

**MINUTES OF ORDINARY COUNCIL MEETING
MEETING OF THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 28TH MAY, 2002 AT 6.26 P.M.**

PRESENT:

His Worship the Mayor, Cr D. Sullivan (North Ward) (Chairperson)

Councillor M. Daley (South Ward) (Deputy Mayor)

North Ward	-	Crs J. Greenwood and P. Tracey
South Ward	-	Cr A. White
East Ward	-	Crs F. Backes, B. Notley-Smith and M. Matson
West Ward	-	Crs P. Schick, M. Whitehead and J. Procopiadis
Central Ward	-	Crs C. Bastic and A. Andrews

OFFICERS PRESENT:

General Manager	Mr. G. Messiter.
Director Asset & Infrastructure Services	Mr. M. Savage.
Acting Director Planning & Environment	Ms. S. Truuvvert.
Director Governance Management & Information Services	Mr. M. Hummerston.
Public Officer	Mr. P. Smith.
Acting Communications Manager	Ms. L. Fragiacomio.
Manager Performance Improvement	Ms. K. Walshaw.
Acting Manager Strategic Planning	Ms. K. Armstrong.
Manager Waste	Mr R. Wade.

1. COUNCIL PRAYER

The Council Prayer was read by His Worship the Mayor, Cr D. Sullivan.

2. APOLOGY.

An apology was received from Cr Seng.

RESOLVED: (Notley-Smith/Andrews) that the apology be received and accepted and leave of absence be granted to Cr Seng from the Ordinary Council Meeting held on Tuesday, 28th May, 2002.

2A. LEAVE OF ABSENCE.

Leave of Absence had previously been granted to Cr Matthews, Minute No. 93/2002.

3. MINUTES

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY, 23RD APRIL, 2002.

- 95 **RESOLUTION: (Bastic/Schick)** that the Minutes of the Ordinary Council Meeting held on Tuesday, 23rd April, 2002 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

CONFIRMATION OF THE MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON TUESDAY, 30TH APRIL, 2002.

- 96 **RESOLUTION: (Procopiadis/Schick)** that the Minutes of the Extraordinary Council Meeting held on Tuesday, 30th April, 2002 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

CONFIRMATION OF THE MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON TUESDAY, 14TH MAY, 2002.

- 97 **RESOLUTION: (Andrews/Daley)** that the Minutes of the Extraordinary Council Meeting held on Tuesday, 14th May, 2002 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.
- 98 **RESOLUTION (PROCEDURAL MOTION): (Procopiadis/Bastic)** that Mayor's Minute No. 33/2002 be dealt with at this stage of the meeting. (See Minute No. 101)

RESOLVED: (His Worship the Mayor, Cr D. Sullivan) that the meeting be adjourned at 6.44 p.m. to permit members of the public entitled and wishing to address the assembled Councillors.

4. ADDRESSES TO THE COUNCIL BY THE PUBLIC.

1. Mr Bruce Phillips, 13 Cairo Street, Coogee on Item 9.1, Director Planning & Environment's Report No. 26/2002 – 11 Cairo Street, Coogee.
2. Dr Bill Bye, 31 Mermaid Avenue, Coogee on item 9.2, Director Planning & Environment's Report No.27/2002 – 33 Mermaid Avenue, Coogee.
3. Dr Anthony Malouf, 9 Harrison Avenue, Maroubra on item 9.2, Director Planning & Environment's Report No.27/2002 – 33 Mermaid Avenue, Coogee.
4. Mr Christopher Alexandrou, 16 Cottenham Avenue, Kensington on item 9.3, Director Planning & Environment's Report No.28/2002 – Kensington Town Centre Urban Improvement Programme – Peer Review Group.
5. Ms Rosemary Edwards, 4 Inglethorpe Avenue, Kensington on item 9.3, Director Planning & Environment's Report No.28/2002 – Kensington Town Centre Urban Improvement Programme – Peer Review Group.

RESOLVED: (Daley/Bastic) that the meeting was adjourned at 7.00 p.m. The meeting was resumed at 7.16 p.m. by His Worship the Mayor, Cr D. Sullivan.

99 **RESOLUTION (PROCEDURAL MOTION): (Procopiadis/Bastic)** that items 9.3, 9.1 & 9.2 (Director of Planning's Reports 28,26 & 27/2002) be dealt with in that order following the addresses to the Council by the Public. (See Minute Nos. 124,122 & 123)

AMENDMENT: (Matson/Whitehead) that item 9.3, DP&E Report No. 28/2002 be dealt with by Council sitting as a Committee-of-the-Whole. **LOST.**

5. MAYORAL MINUTES.

5.1 MAYOR'S MINUTE 32/2002 - FILMING OF COMMERCIAL FOR THE MUSCULAR DYSTROPHY ASSOCIATION - WAIVING OF FEES. (98/S/0636)

100 **RESOLUTION: (His Worship the Mayor, Cr D. Sullivan)** that Council waive fees and charges of \$792.00 associated with the filming of a commercial on behalf of the Muscular Dystrophy Association of NSW and this be funded from the Councillors' Bids Vote.

MOTION: (His Worship the Mayor, Cr D. Sullivan) SEE RESOLUTION.

5.2 MAYOR'S MINUTE 33/2002 - ABORIGINAL RECONCILIATION. (98/S/4658)

(Note: This item was dealt with prior to Item 4 – Public Addresses)

(His Worship the Mayor, Cr D. Sullivan presented to Mr Ken Foster, La Perouse Aboriginal Land Council, the Randwick Council Draft Commitment to Reconciliation to the Aboriginal and Torres Strait Islander Residents of the City.)

101 **RESOLUTION: (His Worship the Mayor, Cr D. Sullivan)** that:

- (a) Council accept the Draft Commitment to Reconciliation to the Aboriginal and Torres Strait Islander Residents of the City; and.
- (b) in keeping with the principles of reconciliation, Council's Community Development Team work together in consultation with local Aboriginal and Torres Strait Islander organizations and communities to seek feedback and input into the Draft Statement of Commitment.

(Note: The Mayor's Minute was unanimously carried by Council.)

MOTION: (His Worship the Mayor, Cr D. Sullivan) SEE RESOLUTION.

5.3 MAYOR'S MINUTE 34/2002 - SOUTH MAROUBRA SURF LIFE SAVING CLUB - SEEKING WAIVING OF FEES. (98/S/1137)

102 **RESOLUTION: (His Worship the Mayor, Cr D. Sullivan)** that Council vote \$315.70 to cover the fees associated with the boat carnival held on 16 February 2002, at South Maroubra Beach and this be funded from the Councillors' Bids Vote.

MOTION: (His Worship the Mayor, Cr D. Sullivan) SEE RESOLUTION.

5.4 MAYOR'S MINUTE 35/2002 - SOUTH MAROUBRA SURF LIVE SAVING CLUB - ACCESS ROAD. (98/S/1609)

103 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan)* that Council agree to the request of the South Maroubra Surf Life Saving Club to rename the access road in honour of Bernie Kelly.

MOTION: *(His Worship the Mayor, Cr D. Sullivan)* SEE RESOLUTION.

5.5 MAYOR'S MINUTE 36/2002 - IN-KIND SUPPORT FOR COOGEE DOLPHIN STREET PLAYGROUP. (R/0238/00)

104 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan)* that Council agree to the request of the Coogee Dolphin Street Playgroup, to fund the difference between the Playgroup's contribution and the cost of the project to construct a concrete pathway, ramp and bikeway at the Scout Hall, corner of Dolphin and Mount Street, Coogee and the source of this funding be the Councillors' Bids Vote.

MOTION: *(His Worship the Mayor, Cr D. Sullivan)* SEE RESOLUTION.

6. GENERAL MANAGERS' REPORTS.

6.1 GENERAL MANAGER'S REPORT 8/2002 - 2001/2002 BUDGET - REVIEW AS AT 31 MARCH 2002. (98/S/3562)

105 **RESOLUTION:** *(Bastic/Whitehead)* that:

(a) *the General Manager's Report 8/2002 in relation to the March 2002 budget review be received and noted; and*

(b) *the budget variations referred in paragraph (b) in that report be adopted.*

MOTION: *(Bastic/Whitehead)* SEE RESOLUTION.

6.2 GENERAL MANAGER'S REPORT 9/2002 - MARCH QUARTER REVIEW 2001/04 MANAGEMENT PLAN. (98/S/0555)

106 **RESOLUTION:** *(Procopiadis/Bastic)* that the information contained in the General Manager's Report 9/2002 on the March Quarter Review – 2001/04 Management Plan be received and noted.

MOTION: *(Procopiadis/Bastic)* SEE RESOLUTION.

7. DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORTS.

7.1 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 54/2002 - FRENCHMANS BAY - PLAN OF MANAGEMENT. (98/S/1281)

107 **RESOLUTION:** *(Daley/White)* that:

(a) *the draft Frenchman's Bay Draft Plan of Management (November 2001) be adopted as the Frenchman's Bay Plan of Management May 2002 with the*

amendments required by DLWC;

- (b) *the adopted POM (May 2002) be forwarded to DLWC for adoption by the Minister;*
- (c) *works identified as high priority be commenced in the 2002-03 financial year in accordance with the provision of funding identified in Council's 2002-03 Capital Works Program; and*
- (d) *an implementation Committee comprising the three (3) South Ward Councillors, the Mayor and the Director Asset & Infrastructure Services be established and be responsible for the implementation of the Plan of Management.*

MOTION: (Daley/White) SEE RESOLUTION.

7.2 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 55/2002 - PART OF MACQUARIE STREET, CHIFLEY - PROPOSED ROAD CLOSURE. (R/0491/00 xr 98/S/0755)

108 **RESOLUTION: (White/Daley) that subject to the Department of Education:**

- (a) *accepting the section of land shown in Attachment A as part of its school holding;*
- (b) *negotiating with the other objectors to remove their objections by providing rights-of-way, easements and/or other mechanisms; and*
- (c) *Council apply to the Department of Land and Water Conservation to close the section of Macquarie Street from Mitchell Street in a northerly direction to Chifley Public School (Attachment B) and transfer this land to the Department of Education, provided that all of the above negotiations, application fees, etc, result in no further cost to Council.*

MOTION: (White/Daley) SEE RESOLUTION.

7.3 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 56/2002 - LOCAL DISASTER PLANS - EMERGENCY RISK MANAGEMENT. (98/S/1474)

109 **RESOLUTION: (Bastic/Andrews) that Council support the Emergency Risk Management process to be conducted over the next six months.**

MOTION: (Bastic/Andrews) SEE RESOLUTION.

7.4 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 57/2002 - CIGARETTE BUTT LITTER (98/S/3917)

110 **RESOLUTION: (Schick/Andrews) that:**

- (a) *Council note the report on Cigarette Butt Litter;*
- (b) *Council agree in principle to Council supporting the launch of the BUTTsOUT© personal ashtray, without exclusive favour to this product;*

- (c) *Council note that footway café licence conditions are the appropriate method of prescribing outcomes in relation to the management of smoking;*
- (d) *Council write to the Environment Protection Authority and Keep Australia Beautiful NSW and propose further measures to increase smokers' individual responsibilities for correct disposal of cigarette butts and to access grant funding for litter prevention measures;*
- (e) *a further report be submitted to Council outlining the cost and supply of cigarette disposal units;*
- (f) *a plan be prepared to identify appropriate locations for a trial system to be implemented for cigarette disposal units for a 12 month period;*
- (g) *the Rangers continue to issue on the spot fines to offenders; and*
- (h) *Council's Manager Waste also report on the possibility of forming partnerships with community groups to obtain funding under the Local Litter Prevention Education Activities Programme.*

MOTION: (Schick/Andrews) SEE RESOLUTION.

7.5 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 58/2002 - TENDER 8/02 - REPLACEMENT OF OFFSHORE RESCUE VESSEL AND TRAILER. (98/S/4567)

- 111 **RESOLUTION: (Daley/Andrews/)** *that, subject to confirmation from the Randwick District Executive of Surf Lifesaving (Sydney) that they are prepared to meet their share of the cost, the tender submitted by Noosa Cat Australia Pty Ltd for the supply of a 2300 Services Cuddy Noosa Cat and trailer be accepted.*

MOTION: (Daley/Andrews) SEE RESOLUTION.

7.6 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 59/2002 - TENDER FOR PROVISION OF POWER FOR PUBLIC LIGHTING. (98/S/0791)

- 112 **RESOLUTION: (Daley/White) that:**

- (a) *Council receive and note the Director Asset & Infrastructure Services' Report 59/2002 on the tender for energy for public lighting;*
- (b) *Council accept the offer tendered by Maps and Energex Retail Pty Ltd for a period of 24 months; and*
- (c) *Council enter into a contact with Maps and Energex Retail Pty Ltd for a 1 July, 2002 start up.*

MOTION: (Daley/White) SEE RESOLUTION.

**7.7 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 60/2002 -
EXPRESSION OF INTEREST FOR THE THIRD STOREY ADDITION TO
BOWEN LIBRARY. (98/S/4519)**

113 **RESOLUTION:** *(Bastic/Andrews)* that this matter be deferred and be referred to the next meeting of Council.

PROCEDURAL MOTION: *(Bastic/Andrews)* SEE RESOLUTION.

**7.8 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 61/2002 -
MAROUBRA BEACH IMPROVEMENT WORKS PROJECT. (98/S/0730)**

114 **RESOLUTION:** *(Andrews/Bastic)* that:

- (a) Council accept the offer of financial assistance for the Maroubra Beach POM Works project in the amount of \$1,500,000 from the DLWC; and
- (b) Council formally advise the DLWC of its acceptance of the offer of financial assistance for the Maroubra Beach POM Works.

MOTION: *(Andrews/Bastic)* SEE RESOLUTION.

**7.9 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 62/2002 -
TENDER 01/02 PROPERTY MANAGEMENT & ASSOCIATED SERVICES.
(98/S/4558)**

115 **RESOLUTION:** *(Schick/Procopiadis)* that:

- (a) Council accept the Tender submitted by Preston Rowe Paterson Pty Ltd for a period of three (3) years; and
- (b) The Mayor and General Manager be given delegated authority to sign the agreement and that the Council seal be affixed to any necessary document.

MOTION: *(Schick/Procopiadis)* SEE RESOLUTION.

**7.10 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 63/2002 -
MAROUBRA BEACH SKATE PARK FACILITY. (98/S/0740 xr 98/S/4165)**

116 **RESOLUTION:** *(Andrews/Bastic)* that the update Director's Report No. 63/2002 be noted and that a further report be prepared outlining the outcome of the Forum being held on Tuesday 28th May, 2002.

MOTION: *(Andrews/Bastic)* SEE RESOLUTION.

**7.11 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 64/2002 -
SEABREEZE KIOSK, CLOVELLY. (98/S/1017)**

117 **RESOLUTION:** *(Daley White/)* that:

- (a) the Director's Report No. 64/2002 be received and noted; and

(b) *that a copy of the judgement and legal advice be circulated to all Councillors.*

MOTION: (Daley/White) SEE RESOLUTION.

8. DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES' REPORTS.

8.1 DIRECTOR GOVERNANCE MANAGEMENT & INFORMATION SERVICES' REPORT 16/2002 - LOCAL GOVERNMENT REMUNERATION TRIBUNAL – DETERMINATIONS. (98/S/1092 xr 98/S/0090)

118 **RESOLUTION: (Daley/Tracey)** *that a Councillor's Annual Fee of \$15,430 and a Mayor's Annual Fee of \$39,655 be set for the financial year July, 2002 to June, 2003 in accordance with the range stipulated by the Local Government Remuneration Tribunal.*

MOTION: (Daley/Tracey) SEE RESOLUTION.

8.2 DIRECTOR GOVERNANCE MANAGEMENT & INFORMATION SERVICES' REPORT 17/2002 - SUBURB BOUNDARIES - 349 TO 373 AVOCA STREET. (98/S/0064)

119 **RESOLUTION: (Backes/Notley-Smith)** *that:*

- (a) *Council adopt the proposed change of suburb boundary to "Randwick" for properties numbered 349 to 373 Avoca Street, being Lot 1 D.P. 708566, Lots 3,6,7,8,9 & 14 D.P. 8785 and Lots A,B,C,D,E & F D.P. 439521, noting that there were no submissions received and that Council was acting specifically on the request of the affected parties, and forward the proposal to the Geographical Names Board for endorsement and gazettal; and*
- (b) *the affected residents be advised by the Mayor of the Council's decision and of the referral to the Geographical Names Board.*

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

8.3 DIRECTOR GOVERNANCE MANAGEMENT & INFORMATION SERVICES' REPORT 18/2002 - PROVISION OF INFORMATION TO & INTERACTION BETWEEN COUNCILLORS & STAFF. (98/S/0433)

120 **RESOLUTION: (Andrews/Procopiadis)** *that:*

- (a) *Policy No. 1.04.05.dft entitled "Provision of Information to and Interaction between Councillors and Staff be endorsed and adopted as a policy of the Council;*
- (b) *a reference to this Policy be included with the notation of other policies on page 6 of Policy No. 3.04.27 (Staff Code of Conduct);*
- (c) *the Policy Register be updated accordingly;*
- (d) *the Policy and supplementary information on all individual Councillors be included in the induction package for new employees and maintained by Human Resources on Council's Internet site; and*

- (e) *immediate supervisors draw to current staff's attention to existence of the Policy and the supplementary information on all individual Councillors.*

MOTION: (Andrews/Procopiadis) SEE RESOLUTION.

8.4 DIRECTOR GOVERNANCE MANAGEMENT & INFORMATION SERVICES' REPORT 19/2002 - DELEGATION OF AUTHORITY - WAIVING OF FEES. (98/S/1238 XR 98/S/0911)

- 121 **RESOLUTION: (Tracey/Daley)** *that the report of the Director Governance, Management and Information Services No. 19/2002 be received and noted.*

MOTION: (Tracey/Daley) SEE RESOLUTION.

9. DIRECTOR PLANNING & ENVIRONMENT'S REPORTS.

9.1 DIRECTOR PLANNING & ENVIRONMENT'S REPORT 26/2002 - 11 CAIRO STREET, COOGEE (D/0002/2002)

(Note: This item was dealt with following the Addresses to the Council by the Public.)

- 122 **RESOLUTION: (Schick/Procopiadis) that:**

- A. *Council as the responsible authority grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to Modify Development Consent No. 2/02 for permission to reinstate existing walls including modifications to the existing walls and window locations for 11 Cairo Street Coogee in the following manner:*

Condition No.1 is altered to read as follows:

"1. The development must be implemented substantially in accordance with the plans numbered A.01- A.07, drawn by GA Design, dated December 2001, received by Council on the 2nd January 2002, as amended by the plan received by Council on 30th April 2002, 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."

MOTION: (Schick/Procopiadis) SEE RESOLUTION.

PROCEDURAL MOTION: (Notley-Smith/Matson) *that the matter be deferred for an on-site meeting to be arranged with the applicant, Senior Environmental Planning Officer, all interested Councillors and the immediate neighbours for a detailed inspection and assessment of the site and, following that on-site meeting, the Senior Environmental Planner report to the Mayor and the Mayor be granted delegated authority to determine the application. LOST.*

A division was called for by Crs Matson and Greenwood. Voting was as follows:-

For	Against
Andrews	Greenwood

Backes
Bastic
Daley
Procopiadis
Schick
His Worship the Mayor,
Cr D. Sullivan
Tracey
White

Matson
Notley-Smith
Whitehead

**9.2 DIRECTOR PLANNING & ENVIRONMENT'S REPORT 27/2002 - 33
MERMAID AVENUE, MAROUBRA. (D/1168/2001)**

(Note: This item was dealt with following the Addresses to the Council by the Public.)

123 **RESOLUTION:** *(Andrews/Backes) that*

A. *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 1168/2001 for alterations and additions to an existing dwelling at 33 Mermaid Avenue, Maroubra subject to the following conditions:-*

1. *The development must be implemented substantially in accordance with the amended plans numbered 223/01B and 223/02A, dated 04/2002 and received by Council on 18 April 2002, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

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

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

The proposed colours, materials and textures of the development shall be in accordance with the sample board submitted to Council on 10 December 2001.

3 *The consumption of water within the building shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be provided in the construction certificate plans or specifications.*

4. *The privacy screens to the rear balconies shall be deleted to reduce building bulk and permit viewing through the balconies. **Full details to be included in the Construction Certificate plans.***

5. *The sill height of the north west and south east upper floor living room windows are to be increased to be a minimum height of 1.5m above floor level, or alternatively, the windows are to be fixed and provided with translucent, obscured, frosted or sandblasted glazing below 1.5m above floor level. **Full details to be included in the***

Construction Certificate plans.

6. *There must be no encroachment of any part of the structure/s onto the adjoining premises or onto Council's road reserve, footway or public place.*
7. *The floor to ceiling height of the upper floor living room shall be reduced to 2.4m. Full details to be included in the Construction Certificate.*
8. *The area adjoining the laundry on the ground floor and area under the master bedroom shall not be used as a habitable area.*
9. *The enclosure of balconies is prohibited by this consent.*
10. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
11. *The infill panels between the piers of the front fence shall be a minimum 50% open. Full details to be included in Construction Certificate plans*
12. *Landscaping shall be provided to the site to reduce the impact of the development upon the amenity of the environment and a landscape plan shall be submitted to and approved by the Director of Planning & Environment, in accordance with section 80A(2) of the Environmental Planning and Assessment Act 1979, prior to the commencement of any works.*

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

13. *All site stormwater shall be either:*
 - i. *Discharged through a private drainage easement at the rear of the site; and/or*
 - ii. *Discharged to the kerb and gutter in Mermaid Avenue via a pump out system. It is noted that the pump out system shall be designed by a suitably qualified Hydraulic Engineer who shall certify the works on completion. All pump out water must go through a stilling pit prior to being discharged by gravity to the kerb and gutter.*

Details of any works proposed to be carried out in or on a public road/footway are to be submitted to and approved by Council's Director of Planning and Environment prior to commencement of works.

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

14. *All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*
15. *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 requirements of the Home Building Act 1989.*

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

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

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

- *has been informed of the person's name and owner-builder permit number, or*
- *has been given a declaration, signed by the owner of the land that states that the market cost of the labour and materials involved in the work does not exceed \$3,000.*

Details of the builder and compliance with the provisions of the Home Building Act 1989 are to be submitted to Council prior to the commencement of works, on the notice of appointment of the PCA / Intention to commence building work.

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

16. *All demolition work is to be carried out in accordance with the provisions of AS2601-1991. The Demolition of Structures, as in force at 1 July, 1993.*
17. *Prior to the commencement of any 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.*
18. *Prior to the commencement of any building work, a principal certifying authority must be appointed and Council is to be notified accordingly and, at least 2 days notice of the intention to commence building work must be given to Council, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
19. *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 available to the Council officers upon request.*
20. *The building works are to be inspected by the principal certifying authority (or other suitably qualified person on behalf of the applicant) to monitor compliance with Council's approval and the relevant standards of construction.*

Documentary evidence of compliance with Council's approval and relevant building inspections, is to be maintained by the principal certifying authority.

21. *Building and demolition works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays*

and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.

22. *A sign must be erected on the site in a prominent, visible position, prior to commencing any demolition, excavation or building works, stating that 'unauthorised entry to the site is prohibited' and showing the name of the person in charge of the work site and a telephone number at which the person may be contacted outside working hours.*

In the case of residential building work, the sign is also required to detail the licence number of the building contractor or the permit number of the owner-builder, in accordance with the Home Building Act 1989 and Regulations

- 23 *Noise emissions during the construction of the building and associated site works must comply with the relevant provisions of the Protection of the Environment Operations Act 1997 & the Noise Control Manual published by the Environment Protection Authority, except as may be amended by the conditions of this approval.*

- 24 *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 at all times.*

- 25 *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written consent of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Council's Local Approvals Policy.*

26. *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 protected to prevent them from being dangerous to life or property.*

27. *Retaining walls or shoring 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, if the soil conditions require it, and adequate provisions are to be made for drainage.*

Retaining walls and shoring are to be designed and installed in accordance with the relevant requirements of the Building Code of Australia and Australian Standards and details of any proposed retaining walls are to be submitted to the Principal Certifying Authority for consideration prior to installation.

28. *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.*

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.

Hoarding or fences are to be structurally adequate and be constructed in a good and workmanlike 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.*

The following conditions are applied to ensure that reasonable levels of fire safety are provided in the building:

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

Smoke alarms must comply with AS3786 – Smoke alarms and be connected to the consumer mains electric power supply and provided with a battery back-up.

The smoke alarms are to be installed in suitable locations on or near the ceiling, in any storey containing bedrooms; located between each part of the dwelling containing the bedrooms and the remainder of the dwelling, or where bedrooms are served by a hallway, the smoke alarms are to be located in that hallway; and smoke alarms are to be installed in any other storey not containing bedrooms, to the satisfaction of the certifying authority.

Smoke alarms are not to be located in ‘dead-air-spaces’, in the corner junction of walls and ceilings between exposed rafters/joists or at the apex of raked ceilings, as detailed in Part 3.7.2 of the B.C.A. – Housing Provisions.

*Details of compliance with the provisions of the Building Code of Australia must be included in the plans / specification for the **construction certificate**.*

The following conditions are applied to provide adequate security against damage to Council’

30. *The following vehicular crossing deposit requirement is to be complied with prior to a construction certificate being issued for the development, as security for Council or a Council approved subcontractor to construct the vehicular crossing.*

a) \$1000.00 - Vehicular crossing deposit

The vehicular crossing deposit may be provided by way of cash or cheque with the Council and is refundable upon the completion of the Council vehicular crossing by Council or a Council approved subcontractor.

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

31. *The applicant must meet the full cost for Council or a Council approved contractor*

to:

- a) *Remove the existing vehicular crossing and construct a new full width concrete vehicular crossing and layback to suit the modified vehicular entrance to the site.*
32. *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.*
33. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*

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

34. *The Council's Department of Asset & Infrastructure Services has inspected the above site and have determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, must match the back of the existing kerb at all points opposite the kerb, along the full site frontage.*
- Any enquiries regarding this matter should be directed to Council's Assets & Infrastructure Services Department.*
35. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the kerb must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
36. *The above alignment levels have been issued by the Council's Department of Asset & Infrastructure Services at a prescribed fee of \$66.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.*
37. *The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the alignment level as specified for the vehicular access. This condition has been attached to accommodate future footpath construction at this location.*

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

38. *The applicant must meet the full cost for Testa, Energy Australia, Sydney Water or Natural Gas Company to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*

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

39. *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. Such works shall be completed at the applicant's expense prior to the issue of the Occupation Certificate.*
40. *The nature strip upon Council's footway shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but not be limited to, watering, mowing, fertilising, and the removal of weeds.*
41. *In order to visually 'soften' the expanses of hard pavement, brick unit pavers or similar shall be used throughout the driveway and carpark areas on the site. Such details shall be shown on the detailed engineering documentation and shall include all structural design details including pavement/subgrade thickness.*

Such details shall be in accordance with the relevant Australian Standard and shall be submitted to, and approved by, an Accredited Principal Certifying Authority, prior to the issue of the Construction Certificate.

Advisory Conditions

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

MOTION: (Andrews/Backes) SEE RESOLUTION.

PROCEDURAL MOTION: (Matson/Greenwood) that the matter be deferred to allow for further mediation to take place. **LOST.**

(Cr Matson requested that his name be recorded as opposed to the resolution.)

9.3 DIRECTOR PLANNING & ENVIRONMENT'S REPORT 28/2002 - KENSINGTON TOWN CENTRE URBAN IMPROVEMENT PROGRAM PEER REVIEW GROUP. (98/S/3849)

(Note: This item was dealt with following the Addresses to the Council by the Public.)

124 **RESOLUTION: (Bastic/Andrews) that:**

- (a) *Council receive and note the Peer Review Group recommendations for the Doncaster Plaza site, for amendment of the draft DCP considered by Council on 26 February 2002;*
- (b) *Council note that the building location zone for the Doncaster Plaza site should be generally in accordance with attachment 3, subject to the following principles:*
 - i. *a maximum height of any building on the site of eight (8) storeys;*

- ii. *a revision of the proportions within the built form in relation to height and set-backs in recognition that a built form stepping back from four (4) storeys then to six (6) and then to eight (8) may not be an appropriate design solution for the site (to avoid the ziggurat effect) and that any built form adjustments along Anzac Parade should appropriately address the parapet height of the Doncaster Hotel;*
 - iii. *any eight (8) storey elements of the built form along the Anzac Parade frontage should generally occupy, in total, not more than 50% of the site's Anzac Parade frontage;*
 - iv. *at least 50% of the site should remain as open space; and*
 - v. *"through links" between Anzac Parade and Doncaster Avenue should be incorporated into any development proposal.*
- (c) *the above principles be incorporated into amendments to the draft DCP (considered by Council on 26th February, 2002) and be reported back to the June Committee Meeting;*
 - (d) *Council receive and note the Peer Review Group recommendations for the Lorne Avenue site, for amendment of the draft DCP considered by Council on 26 February 2002 and defer consideration of this matter for a report at the June Committee Meeting;*
 - (e) *Council agree that the Peer Review Group's related recommendations in relation to the building height measures and floor to ceiling heights be incorporated into the draft DCP;*
 - (f) *Council support a design competition for the Lorne Avenue site, as a means of encouraging innovative, high quality design for the site;*
 - (g) *Council advise the owners of the Doncaster Plaza and the Lorne Avenue sites of Council's resolution, and invite the Doncaster Plaza site representatives to submit any amended proposal; and*
 - (h) *Council express its appreciation to the members of the Peer Review Group for their contribution to the planning and design process for the Kensington Town Centre.*

125 **RESOLUTION: (Bastic/Schick)** *that Council proceed into a Committee-of-the-Whole at 7.26 p.m. (Russell Olsen and Stephen Harris, members of the Peer Review Group, addressed the Council meeting as a Committee-of-the-Whole and answered questions from Councillors.)*

RESOLVED: (Daley/Andrews) that the Council meeting be resumed at 7.50 p.m.

MOTION: (Bastic/Andrews) SEE RESOLUTION.

(Note: This motion was unanimously carried by Council.)

AMENDMENT: (Matson/Greenwood) that Council invite Dr Gatt to attend the June Council meeting. **LOST.**

A division was called for by Crs Matson and Greenwood. Voting was as follows:-

For

Greenwood
Matson
Notley-Smith
Whitehead

Against

Andrews
Backes
Bastic
Daley
Procopiadis
Schick
His Worship the Mayor, Cr D. Sullivan
Tracey
White

10. PETITIONS.

10.1 SUBMITTED BY CR WHITEHEAD ON BEHALF OF THE RESIDENTS OF KENSINGTON SEEKING THE COUNCIL AND THE MINISTER FOR PLANNING TO REJECT THE KENSINGTON DRAFT DCP & LEP (AMENDMENT 27). (98/S/3849)

126 **RESOLUTION:** *(Whitehead/Greenwood)* that the petition be referred to the appropriate Committee with a report from the relevant officer.

MOTION: (Whitehead/Greenwood) SEE RESOLUTION.

11. MOTIONS PURSUANT TO NOTICE.

11.1 By Councillor P. Schick – Council’s Signage Strategy. (98/S/1044 xr 98/S/0178)

127 **RESOLUTION:** *(Schick/Procopiadis)* that a report be prepared for the June Council Meeting which details the Council’s signage strategy for directing visitors to commercial/tourism/leisure locations, including the design criteria associated with the strategy and the timeline for installation of such signage.

MOTION: (Schick/Procopiadis) SEE RESOLUTION.

11.2 By Councillor P. Schick – Coastal Walkway Access. (98/S/1015 xr 98/S/0178)

128 **RESOLUTION:** *(Schick/Bastic)* that in respect to the Coastal Walkway, a report be prepared for the June Council Meeting that outlines the current status and any remedies to the impediment to access in Cuzco Street, South Coogee and the possible future access problem to the pathway adjacent to 30 Marine Parade, Lurline Bay.

MOTION: (Schick/Bastic) SEE RESOLUTION.

11.3 By Councillor M. Matson – Transfer of Parking Responsibilities to Local Government. (98/S/3684 xr 98/S/0178)

MOTION: (Matson/Greenwood) that the General Manager brings forward a report to the next Administration & Finance Committee Meeting detailing:

- (a) Council’s state of readiness to receive increased parking enforcement responsibilities;
- (b) the level of staffing that will be necessary to undertake the new responsibilities;

- (c) how Council has assessed the availability of PPOs for potential recruitment; and
- (d) the projected financial benefit over the next five years from assuming the increased responsibilities. **LOST.**

11.4 Councillor M. Matson – Resident Preferred Parking Schemes. (98/S/3684 xr 98/S/0178)

MOTION: (Matson/Greenwood) that upon assumption of full responsibility for enforcing parking restrictions, Council commences a process of community consultation via the Precinct Committees to consider the adoption in East and North Wards of a Waverley Council style system of Resident Preferred Parking Schemes. **LOST.**

11.5 By Councillor M. Matson – Response to Failure by Commonwealth to Accept Health Risks at South Maroubra. (98/S/1647 xr 98/S/0178)

MOTION: (Matson/Whitehead) that:

- (a) Council will write to the Commonwealth to demand that it admits legal responsibility for the contamination identified by the EPA at South Maroubra and that any Plan of Management that is put into place has a section specifically addressing redemption of the leachate area;
- (b) Council will write to the Special Minister of State raising concern over comments attributed to him in the Sydney Morning Herald of May 20th that the site “does not impose any immediate risk of harm to human health and the environment”. In doing so Council will ask for clarification as to the Minister’s response to the EPA’s classification of the site’s risk; and
- (c) Council commence drafting a Plan of Management, in conjunction with ELEMENT, pending the handing over of the site. **LOST.**

11.6 By Councillor J. Greenwood – Tree Policies and Sydney Coastal Councils. (98/S/0142 xr 98/S/0178)

MOTION: (Greenwood/Matson) that Randwick City Council make representation to the Sydney Coastal Council Group Inc. to establish a working group to consider the issues of trees in coastal areas. **LOST.**

11.7 Councillor J. Greenwood – Rezoning of a Section of Cowper Street. (98/S/1093 xr 98/S/0178)

- 129 **RESOLUTION: (Tracey/Procopiadis)** that the owners of the remaining detached and semi-detached dwellings on the section of Cowper Street, bounded by Church and Prince Streets be surveyed as to the question of their properties being down zoned.

MOTION: (Greenwood/Matson) that the remaining detached and semidetached dwellings on the section of Cowper Street bounded by Church Street and Prince Street be rezoned to 2A. **LOST.**

AMENDMENT: (Tracey/Procopiadis) SEE RESOLUTION.

11.8 By Councillor J. Greenwood – Council’s Policy on Tree Pruning. (98/S/1100 xr 98/S/0178)

MOTION: (Greenwood/Matson) that Council adopt a tree pruning policy that allows residents to apply for permission to prune Council owned trees in Council’s reserves and nature strips with the following provisions;

- (a) the pruning must be done by a qualified arborist at the expense of the applicant;
- (b) the pruning must maintain the character of the tree or shrub. Lopping of single branches will not be permitted;
- (c) that an appropriate application fee be set to cover the cost assessment by Council’s Tree Preservation Officer; and
- (d) an appropriate bond be paid by the applicant prior to pruning to cover the potential cost of repairing inappropriate pruning. **LOST.**

12. URGENT BUSINESS.

Nil.

13. CONFIDENTIAL REPORTS.

Nil.

14. COMMITTEE-OF-THE-WHOLE.

Nil.

15. REPORT OF COMMITTEE-OF-THE-WHOLE.

Nil.

16. NOTICE OF RESCISSION MOTIONS.

Nil.

There being no further business, His Worship the Mayor, Cr D. Sullivan, declared the meeting closed at 9.50 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 25TH JUNE, 2002.

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CHAIRPERSON