can be heard from within any habitable room of any adjoining residence and is only subject to change at the discretion of the Manager of Health, Building & Regulatory Services.

Food Storage

16. All food preparation, cooking, display and storage activities must only be carried out within the approved food premises.

Storage shall be within appropriate shelves, off the floor and in approved storage containers. External areas or structures must not be used for the storage, preparation or cooking of food, unless otherwise approved by Council in writing and subject to any necessary further approvals.

17. The rear storage area will be restricted to the purposes storage only; food preparation or cooking will not be permitted in this area without further consent.

Food Safety Requirements

18. The food premises must be registered with Council's Health, Building &

Regulatory Services Department and the NSW Food Authority in accordance with the Food Safety Standards, prior to commencing business operations.

19. A *Food Safety Supervisor* must be appointed for the business and the NSW Food Authority and Council must be notified of the appointment, in accordance with the *Food Act 2003*, prior to commencing business operations. A copy of which must be maintained on site and be provided to Council officers upon request.
20. A numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius being provided to refrigerators, cool rooms, other cooling appliances and bain-maries or other heated food storage/display appliances. The thermometer is to be located so as to be read easily from the outside of the appliance.

A digital probe type thermometer must also be readily available to check the temperature of food items.

21. All food that is to be kept hot should be heated within one (1) hour from the time when it was prepared or was last kept cold, to a temperature of not less than 60°C and keep this food hot at or above the temperature. Food that is to be kept cold should be cooled, within four (4) hours from the time when it was prepared or was last kept hot, to a temperature of not more than 5°C and keep this food cold at or below that temperature.
22. Food safety practices and the operation of the food premises must be in accordance with the *Food Act 2003*, *Food Regulation 2010*, *Food Standards Code* and Food Safety Standards at all times, including the requirements and provisions relating to:
 - Food handling – skills, knowledge and controls.
 - Health and hygiene requirements.
 - Requirements for food handlers and businesses.
 - Cleaning, sanitising and maintenance.
 - Design and construction of food premises, fixtures, fitting and equipment.

The Proprietor of the food business and all staff carrying out food handling and food storage activities must have appropriate skills and knowledge in food safety and food hygiene matters, as required by the Food Safety Standards.

Failure to comply with the relevant food safety requirements is an offence and may result in legal proceedings, service of notices and/or the issuing of on-the-spot penalty infringement notices.

23. The food premises must be kept in a clean and sanitary condition at all times, including all walls, floors, ceilings, fixtures, fittings, appliances, equipment, fridges, freezers, cool rooms, shelving, cupboards, furniture, crockery, utensils, storage containers, waste bins, light fittings, mechanical ventilation & exhaust systems & ducting, storage areas, toilet facilities, basins and sinks.
24. Preparation, display and/storage of food is not permitted within any outdoor dining areas.

Environmental Amenity

25. There are to be no emissions or discharges from the premises which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.

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

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

27. The business proprietor and all personnel must ensure that the footpath dining area (and the immediate vicinity adjacent to the footpath dining area) is maintained in a clean and tidy condition at all times, free of grease, food and litter.

Effective methods are to be used to clean the area on a regular basis and which must not cause a pollution incident as defined in the *Protection of the Environment Operations Act 1997*.

28. The use and operation of the footway dining area must not result in a nuisance or affect the safety of the public at any time and any relevant directions given by authorised Council officers must be complied with.
29. Amplified music, entertainment, or any other ancillary activity is not permitted within the footway dining area, except with prior development consent.
30. A toilet and hand-basin must be made available to customers at all times, with appropriate signage to inform customers and the facilities must be kept in a clean and sanitary condition at all times.

Waste Management

31. Adequate provisions are to be made within the confines of the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council, prior to commencing business operations.

The waste storage area must be located within the property and not within any areas used for the preparation or storage of food.

A tap and hose is to be provided within or near the waste storage area and suitable drainage provided so as not to cause a nuisance.

Waste/recyclable bins and containers must not be placed on the footpath (or road), other than for waste collection, in accordance with Council's requirements.

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

Sanitary Facilities

33. Sanitary facilities, plus wash hand basin and paper towel dispenser or hand dryer and appropriate signage, must be provided for customers and staff and be maintained in a clean and sanitary condition at all times.

Regulatory Requirements

34. The primary purpose of the premises is for the provision of food and the premises must not to be used principally, for the sale, supply and consumption of alcohol.

The written approval of Council and a relevant Liquor Licence under the (*Liquor Act 2007*) must be obtained beforehand for any proposed sale, supply and consumption of alcohol on the premises.

35. The relevant requirements of the Environmental Planning & Assessment Act 1979 and Local Government Act 1993, Food Act 2003, Public Health Act 2010 and Roads Act 1993 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, the service of a Notice or Order by Council.

REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE**Design, Construction & Fit-out of Food Premises**

36. 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).
37. The premises is to be designed and constructed in accordance with the *Food Act 2003, Food Regulation 2010, Australia & New Zealand Food Standards Code* and Australian Standard AS 4674-2004, Design, construction and fit-out of food premises. Details of the design and construction of the premises are to be included in the documentation for the construction certificate to the satisfaction of the certifying authority.
38. Appropriate awning/roofing is to be provided over the path of access from the rear of the premises to the rear food storage area to minimise the risk of contamination.
39. The design and construction of the food premises must comply with the following requirements, as applicable:-
- a) The floors of kitchens, food preparation areas and the like are to be constructed of materials which are impervious, non slip and non abrasive. The floor is to be finished to a smooth even surface, graded and drained to a floor waste connected to the sewer. The intersection of walls with floor and plinths is to be coved, to facilitate cleaning.
 - b) Walls of the kitchen preparation areas and the like are to be of suitable construction finished in a light colour with glazed tiles, stainless steel, laminated plastics or similar approved material adhered directly to the wall adjacent to cooking and food preparation facilities or areas, to provide a smooth even surface.

The glazed tiling or other approved material is to extend up to the underside of any mechanical exhaust ventilation hoods and a minimum of 450mm above bench tops, wash hand basins, sinks and equipment.
 - c) Walls where not tiled are to be cement rendered or be of rigid smooth faced non-absorbent material (i.e. fibrous cement sheeting, plasterboard or other approved material) and finished to a smooth even surface, painted with a washable paint of a light colour or sealed with other

approved materials.

- d) The ceilings of kitchens, food preparation areas, storerooms and the like are to be of rigid smooth-faced, non absorbent material (i.e. fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material), with a light coloured washable paint finish. 'Drop-down' ceiling panels must not be provided in food preparation or cooking areas.
- e) All stoves, refrigerators, bain-maries, stock pots, washing machines, hot water heaters, large scales, food mixers, food warmers, cupboards, counters, bars etc must be supported on wheels, concrete plinths a minimum 75mm in height, metal legs minimum 150mm in height, brackets or approved metal framework of the like.
- f) Cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particleboard or similar material is not permitted unless laminated on all surfaces.
- g) Fly screens and doors with self-closing devices, are to be provided to all external door and window openings and an electronic insect control device/s are to be provided in suitable locations within the food premises.
- h) A mechanical ventilation exhaust system is to be installed where cooking or heating processes are carried out in the kitchen or in food preparation areas, where required under the provisions of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2.

Emission control equipment shall be provided in mechanical exhaust systems serving the cooking appliances, to effectively minimise the emission of odours, vapours and oils.

- i) Wash hand basins must be provided in convenient positions located in the food preparation areas, with hot and cold water, together with a sufficient supply of soap and clean towels. The hot and cold water must be supplied to the wash hand basins through a suitable mixing device.
 - j) Cool rooms or freezers must have a smooth epoxy coated concrete floor, which is to be sloped to the door. A floor waste connected to the sewer is to be located outside the cool room/freezer. The floor waste should be provided with a removable basket within a fixed basket arrestor and must comply with Sydney Water requirements.
 - k) All cool rooms and freezers must be able to be opened from the inside without a key and fitted with an alarm (bell) that can only be operated from within the cool room/freezer.
 - l) Any space or gap between the top of any cool room or freezer and the ceiling must be fully enclosed and kept insect and pest proof (e.g. plasterboard partition with gaps sealed).
40. A certificate or statement must be obtained from a suitably qualified and experienced Food Safety Consultant or Council's Environmental Health Officer, which confirms that the design and construction of the *food business* will satisfy the relevant requirements of the *Food Act 2003*, Food Standards Code and AS 4674 (2004) - Design, construction and fit-out of food premises, prior to issuing a construction certificate.

Sydney Water Requirements

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

The approved plans must be submitted to a Sydney Water Quick Check agent, to determine whether the development will affect Sydney Water's waste water 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 details please refer to the Sydney Water web site at www.sydneywater.com.au for:

- Quick Check agents details - see *Building and Developing* then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see *Building and Development* then *Building and Renovating*, or telephone 13 20 92.

The Principal Certifying Authority must ensure that a Sydney Water Quick Check Agent has appropriately stamped the plans prior to issuing the construction certificate.

42. Liquid trade waste materials are to be drained to the sewer (via a suitable grease trap) and details of compliance are to be submitted to the Certifying Authority.

Awning Conditions

43. Plans submitted for the construction certificate shall demonstrate the proposed awnings complying with the following council requirements;
- a) The minimum clear distance from the existing footpath in Marine Pde & The Corso to the underside of the proposed awning shall be 3.00 metres.
 - b) All new awnings shall be set back a minimum of 600mm from the face of kerb.

Design Alignment levels

44. The design alignment level (the finished level of concrete, paving or the like) at the property boundary for driveways, access ramps and pathways or the like, must match the back of the existing Council footpath level along the full site frontage.
45. 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.

Stormwater Drainage

46. The site stormwater drainage system is to be provided in accordance with the following requirements;
- a) The stormwater drainage system must be provided in accordance with the relevant requirements of Building Code of Australia and the conditions of this consent, to the satisfaction of the *Certifying Authority* and details are to be included in the construction certificate.
 - b) The stormwater must be discharged (by gravity) directly to the kerb and gutter or drainage system located at the front of the subject site in Marine Pde and/or The Corso street frontages

Waste Management

47. The residential bin area shall be sized to contain at least of 2 X 240 litre bins (1 waste bin & 1 recycling bin).
48. The commercial garbage area must be separated from the residential bin storage area. Details showing compliance are to be included in the construction certificate.

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

49. Access and toilet facilities for people with a disability are to be provided to the commercial space, in accordance with Parts D3 & F2 of the Building Code of Australia and AS1428.1, which must be available at all times the building is occupied and details are to be included in the construction certificate.

C. PRIOR TO THE ISSUING OF A CONSTRUCTION CERTIFICATE**The following condition is applied to meet additional demands for public facilities:**

50. In accordance with Council's Section 94A Development Contributions Plan effective from 13 July 2011, the following monetary levy must be paid to Council.

Category	Cost	Applicable Levy	S94A Levy
Development Cost more than \$200,000	\$ 1,056,956	1%	\$10,569.56

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.

51. The colours, materials and finishes of the external surfaces to the proposed development are to be compatible with adjacent developments 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.

52. The reflectivity index of glass used in the external façade of the development must not exceed 20 percent. Details shall 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 development.

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

53. 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.

54. 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.

The following conditions are applied to ensure that the development satisfies relevant legislative requirements and to provide reasonable levels of health, safety and amenity:

55. 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.

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

Security Deposit

56. The following damage / civil works security deposit requirement must be complied with, as security for making good any damage caused to the roadway, footway, verge or any public place; and 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*:

- \$5000.00 - Damage / Civil Works Security Deposit

The damage/civil works security deposit may be provided by way of a cash, cheque or credit card payment and is refundable upon a satisfactory inspection by Council upon the completion of the civil works which confirms that there has been no damage to Council's infrastructure.

The owner/builder is also requested 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.

To obtain a refund of relevant deposits, a *Security Deposit Refund Form* is to be forwarded to Council's Director of City Services upon issuing of an occupation certificate or completion of the civil works.

Structural Adequacy

57. A report shall be prepared by a professional engineer and submitted to the certifying authority prior to the issuing of a construction certificate, detailing

the proposed methods of excavation, shoring or pile construction, including details of potential vibration emissions. The report, must demonstrate the suitability of the proposed methods of construction to overcome any potential damage to nearby land/premises.

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

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

D. PRIOR TO ANY WORK COMMENCING ON THE SITE

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

Certification and Building Inspection Requirements

58. Prior to the commencement of any building or fit-out 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) 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
- d) at least two days notice must be given to the Council, in writing, prior to commencing any works.

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

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

- a. has been informed in writing of the licensee's name and contractor number; and
- b. is satisfied that the licensee has complied with the insurance requirements of Part 6 of the Home Building Act 1989, or

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

- a. has been informed of the person's name and owner-builder permit number, or

- b. has been given a declaration, signed by the owner of the land that states that the market cost of the labour and materials involved in the work does not exceed \$5,000.

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

Construction Traffic Management

60. An application for a 'Works Zone' and Construction Traffic Management Plan must be submitted to Councils Integrated Transport Department, and approved by the Randwick Traffic Committee, for a 'Works Zone' to be provided in The Corso street frontage for the duration of the demolition & construction works.

The 'Works Zone' must have a minimum length of 12m and extend for a minimum duration of three months. The suitability of the proposed length and duration is to be demonstrated in the application for the Works Zone. The application for the Works Zone must be submitted to Council at least six (6) weeks prior to the commencement of work on the site to allow for assessment and tabling of agenda for the Randwick Traffic Committee.

The requirement for a Works Zone may be varied or waived only if it can be demonstrated in the Construction Traffic Management Plan (to the satisfaction of Council's Traffic Engineers) that all construction related activities (including all loading and unloading operations) can and will be undertaken wholly within the site. The written approval of Council must be obtained to provide a Works Zone or to waive the requirement to provide a Works Zone prior to the commencement of any site work.

61. A detailed *Construction Site Traffic Management Plan* must be submitted to and approved by Council, prior to:
 - a) commencement of any site work [or]
 - b) a construction certificate being issued for the development.

The Construction Site Traffic Management Plan must be prepared by a suitably qualified person and must include the following details, to the satisfaction of Council:

- A description of the demolition, excavation and construction works
- A site plan/s showing the site, roads, footpaths, site access points and vehicular movements
- Any proposed road and/or footpath closures
- Proposed site access locations for personnel, deliveries and materials
- Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site)
- Provision for loading and unloading of goods and materials
- Impacts of the work and vehicular movements on the road network, traffic and pedestrians
- Proposed hours of construction related activities and vehicular

movements to and from the site

- Current/proposed approvals from other Agencies and Authorities (including NSW Roads & Traffic Authority, Police and State Transit Authority)
- Any activities proposed to be located or impact upon Council's road, footways or any public place
- Measures to maintain public safety and convenience

62. Any necessary approvals must be obtained from NSW Police, Roads & Maritime Services, Transport, and relevant Service Authorities, prior to commencing work upon or within the road, footway or nature strip.

Public Utilities

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

64. The owner/builder must make the necessary arrangements and meet the full cost for telecommunication companies, gas providers, Ausgrid, Sydney Water and other service authorities to adjust, repair or relocate their services as required.

Demolition & Construction Waste

65. A Demolition and Construction Waste Management Plan (WMP) must be developed and implemented for the development, to the satisfaction of Council.

66. 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.

Construction Traffic Management

67. Prior to the commencement of any works on the site, an Application for a 'Works Zone' and Construction Traffic Management Plan must be submitted to Council's Integrated Transport Department, and approved by the Randwick Traffic Committee, for a 'Works Zone' to be provided in one or a combination of the streets surrounding the development site for the duration of the demolition & construction works.

The 'Works Zone' must have a minimum length of 12m and extend for a minimum duration of three months. The suitability of the proposed length and duration is to be demonstrated in the application for the Works Zone. The application for the Works Zone must be submitted to Council at least six (6) weeks prior to the commencement of work on the site to allow for assessment and tabling of agenda for the Randwick Traffic Committee.

The requirement for a Works Zone may be varied or waived only if it can be demonstrated in the Construction Traffic Management Plan (to the satisfaction of Council's Traffic Engineers) that all construction related activities (including all loading and unloading operations) can and will be undertaken wholly within the site. The written approval of Council must be obtained to provide a Works Zone or to waive the requirement to provide a Works Zone prior to the commencement of any site work.

68. A detailed Construction Site Traffic Management Plan must be submitted to and approved by Council, prior to a construction certificate being issued for the development.

The Construction Site Traffic Management Plan must be prepared by a suitably qualified person and must include the following details, to the satisfaction of Council:

- A description of the demolition, excavation and construction works
- A site plan/s showing the site, roads, footpaths, site access points and vehicular movements
- Any proposed road and/or footpath closures
- Proposed site access locations for personnel, deliveries and materials
- Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site)
- Provision for loading and unloading of goods and materials
- Impacts of the work and vehicular movements on the road network, traffic and pedestrians
- Proposed hours of construction related activities and vehicular movements to and from the site
- Current/proposed approvals from other Agencies and Authorities (including NSW Roads & Traffic Authority, Police and State Transit Authority)
- Any activities proposed to be located or impact upon Council's road, footways or any public place
- Measures to maintain public safety and convenience

Sydney Water

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

Prior to the commencement of excavation or building works, the approved Construction Certificate plans must be submitted to a Sydney Water Quick Check agent or Customer Centre, 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 works.

Public Utilities

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

Documentary evidence from the relevant public utility authorities confirming that their requirements have been or are able to be satisfied, must be submitted to the principal certifying authority prior to the commencement of any demolition, excavation or building works.

71. The owner/builder must make the necessary arrangements and meet the full cost for telecommunication companies, gas providers, Energy Australia, Sydney Water and other authorities to adjust, repair or relocate their services as required.

The following conditions are applied to ensure that the development satisfies relevant legislative requirements and to provide reasonable levels of health, safety and amenity:

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

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

73. Prior to the commencement of any excavation or building works, the person having the benefit of the development consent must:-

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

74. 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 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.

75. The installation of ground or rock anchors underneath any adjoining premises including (a public roadway or public place) must not be carried out without specific written consent of the owners of the affected adjoining premises and (where applicable) details of compliance must be provided to the certifying

authority prior to the commencement of any excavation or building works.

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

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

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

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

- The name, address, contact details and licence number of the Demolisher /Asbestos Removal Contractor
- Details of hazardous materials (including asbestos)
- Method/s of demolition (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 be provided to Council.

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

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

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

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

excavations or works.

79. A Construction Noise & Vibration Management Plan, prepared in accordance with the Department of Climate Change Guidelines for Construction Noise and Assessing Vibration, by a suitably qualified person, is to be developed and implemented prior to commencing site work and throughout the course of construction, to the satisfaction of the Council.

- a) Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents.

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.

- b) The *Construction Noise & Vibration Management Plan* must include details of measurements, analysis and relevant criteria and demonstrate that the noise and vibration emissions from the work satisfy the relevant provisions of the *Protection of the Environment Operations Act 1997*, current DECC Guidelines for Construction Noise and Assessing Vibration and Councils conditions of consent.
- c) A further report/correspondence must be obtained from the consultant as soon as practicable **upon the commencement of works**, which reviews and confirms the implementation and suitability of the noise and vibration strategies in the *Construction Noise & Vibration Management Plan* and which demonstrates compliance with relevant criteria.
- d) Any recommendations and requirements contained in the *Construction Noise & Vibration Management Plan* and associated reports are to be implemented accordingly and should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are submitted to Council and the PCA.

A copy of the *Construction Noise & Vibration Management Plan* and associated acoustic/vibration report/s must be maintained on-site and a copy must be provided to Council and the Principal Certifying Authority accordingly.

80. Public health, safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be satisfied:

- a) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.
- b) Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
- 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 & Regulatory Services department.

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

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

- e) A temporary timber, asphalt or concrete crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council, unless access is via an existing concrete crossover.
- f) Temporary toilet facilities are to be provided within the work site throughout the course of demolition and construction, to the satisfaction of WorkCover NSW and Council. The toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.
- g) 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 any public place, the written consent from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.

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

If necessary, an awning is to be erected sufficiently to prevent any

substance from, or in connection with, the work from falling into the public place or adjoining premises.

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

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

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

- i) A Road / Asset Opening application must be submitted to and be approved by Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.

The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of an occupation certificate for the development. For further information, please contact Council's Road / Asset Opening Officer on 9399 0691 or 9399 0999.

- j) The owner/builder is required to hold Public Liability Insurance, with a minimum liability of \$10 million and a copy of the Insurance cover is to be provided to Council.

81. 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 Council and Principal Certifying Authority. A copy must also be maintained on site and be made available to Council officers upon request.

82. During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to the satisfaction of Council.

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

83. 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 applicable, the Construction Certificate plans and Structural Engineering details must be amended to satisfy the requirements of Sydney Water.

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

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

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

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

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

- c. appoint a Principal Certifying Authority for the building work, and
- d. appoint a principal contractor for the building work and notify the Principal Certifying Authority and Council accordingly in writing, and
- e. notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority, and

- f. give at least two days notice to the Council, in writing, of the persons intention to commence building works.

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

E. DURING CONSTRUCTION WORKS

Tree Removal

86. Approval is granted for the removal [or] pruning of the following trees:
 - two *Syagrus romanzoffianum* (Cocos Palms)
 - one 4 metre tall *Olea europaea* (European Olive)

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

87. Any new information which comes to light during demolition and construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.
88. The works shall not give rise to environmental pollution or public nuisance or, result in an offence under the Protection of the Environment Operations Act 1997 or NSW Occupational Health & Safety Act (2000) & Regulations (2001).

The following conditions are applied to ensure that the construction works are executed in a proper manner:

89. The building works must be inspected by the Principal Certifying Authority, in accordance with sections 109 E (3) of the Environmental Planning & Assessment Act 1979 and clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.
90. 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".
91. Any work involving the demolition, storage and disposal of asbestos products and materials must be carried out in accordance with the following requirements:
 - a) A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
 - b) On sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor. The sign shall

measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.

- c) Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996. Asbestos waste must be disposed of at an approved waste disposal depot (refer to the DEC or Waste Service NSW for details of sites). Copies of all receipts detailing method and location of disposal must be maintained on site and be provided to Council officers upon request, as evidence of correct disposal.
- d) A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council upon completion of the works **prior to an Occupation Certificate being issued**, which confirms that the asbestos material have been removed appropriately and the relevant requirements contained in the Asbestos Survey and conditions of consent in relation to the safe removal and disposal of asbestos, have been satisfied.
92. 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.
- 1) 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:
- a) protect and support the adjoining premises from possible damage from the excavation, and
- b) where necessary, underpin the adjoining premises to prevent any such damage.
- 2) 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.
93. Building, demolition and associated site works must be carried out in accordance with the following requirements:

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> • Monday to Friday - 7.00am to 5.00pm • Saturday - 8.00am to 5.00pm • Sunday & public holidays - No work permitted
Excavating of rock, use of jack-hammers, pile-drivers or the like	<ul style="list-style-type: none"> • Monday to Friday - 8.00am to 5.00pm • Saturday - No work permitted • Sunday & public holidays - No work permitted
Additional requirements for all	<ul style="list-style-type: none"> • Saturdays and Sundays where the

development (except for single residential dwellings)	preceding Friday and/or the following Monday is a public holiday - No work permitted
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An application to vary the abovementioned hours may be submitted to Council's Manager Health, Building & Regulatory Services for consideration and approval to vary the specified hours may be granted in exceptional circumstances and for limited occasions (e.g. for public safety, traffic management or road safety reasons). Any applications are to be made on the standard application form and include payment of the relevant fees and supporting information. Applications must be made at least 10 days prior to the date of the proposed work and the prior written approval of Council must be obtained to vary the standard permitted working hours.

94. 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 first constructed floor/floor slab (prior to pouring of concrete),
 - prior to construction of each additional new floor level,
 - upon completion of the building, prior to issuing an occupation certificate,
 - as may be required by the Principal Certifying Authority.

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.

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

The Principal Certifying Authority must specify the relevant stages of construction to be inspected in accordance with section 81A (2) (b1) (ii) of the Environmental Planning & Assessment Regulation 2000 and a satisfactory inspection must be carried out, to the satisfaction of the Principal Certifying Authority, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

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

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

96. 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:

- a. 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,
 - b. name, address and telephone number of the Principal Certifying Authority,
 - c. a statement stating that "unauthorised entry to the work site is prohibited".
97. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:
- a. The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.
 - b. Building materials, sand, soil, waste materials, construction equipment or other materials or articles must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
 - c. Bulk bins, waste containers or other articles must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container or other articles in a public place can be made to Council's Health, Building & Regulatory Services department.
 - d. Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, to the satisfaction of WorkCover NSW and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.
 - e. A temporary timber, asphalt or concrete crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council, unless access is via an existing concrete crossover.
 - f. The applicant/builders is required to hold Public Liability Insurance, with a minimum liability of \$10 million and a copy of the Insurance cover is to be provided to Council.
 - g. A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities upon any part of the footpath, road or nature strip or in any public place:
 - o Install or erect any site fencing, hoardings or site structures
 - o Operate a crane or hoist goods or materials over a footpath or road
 - o Placement of a waste skip or any other container or article in a public place.
98. During demolition excavation and construction works, dust emissions must be

minimised, so as not to result in a nuisance to nearby residents or result in a potential pollution incident.

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

Dust control measures and practices may include: -

- a. Provision of geotextile fabric to all perimeter site fencing (attached on the prevailing wind side of the site fencing).
 - b. Covering of stockpiles of sand, soil and excavated material with adequately secured tarpaulins or plastic sheeting.
 - c. Installation of a water sprinkling system or provision hoses or the like.
 - d. Regular watering-down of all loose materials and stockpiles of sand, soil and excavated material.
 - e. Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds.
 - f. Revegetation of disturbed areas.
99. During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

102. The demolition, removal, storage, handling and disposal of materials and all building work must be carried out in accordance with the following requirements (as applicable):
- a. Australian Standard 2601 (2001) – Demolition of Structures
 - b. Occupational Health and Safety Act 2000

- c. Occupational Health and Safety (Hazardous Substances) Regulation 2001
 - d. Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
 - e. WorkCover NSW – Guidelines and Codes of Practice
 - f. Randwick City Council's Asbestos Policy
 - g. The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.
103. A Demolition Work Plan must be prepared for the development in accordance with Australian Standard AS2601-2001, Demolition of Structures.

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

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

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

F. PRIOR TO OCCUPATION OF THE BUILDING / PREMISES

Food Safety

104. A certificate or statement must be obtained from a suitably qualified and experienced Food Safety Consultant or Council's Environmental Health Officer, to confirm that the design and construction of the *food business* satisfies the relevant requirements of the *Food Act 2003*, Food Standards Code and AS 4674 (2004) - Design, construction and fit-out of food premises, prior to issuing an Occupation Certificate.
105. The food premises must be inspected by Council's Environmental Health Officer to ascertain compliance with relevant Food Safety Standards and the written approval of Council (being the relevant Food Authority for this food business) must be obtained prior to the operation of the food business.

Environmental Amenity

106. A report, must be obtained from a suitably qualified and experienced consultant in acoustics, which demonstrates and certifies that noise and vibration from the development (including all plant and equipment) satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Office of Environment & Heritage/Environment Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's development consent. A copy of the report is to be forwarded to the Council with or prior to the issue of an occupation certificate.

Street Awning

107. Upon completion of the construction of the awning, certification of the structural adequacy of the awning must be provided to the Council prior to the

issuing of an Occupation Certificate.

Council's Infrastructure, Vehicular Crossings & Road Openings

108. The owner/developer must meet the full cost for Council or a Council approved contractor to:
- a) Remove the redundant concrete layback in The Corso, adjacent to the Council drainage pit and opposite the old garage which is used as a storage area for the Café, and to reinstate the area with concrete kerb and gutter to Council's specification.
109. Prior to issuing a final occupation certificate or occupation of the development (whichever is sooner), the owner/developer 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.
110. 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.
 - a) 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 an occupation certificate being issued for the development, together with payment of the relevant fees.
 - b) 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.
 - c) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.

Service Authorities – Aerial Bundling of Cables

111. The applicant shall meet the full cost for the overhead power lines located along the length of The Corso street site frontage to be Aerial Bundled to the nearest connecting power poles. The applicant shall liaise directly with the relevant service utility authorities to organise for the cables to be bundled. All cables must be bundled to the satisfaction of the relevant service utility authority prior to the issuing any form of an occupation certificate for the development.

Waste Management

112. Prior to the occupation of the development, the owner or applicant is required to contact Council's City Services department, to make the necessary arrangements for the provision of waste services for the premises.
113. The waste storage areas shall be clearly signposted.

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

114. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building 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.

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

115. 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 independent person, which confirms that the development is not inconsistent with the development consent and the relevant conditions of development consent have been satisfied.

116. Prior to issuing an interim or final Occupation Certificate, a single and complete Fire Safety Certificate, which encompasses all of the essential fire safety measures contained in the fire safety schedule must be obtained and be submitted to Council, in accordance with the provisions of the Environmental Planning and Assessment Regulation 2000. A copy of the Fire Safety Certificate must be displayed in the building entrance/foyer and a copy of the Fire Safety Certificate must also be forwarded to the NSW Fire Brigades.

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

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

118. Where the building is provided with plant and equipment (e.g. air-conditioners, mechanical ventilation/exhaust systems or refrigeration motors etc) a report must be obtained from a suitably qualified and experienced consultant in acoustics, prior to an occupation certificate being issued for the development, which demonstrates and certifies that noise and vibration from the development satisfies the relevant provisions of the Protection of the Environment Operations Act 1997, NSW DECC/EPA Noise Control Manual & Industrial Noise Policy, Council's conditions of consent (including any relevant approved acoustic report and recommendations), to the satisfaction of Council. The assessment and report must include all relevant fixed and operational noise sources and a copy of the report must be provided to Council prior to/upon issuing an occupation certificate.

119. Street and unit numbering must be provided to the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council, prior to an occupation certificate being issued for the development.

In this regard, an Application must be submitted to and approved by Council's

Director of City Planning, together with the required fee, for the allocation of appropriate street and unit numbers for the development, **prior to issuing an occupation certificate.**

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

REQUIREMENTS BEFORE COMMENCEMENT OF OUTDOOR DINING USE

The following requirements must be satisfied prior to commencing the use and operation of the footway/outdoor dining activities.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent conditions and to achieve reasonable levels of environmental amenity.

Regulatory & Licensing Requirements

121. Prior to installation of any items on the footway or the operation of the proposed footway dining area, the business proprietor must enter into a formal License Agreement with Council, covering the terms and conditions of the footpath restaurant. The applicant is advised to contact Council's Property Officer, (9399 0936), regarding Council's requirements for the formal license agreement.
122. The Licence Agreement, including conditions and requirements of the Licence Agreement must be complied with at all times.
- Failure to comply may result in a breach of the Licence Agreement and a breach of this consent, which may result in the issuing of appropriate notices, orders, on-the-spot penalty infringements, legal proceedings and/or cancelling of the Licence.
123. Details of the proposed design, construction and placement of outdoor furniture and any other articles proposed to be located on the footway must be submitted to and approved by Council in writing before placing the items or articles on the footway.
124. All outdoor furniture and associated articles must be adequately tied down and/or weighted, to ensure that the items and articles are stable and secure at all times.

The furniture and all associated articles must not represent a safety hazard to pedestrians or motorists at any time. If necessary, the furniture and associated articles must be removed from the outdoor area and be placed indoors in windy conditions.

E. ADVISORY

- A1 The assessment of this development application does not include an assessment of the proposed building work under the Food Act 2003, Food Safety Standards or Building Code of Australia (BCA).

All new building work must comply with relevant regulatory requirements and Australian Standards and details of compliance are to be provided in the *construction certificate* application.

- A2 The design and construction of the premises must satisfy the requirements of

the Food Act 2003, Food Standards Code and AS 4674 (2004). Prior to finalising the design and fit-out for the development and prior to a *construction certificate* being obtained, advice should be obtained from an accredited Food Safety Consultant (or Council's Environmental Health Officer).

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

A4 A separate Local Approval application must be submitted to and be approved by Council's Health, Building & Regulatory Services department prior to commencing any of the following activities: -

- Install or erect any site fencing, hoardings or site structures on any part of the nature strip, road or footpath
- Operate a crane or hoist goods or materials over a footpath or road
- Placement of a waste skip, bin or any other container or article on the road, nature strip or footpath.

Notes:

- The standard conditions may be modified or supplemented by additional non-standard site specific conditions to address any specific environmental, amenity, construction and safety considerations associated with the proposal.
- The waste management, drainage and infrastructure standard conditions may be modified or replaced with site specific conditions as proposed by Council's Development Engineer, City Services or Waste Services officers.

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.

A6 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.

A7 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.

Notes:

- Include relevant Standard DA conditions 745 – 761 for outdoor dining and lease requirements and any comments from Property / Governance / City Services.
- Refer to specific HBRS reports in relation to any proposed building/fit-out works associated with food premises.
- Refer to standard conditions and guidance notes on provisions/upgrading requirements relating to Access & Facilities for People with a Disability and sanitary facilities for customers.
- Appropriate operating hours to be specified by Development Assessment officer having regard to standard condition No's. 136 to 138, relevant Council Policies/Plans, potential environmental impacts and any relevant history.
- The standard conditions may be modified or supplemented by additional non-standard site specific conditions to address any specific environmental, amenity, building, infrastructure, drainage or public safety considerations associated with the proposal, by the relevant referral officers.

- Additional conditions and requirements may be recommended by Council's Property Officer.

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

**CP5/13 Director City Planning Report - 1-1A Major Street, Coogee
(DA/617/2012)**

18/13 **RESOLUTION: (Andrews/Seng)** that the application be deferred to allow the submission of amended plans and to allow mediation between the applicant and objectors.

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

CP6/13 Director City Planning Report - Reporting variation to Development standard under State Environment Planning Policy No. 1 (SEPP 1) for December, 2012 (F2008/00122)

19/13 **RESOLUTION: (Andrews/Matson)** that the report be received and noted.

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

CP7/13 Director City Planning Report - Notification periods for JRPP Development Application Reports (F2011/00166)

20/13 **RESOLUTION: (Roberts/Matson)** that assessment reports for applications the subject of a JRPP meeting be provided to the Panel secretariat at least 21 days before a Council meeting so that they are available to Councillors and the public at least 14 days before being considered by Council.

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

CP8/13 Director City Planning Report - Randwick Local Environmental Plan 2012 and variations to development standards (F2008/00122)

21/13 **RESOLUTION: (Andrews/Matson)** that the report be received and noted.

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

CP9/13 Director City Planning Report - Delegation of the Minister's Plan Making Functions (F2011/00522)

22/13 **RESOLUTION: (Andrews/Matson)** that:

- a) Council write to the Minister for Planning and Infrastructure formally accepting the delegated functions with respect to plan (LEP) making;
- b) Council, in accordance with Section 381 of the *Local Government Act 1993*, sub-delegate the plan making functions under Section 59 of the *Environmental Planning and Assessment Act 1979* to the General Manager; and
- c) the Delegations of Authority be updated with the following new delegation:

RPO77 Making of Local Environmental Plans

New Delegation To exercise the plan making functions under Section 59 of the *Environmental Planning and Assessment Act 1979*, subject to receipt of a Gateway Authorisation.

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

CP10/13 Director City Planning Report - Delegations of Authority - Randwick Local Environmental Plan 2012 (F2011/00522)

23/13

RESOLUTION: (Andrews/Matson) that:

a) pursuant to section 377 of the *Local Government Act 1993*, that Council delegate the functions of the Consent Authority to the General Manager with respect to the Randwick Local Environmental Plan 2012 clauses outlined in this report;

b) the Delegations Register be updated with the following new delegations:

RPO79 RLEP 2012 Clause 5.10(3) – When Consent is Not Required

New Delegation To exercise the functions of the Council as Consent Authority in relation to *Clause 5.10(3) Heritage Conservation* of the Randwick Local Environmental Plan 2012.

RPO80 RLEP 2012 Clause 6.12 - Development requiring the preparation of a development control plan

New Delegation To exercise the functions of the Council as Consent Authority in relation to waiving the requirements for a Development Control Plan (Clause 6.11 of the Randwick Local Environmental Plan 2012), but only if satisfied:

(c) that the development is of a minor nature or is ancillary to the current use of the land;

(d) that adequate guidelines and controls applying to the land are already in place, and only to a maximum cost of \$2 million (including GST) for the proposed development.

RPO81 RLEP 2012 Clause 4.6 – Exceptions to development standards

New Delegation To exercise the functions of the Council in relation to the assessment and determination of variations sought to development standards under Clause 4.6 of the Randwick Local Environmental Plan 2012.

RP 0082 RLEP 2012 Clause 5.9 – Preservation of trees or vegetation

New Delegation To exercise the functions of the Council under Clause 5.9 of the Randwick Local Environmental Plan 2012 for the assessment and determination of applications made to Council for the ringbarking, cutting down, topping, lopping, pruning or removal of trees within Randwick City that are prescribed in Council's Comprehensive Development Control Plan 2012.

c) the following delegations be repealed following the gazettal of the Randwick Local Environmental Plan 2012:

RPO76 Planning Amendment No 17 to RLEP 1998

Current delegation To exercise the functions of the Council as consent authority in relation to waiving the requirements for a Master Plan (Clause 40A (2) of the Randwick Local Environmental Plan (Amendment No. 17) but only if satisfied:
(a) that the development is of a minor nature or is ancillary to the current use of the land: or
(b) that adequate guidelines and controls applying to the land are already in place, and only to a maximum cost of \$2 million (incl (e) of GST) for the proposed development

RPO65 Planning Control – SEPP 1 Objections

Current delegation To exercise the functions of the Council in relation to the assessment and determination of objections under SEPP 1.

RT001 Tree Preservation Order

Current delegation To approve, approve with conditions considered appropriate in the circumstances, or disapprove all applications made to Council for the ringbarking, cutting down, topping, lopping, pruning or removal of trees within the City which are subject to Council's Tree Preservation Order

RP073 Planning Controls – Minor Works

Current delegation To exercise the functions of Council in relation to the necessity to submit development applications for proposed development (clause 26 LEP 1998), and to advertise minor development applications (clause 24 LEP 1998)

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

CP11/13 Director City Planning Report - Response to Motion Pursuant to Notice from Cr Matson - Consideration of suicide prevention at the North Coogee ocean cliffs (F2008/00066)

24/13

RESOLUTION: (Matson/Stavrinos) that:

- a) Council fund and promote a mental health awareness program based on Option 1, to be held at Council venues throughout the year; and
- b) Council staff engage The Black Dog Institute and The NSW Schizophrenia Fellowship to deliver a range of suitable topics at a cost not exceeding \$2,000, to be allocated to the Council's Community Development annual budget.
- c) a report be brought to Council not later than March 2014 providing an assessment of the impact and effectiveness of the activities conducted as result of the items (a) and (b) of this resolution including as a minimum:
 1. the number and type of activities conducted
 2. attendance numbers and attendee feedback
 3. aspects that were considered successful and those that were not
 4. suggested improvements or variations to enhance the program
 5. consideration for role Council might play in future mental health awareness programs.
- d) a Councillors' briefing be arranged on this subject.

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

CP12/13 Director City Planning Report - Response to Motion Pursuant to Notice from Cr Seng: Report on the Council's Public Art projects in the last two years, and those already planned for the future (F2008/00487)

25/13 **RESOLUTION: (Seng/Andrews)** that the report be received and noted.

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

CP13/13 Director City Planning Report - Proposed Council Events in Support of Women's International Day (F2006/00216)

26/13 **RESOLUTION: (Neilson/Andrews)** that the activities proposed for International Women's Day 2013 be endorsed.

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

General Manager's Reports

GM1/13 General Manager's Report - Proposed Handover of La Perouse Museum and Surrounds (F2004/06324)

27/13 **RESOLUTION: (Andrews/Stavrinos)** that:

- a) Council respond to the Minister for the Environment advising of its in-principle support to enter into a lease or Memorandum of Understanding to take over the management of the La Perouse Museum;
- b) upon completion of the due diligence review a report be brought back to Council prior to formalising the care and management of the La Perouse Museum and surrounds;
- c) the General Manager be delegated the authority to enter into discussions with key stakeholders to establish an appropriate Trust to oversee the future management and direction of the Museum, and
- d) the General Manager to conduct further discussions with the State Government in order to optimise the possible benefits of this matter for the community and Council.

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

GM2/13 General Manager's Report - Review of the 2012-13 Annual Operational Plan - December Quarterly Report (F2012/00026)

28/13 **RESOLUTION: (Andrews/Smith)** that the information contained in the December 2012 Quarterly review of the 2012-13 Annual Operational Plan be received and noted.

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

GM3/13 General Manager's Report - Public Wi-Fi Trial (F2012/00087)

29/13 **RESOLUTION: (Smith/Nash)** that Council approve: The Spot; High Cross Park; and Coogee Beach areas to form the sites for a pilot implementation of the public Wi-Fi

hotspots in open spaces and allocates \$125,600 from the 2012-13 budget to fund the pilot project.

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

**GM4/13 General Manager's Report - The 20-Year Randwick City Plan
(F2012/00528)**

30/13

RESOLUTION: (Garcia/D'Souza) that:

- a) Council adopt the 20-year Randwick City Plan and 10-year Resourcing Strategy;
- b) the General Manager be authorised to make any minor changes as requested by the Council or the NSW Division of Local Government;
- c) Council apply to IPART for a special variation to rates income of 3.59% per annum for each year of the four-year Delivery Program (2013-17), as per Model 3 of the LTFP;
- d) as per the Planning and Reporting guidelines for local government in NSW (2010), a copy of the plan be provided to the Director General of the NSW Division of Local Government, Department of Premier and Cabinet within 28 days of it being endorsed by Council.

MOTION: (Garcia/D'Souza) that:

- a) Council adopt the 20-year Randwick City Plan and 10-year Resourcing Strategy;
- b) the General Manager be authorised to make any minor changes as requested by the Council or the NSW Division of Local Government;
- c) As per the Planning and Reporting guidelines for local government in NSW (2010), a copy of the plan be provided to the Director General of the NSW Division of Local Government, Department of Premier and Cabinet within 28 days of it being endorsed by Council.
- d) apply to IPART for a special variation to rates at the same time that it requests a variation for the Environmental Levy (ie. for the 2014-15 financial year). **LOST.**

MOTION: (Garcia/D'Souza) CARRIED - SEE RESOLUTION.

Director City Services Reports

**CS1/13 Director City Services Report - Maroubra Bay Floodplain
Management Committee (PROJ/10323/2007)**

Having declared a pecuniary interest in this Item earlier in the meeting, Cr Shurey left the meeting during the debate and the vote on the matter.

31/13

RESOLUTION: (Matson/Nash) that:

- a) Council adopt the Maroubra Bay Flood Study.
- b) work proceeds on preparation of the Floodplain Risk Management Study and Plan.

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

Cr Shurey returned to the meeting at this point (10.24pm).

Director Governance & Financial Services Reports**GF1/13 Director Governance & Financial Services Report - Affixing of the Council Seal (F2011/07367)**

32/13

RESOLUTION: (Andrews/Matson) that authority be granted to enter into a licence agreement with Sydney Children's Hospital Network Randwick and Westmead for a period of five (5) years commencing 1 January 2012 for the property located at 40 Arden Street, Clovelly.

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

GF2/13 Director Governance & Financial Services Report - Councillors' Expenses & Facilities Policy - results of public exhibition (F2004/06576)

33/13

RESOLUTION: (Andrews/Matson) that:

- a) it be noted that there were no submissions received as a result of the public exhibition of the revised Councillors' Expenses & Facilities Policy.
- b) the revised Councillors' Expenses & Facilities Policy be adopted for immediate implementation.
- c) a copy of this report and the revised policy be forwarded to the Division of Local Government (Department of Premier and Cabinet).

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

GF3/13 Director Governance & Financial Services Report - New Model Code of Conduct (F2004/06569)

34/13

RESOLUTION: (Andrews/Matson) that:

- a) the new Model Code and Procedures be adopted, with the modifications mentioned in this report, for implementation on 1 March 2013.
- b) it be noted that the General Manager intends to appoint the Manager Administrative Services as Council's Complaints Coordinator and the Internal Auditor as alternate Complaints Coordinator for the purposes of the 'Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW'.
- c) a shared Conduct Review Panel be established with Woollahra Council, for a period of four years in accordance with the provisions set out in the Code.
- d) Council call for an Expression of Interest to appoint a suitable panel of Conduct Reviewers and report the outcome back to Council for endorsement.
- e) the current conduct review panel remain in place until the new panel is appointed, following the EOI process.

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

GF4/13 Director Governance & Financial Services Report - Gifts and Benefits policy (F2004/08432)

35/13

RESOLUTION: (Andrews/Matson) that:

- a) the amended Gifts and Benefits policy be adopted.
- b) authority be delegated to the General Manager to make minor amendments to the policy, as and when necessary.

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

GF5/13 Director Governance & Financial Services Report - Quarterly Budget Review - December 2012 (F2011/00530)

36/13 **RESOLUTION: (Andrews/Matson) that:**

- a) the report in relation to the December 2012 budget review be received and noted; and
- b) the proposed December 2012 budget variations shown in the attachment to this report be adopted.

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

GF6/13 Director Governance & Financial Services Report - Investment Report - November 2012 (F2004/06527)

37/13 **RESOLUTION: (Andrews/Matson) that the investment report for November 2012 be received and noted.**

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

GF7/13 Director Governance & Financial Services Report - Investment Report - December 2012 (F2004/06527)

38/13 **RESOLUTION: (Andrews/Matson) that the investment report for December 2012 be received and noted.**

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

GF8/13 Director Governance & Financial Services Report - Investment Report - January 2013 (F2004/06527)

39/13 **RESOLUTION: (Andrews/Matson) that the investment report for January 2013 be received and noted.**

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

GF9/13 Director Governance & Financial Services Report - Kensington Bowling Club - Closure and future use of the site (F2011/07367)

40/13 **RESOLUTION: (Stavrinou/Nash) that:**

- a) a Council Briefing be conducted on the future options of the Bowling Club site including use of the site as a community facility.
- b) an Expression of Interest process be undertaken for the occupation of the site.

- c) a six month licence with Kikoff for the occupation of the site be entered into.

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

Petitions

Cr Andrews tabled a petition from La Perouse residents requesting speed humps along Endeavour Avenue and on Anzac Parade between the roundabout (outside the Boat Shed) and the corner of Goorawahl Avenue.

Motion Pursuant to Notice

**NM1/13 Notice of Motion from Cr D'Souza - Matraville Town Centre
(F2005/00246)**

This motion was withdrawn by Cr D'Souza at the meeting.

**NM2/13 Notice of Motion from Cr D'Souza - Matraville Post Office
(F2007/00034)**

This motion was withdrawn by Cr D'Souza at the meeting.

**NM3/13 Notice of Motion from Cr Nash - Proposal for Organic Farmers
Market in Randwick (F2004/08293)**

41/13

RESOLUTION: (Nash/Matson) that a report be brought to Council regarding the proposal by the "Randwick Organic Farmers and Food Market" for a farmers market somewhere in the Randwick City Council area.

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

**NM4/13 Notice of Motion from Cr Andrews - Upgrade of Coogee Bay Road
from Arden St to Mount Street, Coogee (F2011/07593)**

42/13

RESOLUTION: (Matson/Shurey) that Council consider in the 2013-14 budget the repair of the Coogee Bay Road footpath.

MOTION: (Andrews/Stavrinos) that a Councillor briefing session be held to consider the upgrade of Coogee Bay Road from Arden Street to Mount Street, Coogee, with the view to including this project in the 2013-14 budget.

AMENDMENT: (Matson/Shurey). CARRIED AND BECAME THE MOTION.

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

**NM5/13 Notice of Motion from Cr Andrews - Proposed Public Housing
Advisory Committee (F2005/00576)**

MOTION: (Andrews/Stavrinos) that Council investigates and report back to Council on the setting up of a Public Housing Advising Committee to consist of Council Officer, a Councillor, a representative from Department of Housing, a representative from NSW Police and a representative from both the State Members of Maroubra and Coogee in order to assist our local residents who live in public housing liaise and

communicate effectively with the Department of Housing in regards to any issues they may have including, but not limited to, maintenance and anti-social behaviour issues.
LOST.

NM6/13 Notice of Motion from Cr Andrews - Use of Maroubra Beach by commercial personal trainers (F2011/00287)

366/13 **RESOLUTION: (Andrews/Stavrinos) that:**

- a) Council investigates the setting up of dedicated areas in the Maroubra Beach precinct for commercial personal trainers to use for a prescribed fee rather than them using the promenade and beach area which is currently being used.
- b) Council investigates banning commercial personal trainers from using the outdoor gym equipment currently being built for the conducting of classes.
- c) Councillors be advised how many licences have been issued for commercial personal trainers in the Maroubra Beach precinct.
- d) the Maroubra Bay Precinct Committee be consulted prior to any decision in relation to this matter.
- e) a Councillors' briefing session be held in relation to this matter prior to any decision.

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

NM7/13 Notice of Motion from Cr Neilson - Basketball hoops and courts in appropriate locations in the city of Randwick (F2005/00586)

367/13 **RESOLUTION: (Neilson/Andrews) that:**

- a) Council investigate establishing at least a half basketball court and hoop/s in various wards across the city, as well as full basketball courts.
- b) a report come back to Council with some appropriate locations so that action can be taken to address this shortcoming as soon as practicable.

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

NM8/13 Notice of Motion from Cr Matson - Response to Orica Mercury Issues (F2006/00118)

368/13 **RESOLUTION: (Matson/Shurey) that Council respond to the EPA's announced review of historical mercury emissions at Orica's Botany plant urging it to urgently conduct a fresh round of independent testing rather than limiting its review to existing studies.**

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

NM9/13 Notice of Motion from Cr Matson - White Paper Planning Consultation (F2006/00158)

369/13 **RESOLUTION: (Matson/Shurey) that Council:**

- a) Notes the potential widespread impact on our local community of the proposed

planning law reform being undertaken by the NSW government;

- b) Calls on the NSW Government to ensure there is at least 6 months of public consultation on the planning reform White Paper when it is released early this year; and
- c) Commits to holding one or more community consultation workshops on the White Paper once it is released to:
 - 1) Assist the community to understand the NSW Government planning reforms;
 - 2) Discuss the implications of these reforms for our Local Government Area;
 - 3) Consult with the community on how to cooperate in the new environment for the benefit of our local area;
 - 4) Gain feedback on what the Council needs to know to support their community; and
 - 5) Obtain resident views for the Council response to the White Paper and Draft Legislation.

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

**NM10/13 Notice of Motion from Cr Smith - Urban Activation Precincts
(F2013/00012)**

370/13

RESOLUTION: (Smith/Andrews) that Council:

- a) note the decision by the NSW Minister of Planning to designate two areas within Randwick City as Urban Activation Precincts;
- b) note that the UNSW, Racecourse & Hospitals submitted an expression of interest in relation to the Randwick Precinct;
- c) note that the Urban Activation Precincts replace the former Labor Governments 2005 State significant sites program (SSS);
- d) note that the policy and associated processes are based on the following principles:
 - 1) A strategic precinct based approach (rather than a single site or development).
 - 2) Close involvement with local government, at an early stage and throughout the process as integral partner.
 - 3) Precincts located in close proximity to existing and planned transport and service infrastructure.
 - 4) Precincts, zones and development controls that are based on financial viability and affordability, and reflect market demand and investor feasibility;
- e) ask the Steering Committee to address:
 - 1) Randwick's lack of housing affordability which particularly impacts on lower-paid essential workers such as teachers, police & nurses.
 - 2) The economic development of Randwick City so as to provide local job opportunities to residents.
 - 3) The need to concentrate high density housing on major transport routes thus keeping high density out of established residential character neighbourhoods.
 - 4) The well-established need for a major upgrade of public housing.

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

NM11/13 Notice of Motion from Cr Matson - Support for intended Marriage Equality Legislation in the Australian Senate (F2010/00459)

371/13

RESOLUTION: (Matson/Nash) that Council responds to both the passing of marriage equality legislation in the UK and the intended re-introduction of similar legislation in the Australian Senate by writing to all Senators and federal parliamentary party leaders urging support for the legislation on behalf of our residents.

AMENDMENT: (Smith/Stavrinou) that:

- a) Council notes the passage of marriage equality legislation in the UK.
- b) Notes the proposed re-introduction of similar legislation in Australia.
- c) Encourages the residents of Randwick City to make their position on this issue of national importance known to local MPs and Senators. **LOST.**

Crs Andrews, Smith and Stavrinou left the Council Chamber at this point (11.39pm).

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

Crs Andrews, Smith and Stavrinou returned to the meeting at this point (11.41pm).

NM12/13 Notice of Motion from Cr Smith - Commercial Operations on Beaches (F2005/00395)

372/13

RESOLUTION: (Smith/Stavrinou) that Council permit stand up paddle boarding classes at Gordon's Bay and/or Coogee subject to meeting Councils tendering processes and lifeguard approval.

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

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

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

FOR	AGAINST
Councillor Andrews	Councillor D'Souza
Councillor Belleli	Councillor Matson
Councillor Bowen	Councillor Neilson
Councillor Garcia	Councillor Seng
Councillor Moore	Councillor Shurey
Councillor Nash	
Councillor Roberts	
Councillor Smith	
Councillor Stavrinou	
Total (9)	Total (5)

Cr Andrews left the meeting at this point and did not return (11.45pm).

NM13/13 Notice of Motion from Cr Smith - Lifeguard Resourcing (F2004/07113)

373/13

RESOLUTION: (Smith/Seng) that the Director of City Services investigate and determine whether Lifeguard services should be extended to cover Gordon's Bay, Malabar and Little Bay in the busy Christmas/New Year Period.

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

**NM14/13 Notice of Motion from Cr Smith - Shared Parking Schemes
(F2004/07236)**

374/13

RESOLUTION: (Smith/Stavrinos) that Council prepare a report to be brought to the Works Committee with information regarding shared parking schemes in Randwick City. The information should include but is not limited to:

- a) the raw data collected by the shared car scheme regarding usage of their services.
- b) any information publicly available or provided by the shared car scheme outlining their revenue for spots in our City.
- c) the report should come up with an appropriate charging methodology for the use of these spots in our City, noting that Councillors will then determine whether to introduce any such charges.

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

**NM15/13 Notice of Motion from Cr Roberts - Angle parking opportunities
(F2005/00284)**

375/13

This motion was withdrawn at the meeting.

Confidential reports (closed session)

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

Closed Session

**GF10/13 Confidential - Kelly Lane, Matraville - Road Dedication
(F2004/06326)**

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

376/13

RESOLUTION: (Nash/Smith) that:

- a) Council approve the placement of a Notice on the Land on Kelly Lane, Matraville, notifying, the general public of Council's proposed dedication of the Land and attaching a copy of Deposited Plan 1177189 for a period of 28 days;
- b) following the end of the 28 days, Council publish a notice in the NSW Government Gazette dedicating the land as public road; and
- c) Council give authority to the General Manager to sign and affix the Council seal to any necessary notice and dedication documentation.

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

GF11/13 Confidential - 2R Lee Street, Randwick also known as part Nancye Street - Road Dedication (F2004/06325)

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

377/13 **RESOLUTION: (Nash/Smith) that:**

- (a) Council approve the placement of a Notice on the Land on 2R Lee Street, Matraville, notifying, the general public of Council's proposed dedication of the Land and attaching a copy of Deposited Plan 561206 for a period of 28 days;
- (b) following the end of the 28 days, Council publish a notice in the NSW Government Gazette dedicating the land as public road; and
- (c) Council give authority to the General Manager to sign and affix the Council seal to any necessary notice and dedication documentation.

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

CS2/13 Confidential - T13/12 Gymnasium Equipment - Des Renford Leisure Centre (F2012/00401)

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

378/13 **RESOLUTION: (Nash/Smith) that:**

- a) under Regulation 178(1)(a) of the *Local Government (General) Regulation 2005*, Council accepts the tender offered by Technogym at a lump sum price of \$613,782.82 to carry out T13/12 Gymnasium Equipment - Des Renford Leisure Centre;
- b) the General Manager, or delegated representative, be authorised to execute a contract on behalf of Council; and
- c) the unsuccessful tenderers are notified.

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

CS3/13 Confidential - Tender for the Supply of Tractors for Open Space and Beach Cleaning Services (F2012/00501)

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

379/13 **RESOLUTION: (Nash/Smith) that:**

- a) under Regulation 178(1)(b) of the *Local Government (General) Regulation 2005*, Council declines to accept any of the tenders;
- b) Council requests quotations from suitable suppliers through the Local Government Procurement Panel Contract;
- c) the General Manager, or delegated representative, be authorised to execute a contract on behalf of Council; and

d) the unsuccessful tenders are notified.

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

**CS4/13 Confidential - Tender for Footpath Sweeper - T14/12
(F2012/00450)**

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

380/13

RESOLUTION: (Nash/Smith) that:

- a) under Regulation 178(1)(a) of the *Local Government (General) Regulation 2005*, Hako Australia Pty Ltd be accepted as the successful tenderer;
- b) the General Manager, or delegated representative, be authorised to execute a contract on behalf of Council; and
- c) the unsuccessful tenderers are notified.

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

Open Session

That the meeting move back into open session.

Notice of Rescission Motions

Nil.

There being no further business, His Worship the Mayor, Cr T Bowen, declared the meeting closed at 11.52pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 26 March 2013.

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CHAIRPERSON