

**MINUTES OF ORDINARY COUNCIL MEETING OF THE
COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 27TH AUGUST, 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	-	Crs C. Matthews and A. White
East Ward	-	Crs F. Backes (from 8.21 p.m.) B. Notley-Smith and M. Matson
West Ward	-	Crs P. Schick, M. Whitehead and J.Procopiadis
Central Ward	-	Crs C. Bastic, T. Seng and A. Andrews

OFFICERS PRESENT:

General Manager	Mr. G. Messiter.
Director Asset & Infrastructure Services	Mr. M. Savage.
Acting Director Planning & Community Development	Ms. S. Truuvvert.
Director Governance Management & Information Services	Mr. M. Hummerston.
Public Officer	Mr. P. Smith.
Communications Manager	Ms. D. Brien.
Acting Manager Development Assessment	Mr. K. Kyriacou.
Acting Manager Strategic Planning	Mr. K. Armstrong.

1. COUNCIL PRAYER

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

1a. APOLOGY

Nil.

2. MINUTES

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

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

RESOLVED: (His Worship the Mayor, Cr D. Sullivan/White) that the meeting be adjourned at 6.28 p.m. to permit members of the public entitled and wishing to address the assembled Councillors.

(Cr Bastic left the Chamber at this stage of the meeting.)

3. ADDRESSES TO THE COUNCIL BY THE PUBLIC.

1. Ms Sue Becker, PO Box 756, Rosebery on Item 10.4, Notice of Motion - Increased Funding to the Windgap Foundation and other Service Providers Ltd.
2. Mr Neil Morris, 16 Shackel Avenue, Clovelly on Item 8.1, Director Planning & Community Development's Report 51/2002 - 6 Eastbourne Ave, Clovelly.
3. Mr Rod Plaister, GPO Box 4239, Sydney on Item 8.1, Director Planning & Community Development's Report 51/2002 - 6 Eastbourne Ave, Clovelly.
4. Mr David Aquilina, 260 Arden Street, Coogee on Item 8.2, Director Planning & Community Development's Report 52/2002 – Shop 9, 262-266 Arden Street, Coogee.
5. Mr Alex Udler, 264 Arden Street, Coogee on Item 8.2, Director Planning & Community Development's Report 52/2002 – Shop 9, 262-266 Arden Street, Coogee.
6. Mr Richard Harvey, 89-91 Dangar Street, Randwick on Item 8.4, Director Planning & Community Development's Report 54/2002 – Amended Masterplan for 100-120 King Street, Randwick.
7. Mr Michael Dewar, 72 Marine Parade, Maroubra on Item 8.6, Director Planning & Community Development's Report 56/2002 – 74 Marine Parade.
8. Mr George Clarke, 74 Marine Parade, Maroubra on Item 8.6, Director Planning & Community Development's Report 56/2002 – 74 Marine Parade.
9. Ms Shirley Struk, 16/5 Jersey Road, Matraville on Item 8.11, Director Planning & Community Development's Report 61/2002 – 3R Marine Parade, Maroubra (Pavilion Café – Maroubra Beach)
10. Mr Terry Litton, 61 Perry Street, Matraville on Item 10.1, Notice of Motion by Councillor Matthews, Installation of Traffic Islands on McCauley, Harold and Raymond Streets, Matraville.
11. Mr John Johnson, 512-514 Anzac Parade, Kingsford on Item 10.2, Re-Routing the 302, 357 and 359 Bus Services.

The meeting was further adjourned at 7.31 p.m. by the Mayor.

RESOLVED: (Daley/Notley-Smith) that the meeting be resumed at 8.21 p.m. with Crs Backes and Bastic in attendance

4. MAYORAL MINUTES.

4.1 MAYORAL MINUTE 42/2002 - FORMAL COUNCIL RECOGNITION OF LOCAL SPORTING CHAMPIONS, JANE AND NATALIE SAVILLE. (98/S/1854)

- 179 **RESOLUTION: (His Worship the Mayor, Cr D. Sullivan)** that Council recognise Jane and Natalie Saville's success and recent achievements by inviting them to attend a Council meeting where they will be formally presented with the keys to the City.

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

4.2 MAYORAL MINUTE 43/2002 - COUNCIL RECOGNITION FOR RETIRED VICE CHANCELLOR UNSW, PROFESSOR JOHN NILAND. (98/S/0178(3))

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

- (a) Item 10.4, Notice of Motion by Councillor Bastic be considered in conjunction with Mayor's Minute No. 43/2002; and*
- (b) Council recognise Professor John Niland's immense and continuing contribution to Randwick City by hosting a dinner in the Council Chamber with Professor Niland as guest of honour. The dinner would also provide Council with an opportunity to welcome the new Vice Chancellor of UNSW, Professor Wyatt R. Hume.*

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

4.3 MAYORAL MINUTE 44/02 - KENSINGTON TOWN CENTRE - UPDATE ON RECENT APPEAL TO THE LAND AND ENVIRONMENT COURT. (98/S/4398)

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

- (a) the contents of the Mayor's Minute No. 44/2002 be received and noted; and*
- (b) Sister Moorehead be invited to attend a afternoon tea with the Mayor, the Acting Director of Planning and Community Development and the Place Manager for Kensington to provide an opportunity for a briefing on the situation.*

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

5. GENERAL MANAGERS' REPORTS.

5.1 GENERAL MANAGER'S REPORT 14/2002 - JUNE 2002 QUARTER REVIEW - 2001/04 MANAGEMENT PLAN. (98/S/0555)

182 **RESOLUTION:** *(Andrews/White) that the information contained in the General Manager's Report No. 14/2002, on the June Quarter Review – 2001/04 Management Plan, be received and noted.*

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

5.2 GENERAL MANAGER'S REPORT 15/2002 - AFFIXING OF COUNCIL'S SEAL TO DOCUMENTS. (98/S/2265 xr 98/S/1698)

183 **RESOLUTION:** *(Bastic/Seng) that authority be granted for the Council's Common Seal to be affixed to licence agreements between Council and*

- a) the Clovelly Surf Lifesaving Club Incorporated for the purpose of beach patrolling and surf lifesaving for the area at Coogee Bay Public Reserve (R35571); and*
- b) the Coogee Surf Life Saving Club Incorporated for the purpose of beach patrolling and surf lifesaving for the area at Dunningham Reserve Trust (known as Grant Reserve)*

MOTION: (Bastic/Seng) SEE RESOLUTION.

6. DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORTS.

6.1 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 92/2002 - TENDER 11/02 - CIVIL MAINTENANCE WORKS. (98/S/4655)

184 **RESOLUTION: (Matthews/Daley)** that the item be deferred and be referred to the Works Committee for determination.

MOTION: (White/Backes) that:

- (a) Council accepts the tenders submitted by the following tenderers for the services as nominated below.

Stormwater Drainage -	Remediation Environmental Contractors P/L
Kerb and Gutter -	South West Kerbing Pty Ltd
Asphalt Minor Works -	Remediation Environmental Contractors P/L
Segmental Paving -	K K Civil Engineering
Pavement Marking -	Menai Linemarking Services Pty Ltd
Concrete Works -	Remediation Environmental Contractors P/L
& Restorations	
Landscape Turfing -	Remediation Environmental Contractors P/L
Bricklaying -	Benpave Limited

- (b) The unsuccessful tenderers are notified of the tender result; and
- (c) The Mayor and General Manager or their delegated representative be authorised to enter into agreements for preferred supplier status with the successful tenderers for a period of 2-years with the option of extending the period of the agreement for a further 1-year.

PROCEDURAL MOTION: (Matthews/Daley) SEE RESOLUTION.

6.2 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 93/2002 - ROADS TO RECOVERY PROGRAM 2002-2003. (98/S/3626)

185 **RESOLUTION: (Andrews/Daley)** that:

- (a) the *Roads to Recovery* Programme 2002/2003 allocation of \$57,631 be utilised for heavy patching and resurfacing works at Duncan Street Maroubra, between Malabar Road and Maxwell Street, as prioritised by Council's Pavement Management System; and
- (b) The Mayor write to the Federal Treasurer and Federal Government informing them that this Council intends to spend \$800,000 in the 2003/2004 budget as promised by the Federal Coalition Government, advise that Council will have \$800,000 of rate payers funds to invest as a result of that promise which is still standing and that Council will have a programme and budget ready to implement and, if the programme is withdraw an explanation will be required from the Government, which can be conveyed to the local residents, detailing why it is so that on the promise of direct

funding to roads in the local community it has decided after year three to abandon the programme.

MOTION: (Andrews/Daley) SEE RESOLUTION.

6.3 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 94/2002 - REVISED PROGRAMME ROADWORKS, UNALLOCATED 2002/03 BUDGET. (98/S/0555 xr 98/S/4423)

186 **RESOLUTION: (Daley/Bastic)** *that the revised programme for Roadworks, Unallocated, as amended to reflect the reduced allocation, be as listed in Director Asset and Infrastructure Services' Report dated 15th August 2002.*

MOTION: (Daley/Bastic) SEE RESOLUTION.

6.4 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 95/2002 - 2002/2003 ROAD FUNDING. (98/S/1171)

187 **RESOLUTION: (Andrews/Daley)** *that:*

- a) *Council accept the proposed RTA grants for 2002-2003; and*
- b) *Council re-allocate the \$340,000 allocated for projects which did not receive Roads & Traffic Authority funding in 2002-2003, to the projects listed in the Director Asset and Infrastructure Services' Report dated 14th August 2002, as further amended in the table as follows:*

<i>“Project Description</i>	<i>Council</i>
<i>• Roundabout, Fern Street/Douglas Street Intersection, Clovelly</i>	<i>\$100,000</i>
<i>• Kerb Blister, Ferguson Street at Fitzgerald Avenue, Maroubra</i>	<i>\$10,000</i>
<i>• Kerb Blister, Byron Street south western cnr. Coogee Bay Road, Coogee</i>	<i>\$10,000</i>
<i>• Traffic calming devices within north Maroubra Traffic Plan, Storey St, Percival St and Snape St</i>	<i>\$20,000”</i>

MOTION: (Andrews/Daley) SEE RESOLUTION.

6.5 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 96/2002 - KENSINGTON / WEST KINGSFORD LATM SCHEME - PROPOSED TRIAL IN WEST KENSINGTON. (98/S/4405)

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

- a) *No action be taken to partially close Virginia Street, McDougall Street or Milroy Avenue at Lenthall Street; and*
- b) *Council's traffic consultant be requested to investigate the feasibility of providing speed reducing devices in Virginia Street, McDougall Street and Baker Street as part of the overall LATM study and a report be brought back to the October Council meeting on the matter.*

MOTION: (Procopiadis/Schick) SEE RESOLUTION.

6.6 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 97/2002 - MOVEABLE FOOTWAY SIGNS (ADVERTISING SANDWICH BOARDS & A-FRAME SIGNS). (98/S/1802)

189 **RESOLUTION:** (*Bastic/Andrews*) that a report be prepared in accordance with the Council's original resolution of 24th July, 2002 and that report also deal with the issue of whether poster advertising falls within the provisions of Section 11 of the Roads Regulation.

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

6.7 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 98/2002 - SEWERAGE/STORMWATER DRAIN POLICY. (98/S/4687 xr 98/S/4688)

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

(a) *Randwick City Council adopts the Sewerage/Stormwater Drain Blockage Policy;*

(b) *the policy register be updated accordingly; and*

(c) *a briefing be held for Councillors on the Street Tree Master Plan.*

MOTION: (*Daley/White*) SEE RESOLUTION.

6.8 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 99/2002 - CENTENARY TREE PLANTING PROJECT. (98/S/3669 xr 98/S/0973)

191 **RESOLUTION:** (*White/Daley*) that 100 super-advanced *Angophora costatas* be purchased by Council and planted out along the central median strip of Anzac Parade, Little Bay, adjacent to where the existing trees of the same species are growing and that a suitable commemorative plaque be installed at the site upon completion of the planting.

MOTION: (*White/Daley*) SEE RESOLUTION.

AMENDMENT: (*Matson/Notley-Smith*) that the proposed planting maintain at least a seven (7) metre wide corridor to facilitate possible future light rail arrangements. **LOST.**

7.1 DIRECTOR GOVERNANCE MANAGEMENT & INFORMATION SERVICES' REPORT 29/2002 - DELEGATION OF AUTHORITY TO GENERAL MANAGER - ACTS OF PARLIAMENT ALTERATIONS, ETC. (98/S/1238)

192 **RESOLUTION:** (*Daley/Backes*) that:

(a) *The alterations to the Council's Policy No. 2.01.04, Delegation of Authority, as detailed in the Director Governance, Management and Information Services Report No. 29/2002 be adopted;*

(b) *Pursuant to Section 377 of the Local Government Act, and subject to compliance with all Council policies and lawful directions made by Council or any public authority, Council hereby delegates to the General Manager authority to exercise or perform on behalf of Council all the revised powers, authorities, duties and functions as detailed in the Director's Report No. 29/2002; and*

(c) *The Policy Register be updated accordingly.*

MOTION: (Daley/Backes) SEE RESOLUTION.

8. DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORTS.

**8.1 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
51/2002 - 6 EASTBOURNE AVE CLOVELLY. (D/0236/2001)**

193 **RESOLUTION: (Bastic/Daley) 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. 236/01 'A' on property 6 Eastbourne Ave Clovelly in the following manner:*

Amend Condition No 1 to read:

"1. The development must be implemented substantially in accordance with the amended plans numbered and titled:

- i) J17-00 A-01 (A) – Site Plan*
- ii) J17-00 A-02 (A) – Lower Ground Floor Plan*
- iii) J17-00 A-03 (A) – Ground Floor Plan*
- iv) J17-00 A-04 (A) – First Floor Plan*
- v) J17-00 A-05 (A) – Rear Yard Plan*
- vi) J17-00 A-06 (A) – Front Elevation (to Eastbourne Avenue)*
- vii) J17-00 A-07 (A) – Side Elevation (East)*
- viii) J17-00 A-08 (A) – Rear Elevation (North)*
- ix) J17-00 A-09 (A) – Side Elevation (West)*
- x) J17-00 A-10 (A) – Section A*

dated July 2001 and date stamped received by Council on 17 August 2001, the application form and any supporting information received with the application, as may be amended by the following conditions and as amended by plans dated J17-00 A-01(B), 03 (D), 04(E), A-07(E) and 08(D) dated July 2001 and stamped received on the 20 June 2002."

Include condition No. 47

47. A privacy screen shall be provided to the eastern end of the platform of the proposed stairs at a height of 1500mm and to be of louvered design to protect the amenity of the property to the east of the subject site. Details of this privacy screen are to be provided with the application for Construction Certificate.

Include condition No. 48

48. The proposed external stair shall be used as emergency fire escape only and is not be used as a primary point of access for the first floor occupancy.

Include condition No. 49

49. *The proposed external stair shall be of a design and finish consistent and in keeping with the approved built form and finishes of the dual occupancy development.*

Include advisory condition No. A7

- A7 *The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA).*

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

- A) *Part D1 - Construction of stairs*

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

MOTION: (Bastic/Daley) SEE RESOLUTION.

**8.2 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
52/2002 - SHOP 9/262-266 ARDEN STREET, COOGEE (D/0464/2002)**

194 **RESOLUTION: (Backes/Daley) 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 464/02 for use existing shop premises as a Real Estate Agency at Shop 9/262-266 Arden Street, Coogee subject to the following conditions:*

1. *The development must be implemented substantially in accordance with the plans unnumbered, undated and received by Council on 20th May 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:*

2. *The hours of operation for the business are to be restricted to:*

Monday to Friday 9:00am – 5:30pm

Saturday 9:00am – 12:00pm

No changes are to be made to the hours of operation without Council consent.

3. *This consent only applies to the use of the building for the purpose of a Real Estate Agency. This approval does not cover any associated building works.*

4. *The use shall be restricted to the area designated on the plans.*

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

5. *The use and operation of the premises shall not give rise to an environmental health nuisance to the adjoining/nearby premises or environment.*

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

6. *Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials.*

The following conditions are applied to maintain reasonable levels of environmental amenity:

7. *The storage of boxes, cartons, pallets, goods or any other material relating to operation of the business other than a commercial garage bin must be wholly contained within the premises.*
8. *No goods, or machinery or advertising signs are to be placed on Council's footway at any time.*

MOTION: (Backes/Daley) SEE RESOLUTION.

AMENDMENT: (Matson/Greenwood) that the consent operate for a trial period of twelve months. **LOST.**

8.3 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 53/2002 - AFFIXING OF COUNCIL'S SEAL TO DOCUMENTATION - DEPARTMENT OF AGEING, DISABILITY AND HOME CARE. (98/S/1999. (PART 2)

(Note: Minute No. 195 not utilised.)

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

- (a) *authority be granted for the Council's Common Seal to be affixed to the funding agreement with the Department of Ageing, Disability and Home Care and ancillary documents; and*
- (b) *Council offer its congratulations by way of framed certificates to the two Council staff members of the Home Maintenance and Modification Service.*

MOTION: (Bastic/Andrews) SEE RESOLUTION.

8.4 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 54/2002 - AMENDED MASTER PLAN FOR 100 - 120 KING STREET, RANDWICK. (98/S/3827)

197 **RESOLUTION: (Daley/Procopiadis) that Council:**

- a) *Adopt the amended master plan for an aged care housing facility at Lot 202 DP 879576, 100-120 King Street, Randwick.*
- b) *Resolve to prepare and exhibit a draft local environmental plan under Sections 54, 64 and 65 of the Environmental Planning and Assessment Act 1979 to give effect to the*

amended master plan provisions and remove any zoning anomaly arising from the adoption of the amended master plan by permitting the additional use on part of the site for local shops.

- c) *Resolve that the amended master plan be adopted for a period of five (5) years from date of adoption being 27 August 2002.*
- d) *Note that, adoption of the amended master plan will be subject to the variations as outlined in the report dated 10 July 2001, upon which it will replace in whole the master plan adopted by Council on 10 July, 2001 which relate to Lot 210 and Lot 202 of DP 879576 (88-100 and 100-12 King Street Randwick).*

MOTION: (Daley/Procopiadis) SEE RESOLUTION.

8.5 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 55/2002 - 11 LEONARD AVENUE, KINGSFORD. (D/0684/2002)

(Cr Schick declared an interest in this item as he is the owner of the property and he left the Chamber and took no part in the discussion or voting on the matter.)

198 **RESOLUTION: (Procopiadis/Bastic)** *that Council, as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 684/02 for permission to erect a new upper level balcony and replacement of existing window with doors at rear of existing dwelling house at 11 Leonard Avenue, Kingsford, subject to the following conditions:-*

- a) *The development must be implemented substantially in accordance with the plan numbered DA-01, dated July 2002 and received by Council on 17 July 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:

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

Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of Planning & Environment, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to commencement of any building works.

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

- c) *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.

- d) *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:

- e) *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.*
- f) *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.*
- g) *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.*
- h) *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.

- i) 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.*
- j) 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

- k) 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.*
- l) 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.*

MOTION: (Procopiadis/Bastic) SEE RESOLUTION.

8.6 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 56/2002 - 74 MARINE PDE MAROUBRA. (D/1153/2001)

(Cr Schick returned to the Chamber at this stage of the meeting.)

199 **RESOLUTION: (Andrews/Daley) that:**

- (a) the matter be deferred for a further two weeks to allow for amended plans to be lodged;*
- (b) if amended plans are not submitted within that period, the Director Planning and Community Development be granted delegated authority to determine the application; and*
- (c) the objector be advised if the amended plans are submitted.*

MOTION: (Andrews/Daley) SEE RESOLUTION.

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

8.7 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 57/2002 - INTEGRATION OF COUNCIL'S AFFORDABLE HOUSING POLICY & COUNCIL'S PLANNING INSTRUMENTS. (98/S/2735)

200 **RESOLUTION: (Tracey/Backes) that Council:**

- a) *Note and endorse the planning investigations underway to date on the affordable housing LEP and DCP provisions and other initiatives;*
- b) *Agree, under S.65 of the Environmental Planning and Assessment Act 1979, to the exhibition of the draft Affordable Housing LEP to incorporate aims and definitions and any appropriate provisions relating to Affordable Housing;*
- c) *Confirm its support and direction that in preparation of the draft LEP and DPC, consideration be given to the use of bonuses for provision of Affordable Housing; and*
- d) *Agree to write to the Minister for Planning:*
 - i. *Expressing Council's concern about the failure of SEPP 70 to recognise the need for affordable housing in Randwick City;*
 - ii. *Requesting that SEPP 70 be amended and/or the new SEPP be expedited to enable Randwick City to progress a new affordable housing scheme, including an LEP and DCP; and*
 - iii. *Seeking that the Minister validate Council's ability to levy for the loss of affordable housing under its S94 Plan, recognising this as a significant opportunity to actively provide affordable housing in Randwick City.*

MOTION: (Tracey/Backes) SEE RESOLUTION.

8.8 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 58/2002 - RELOCATION OF COUNCIL'S GREEN WASTE AND CONCRETE RECYCLING FACILITY TO 15 BUMBORAH POINT ROAD, PORT BOTANY. (98/S/3862)

201 **RESOLUTION: (Daley/White)** *that Council resolve under sections 54 and 64 of the Environmental Planning and Assessment Act 1979, to prepare and exhibit a draft Local Environmental Plan Amendment No. 32 permitting the site at No. 15 Bumborah Point Road, Port Botany to be used for the purpose of a recycling facility.*

MOTION: (Daley/White) SEE RESOLUTION.

8.9 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 59/2002 - 54 CANBERRA ST, RANDWICK. (D/0515/2002)

202 **RESOLUTION: (Backes/Greenwood)** *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 D/0515/2002 for Alterations to ground floor and first floor additions to existing semi-detached dwelling house at 54 Canberra St, Randwick subject to the following conditions: -*
 - 1. *The development must be implemented substantially in accordance with the plans numbered AR/310/01 to 07 dated 07/03/02 and received by Council on 31/05/2002, 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 existing development to maintain the integrity and amenity of the building and the streetscape.*

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

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 height of the proposed addition at the rear (consisting of family room, storage and mezzanine) is to be reduced by 0.3m by:
 - i. *Reducing the internal ceiling height*
 - ii. *Lowering the height of the external walls of the building**

so that the maximum height of the building does not exceed RL 15.340 and details of compliance are to be provided in the construction certificate plans.

5. *The sill height of the mezzanine room southern windows are to be increased to a minimum height of 1.6m above floor level, or alternatively, the windows are to be provided with translucent, obscured, frosted or sandblasted glazing below the specified level. Details of compliance are to be provided in the **construction certificate plans.***

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:

6. *Surface water/stormwater must be drained and discharged to the street gutter and details are to be included in the **construction certificate details** for the development.*

*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:

7. *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.*
8. *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 group of conditions have been applied to ensure the structural adequacy and integrity of the proposed building and adjacent premises:

9. *A Certificate of Adequacy supplied by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) **prior to a construction certificate being issued** for the development, certifying the structural adequacy of the proposed 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:

10. *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.*
11. *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.*
12. *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.

13. *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.*
14. *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.

15. *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.*
16. *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.

17. *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.*
18. *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.*
19. *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.*

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

20. *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 consideration for service authority assets:

21. *The applicant shall liaise with Sydney Water regarding their requirements for construction over the sewer line. Documentary evidence from Sydney Water confirming that their requirements have been satisfied, must be submitted to the certifying authority prior to a construction certificate being issued for the development.*
22. *The applicant must meet the full cost for Telstra, 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:

23. *That part of the nature strip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'ANL Organic Garden Mix', and re-turfed with Kikuyu turf. Such works shall be completed at the applicants expense prior to the issue of the Occupation Certificate.*

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.

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.

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.

MOTION: (Backes/Greenwood) SEE RESOLUTION.

**8.10 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
60/2002 - 135-143 BEACH STREET COOGEE. (D/0651/2002)**

203 **RESOLUTION: (Backes/Daley)** *that Council as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No.651/02 for permission to carry out fire safety upgrading works to the Coogee Surf Club subject to the following conditions:*

- a) *The development must be implemented substantially in accordance with the plans dated 9th February 2002 and received by Council on the 10th July 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:

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

- c) *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.*

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:

- d) *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.*
- e) *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.

- f) 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.*
- g) 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.

- h) 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.*
- i) 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.*

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

- j) The applicant must meet the full cost for Council, or a Council approved contractor, to undertake all civil works in Beach Street, (immediately west of the development site), as required to establish a pedestrian link between the paved area in Beach Street and the proposed club entry/exit points at Section 1-1 and Section 2-2. The subject civil works shall include, (but not be limited to), alterations to the existing retaining wall, alterations to the existing stainless steel handrail and alterations to the concrete capping units located on top of the retaining wall and adjacent to the entry/exit door at Section 1-1.*
- k) 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.*
- l) 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:

- m) *The Council's Department of Asset & Infrastructure Services has inspected the above site and have determined that the design alignment level for the concrete slabs linking the proposed fire doors with the footpath in Beach Street must match the back of the existing paved footpath area at all points along the two slabs.*

Any enquiries regarding this matter should be directed to Council's Assets & Infrastructure Services Department on 9399 0924.

The design alignment level at the property boundary must be strictly adhered to.

- n) *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*

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

- o) *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.*
- p) *The applicant must meet the full cost for Telstra, 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.*

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.

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.

MOTION: (Daley/Backes) SEE RESOLUTION.

8.11 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 61/2002 – 3R MARINE PARADE, MAROUBRA (PAVILLION CAFÉ – MAROUBRA BEACH. (D/0433/2002)

204 ***RESOLUTION: (Matthews/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 D/0433/2002 for enclosing the open dining area of the Pavilion Cafe at Maroubra Beach, 3R Marine Parade, Maroubra (Pavilion Cafe-Maroubra Beach) subject to the following conditions: -

- 1. The development must be implemented substantially in accordance with the plans comprising of three (3) sheets numbered sheet 1 of 3 to sheet 3 of 3 dated 06/05/2002, received by Council on 14 May 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 hours of operation for the Pavilion kiosk/café are restricted from 7.00 am to 12 midnight Monday to Sunday.

All food services to customers shall only be provided within the abovementioned hours of operation and all patrons must vacate the area within 30 minutes of the specified hours.

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

- 2. 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.*

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

- 3. 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.*
- 4. 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.*
- 5. 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.*
- 6. 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 standards of construction, is to be maintained by the principal certifying authority.

7. *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 & Building Services.*
8. *Building materials, sand, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time.*
9. *The Licensee (See to Shore Pty Ltd trading as Maroubra Beach Pavilion Café) shall meet all costs associated with the proposal.*
10. *The proposed extension of the license area is not approved and shall be deleted from the approved plans; details of compliance shall be included in the construction certificate application and plans.*
11. *There shall be no increase in the seating capacity of the kiosk/café.*
12. *The Licensee (See to Shore Pty Ltd trading as Maroubra Beach Pavilion Café) shall ensure that the kiosk/café licensed area is maintained in a clean and tidy condition at all times.*
13. *The Licensee (See to Shore Pty Ltd trading as Maroubra Beach Pavilion Café) shall ensure that the pavement of the kiosk/café licensed area is maintained free of grease and other foodstuffs at all times.*
14. *The Licensee (See to Shore Pty Ltd trading as Maroubra Beach Pavilion Café) shall, during the term of the agreement with Council, abide with any current or future Council Policy, Resolution or directive relative to the consumption of alcohol in public spaces.*
15. *The Licensee (See to Shore Pty Ltd trading as Maroubra Beach Pavilion Café) shall abide with any directive given by any utility authority in relation to access requirement to any utility within the proposed kiosk/café licensed area.*

Advisory Conditions

The applicant is advised that this approval does not in any way confer or imply that the License Period will be extended or renewed other than may be permitted in the existing License Agreement.

The applicant is advised that in accordance with Clause 43, Part 3, of the existing License agreement the improvements remain the property of the Licensor, Randwick City Council.

MOTION: (Bastic/Daley) 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 D/0433/2002 for enclosing the open dining area of the Pavilion Cafe at Maroubra Beach, 3R Marine Parade, Maroubra (Pavilion Cafe-Maroubra Beach) subject to the following conditions: -

1. The development must be implemented substantially in accordance with the plans comprising of three (3) sheets numbered sheet 1 of 3 to sheet 3 of 3 dated 06/05/2002, received by Council on 14 May 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 hours of operation for the Pavilion kiosk/café are restricted from 7.00 am to 10.00 pm Sunday to Thursday and 7.00 am to 11.00 pm Friday to Saturday.

All food services to customers shall only be provided within the abovementioned hours of operation and all patrons must vacate the area within 30 minutes of the specified hours.

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

2. 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.

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

3. 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.
4. 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.
5. 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.
6. 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 standards of construction, is to be maintained by the principal certifying authority.

7. 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 & Building Services.

8. Building materials, sand, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time.
9. The Licensee (See to Shore Pty Ltd trading as Maroubra Beach Pavilion Café) shall meet all costs associated with the proposal.
10. The proposed extension of the license area is not approved and shall be deleted from the approved plans; details of compliance shall be included in the construction certificate application and plans.
11. There shall be no increase in the seating capacity of the kiosk/café.
12. The Licensee (See to Shore Pty Ltd trading as Maroubra Beach Pavilion Café) shall ensure that the kiosk/café licensed area is maintained in a clean and tidy condition at all times.
13. The Licensee (See to Shore Pty Ltd trading as Maroubra Beach Pavilion Café) shall ensure that the pavement of the kiosk/café licensed area is maintained free of grease and other foodstuffs at all times.
14. The Licensee (See to Shore Pty Ltd trading as Maroubra Beach Pavilion Café) shall, during the term of the agreement with Council, abide with any current or future Council Policy, Resolution or directive relative to the consumption of alcohol in public spaces.
15. The Licensee (See to Shore Pty Ltd trading as Maroubra Beach Pavilion Café) shall abide with any directive given by any utility authority in relation to access requirement to any utility within the proposed kiosk/café licensed area.

Advisory Conditions

The applicant is advised that this approval does not in any way confer or imply that the License Period will be extended or renewed other than may be permitted in the existing License Agreement.

The applicant is advised that in accordance with Clause 43, Part 3, of the existing License agreement the improvements remain the property of the Licensor, Randwick City Council.

AMENDMENT: (Matthews/Backes) SEE RESOLUTION.

9. PETITIONS.

9.1 SUBMITTED BY HIS WORSHIP THE MAYOR, CR D. SULLIVAN ON BEHALF OF RESIDENTS SUPPORTING THE ENCLOSING OF MAROUBRA BEACH PAVILLION CAFÉ BY INSTALLING FOLD BACK GLASS DOORS. (D/0433/2002)

205 **RESOLUTION: (Procopiadis/Notley-Smith)** *that the petition be considered in conjunction with the development application on the agenda for this evening's meeting.*

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

9.2 SUBMITTED BY CR SCHICK ON BEHALF OF RESIDENTS REQUESTING THE REINSTATING OF THE ORIGINAL 359, 302 & 357 BUS SCHEDULE. (98/S/0959)(5)

206 **RESOLUTION: (Procopiadis/Notley-Smith)** *that the petition be dealt with as additional information and support and be considered in conjunction with action to be taken in connection with Item 10.2, Notice of Motion by Councillor Schick.*

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

10. MOTIONS PURSUANT TO NOTICE.

10.1 BY COUNCILLOR MATTHEWS – INSTALLATION OF TRAFFIC ISLANDS ON MCCAULEY, HAROLD AND RAYMOND STREETS, MATRAVILLE. (98/S/0178(3) xr R/0482/02)

207 **RESOLUTION: (Matthews/White)** *that in view of the high usage of McCauley, Harold and Raymond Streets Matraville by super tankers and large trucks, that the possibility of traffic islands being installed to prevent access by these large vehicles, be referred to the traffic committee as a matter of urgency and a report on this issue be referred back to the Works Committee.*

MOTION: (Matthews/White) SEE RESOLUTION.

10.2 BY COUNCILLOR SCHICK – RE-ROUTING THE 302, 357 AND 359 BUS SERVICES. (98/S/0178)(3) xr 98/S/0959(5)

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

(a) *as a result of the recently revised bus service arrangements, both the residents of the West Ward and the Kingsford Commercial Centre are currently experiencing difficulties with the rerouting of the 302, 357 and 359 services and, accordingly, urgent representations be made to the Hon. Carl Scully – Minister for Transport to seek the reinstatement of these services; and*

(b) *a Council representative attend the meeting on this issue being organised by the Member for Heffron, Mrs Deirdre Grusovin.*

MOTION: (Schick/Procopiadis) SEE RESOLUTION.

10.3 BY COUNCILLOR BASTIC – INCREASED FUNDING TO THE WINDGAP FOUNDATION AND OTHER SERVICE PROVIDERS LTD. (98/S/0178(3) xr 98/S/1635)

209 **RESOLUTION: (Bastic/Procopiadis)** *that letters be sent by Council to the Federal Member for Kingsford-Smith, the Prime Minister, the responsible Federal Minister, Amanda Vanstone and the Federal Member for Wentworth advising that:*

- a) *Randwick Council calls on the Commonwealth Government to immediately provide increased funding to Windgap Foundation Limited, and other providers of service to people with disabilities within the City of Randwick, equivalent to the increased costs incurred by Windgap Foundation Limited, and those other service providers, as a result of the implementation of the SACS Award;*
- b) *The Commonwealth Government should make provision in each funding agreement for the provision of funding to Windgap Foundation Limited, and other providers of services within the City of Randwick, for automatic increase in funding to meet cost increases incurred by Windgap Foundation Limited or such other service providers as a result of any increase in wages granted to employees under any award governing the employment of employees of Windgap Foundation Limited, and such other service providers, increases in workers compensation insurance premiums, increase in public liability insurance premiums and all other non-discretionary cost increases incurred in the provision of services to people with disabilities within the City of Randwick; and*
- c) *The Council of the City of Randwick recognises the untiring and unselfish service provided by volunteer directors, families, carers and staff of Windgap Foundation Limited, and other providers of service to people with disabilities within the City of Randwick, and calls upon the Commonwealth Government to provide increased funding to meet unmet needs of people with disabilities living within the City of Randwick, particularly aged carers and aged people with an intellectual disability.*

(The resolution was unanimously carried by Council.)

MOTION: (Bastic/Procopiadis) SEE RESOLUTION.

10.4 BY COUNCILLOR BASTIC – CIVIC RECEPTION FOR FORMER VICE CHANCELLOR OF UNIVERSITY OF N.S.W. (98/S/0178(3))

(Note: This item was dealt with in conjunction with Mayor’s Minute No. 43/2002 – See Minute No. 180)

10.5 BY COUNCILLOR NOTLEY-SMITH – RAINBOW STREET PEDESTRIAN CROSSING. (98/S/0178(3) xr R/0635/02(2))

- 210 **RESOLUTION: (Notley-Smith/Procopiadis)** *that the Randwick City Traffic Committee investigate and prepare a report for the next Ordinary Meeting of Council on the pedestrian crossing in Rainbow Street, Kingsford, adjacent to the Kingsford roundabout. The Committee’s report should contain, but not be limited to, the site’s accident history any recent associated works, possible options for relocation, traffic calming, increasing visibility and any measure the Committee can recommend to enhance the safety of the crossing.*

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

10.6 BY COUNCILLORS ANDREWS, BASTIC, DALEY, SULLIVAN AND WHITE – PROVIDING FOOTPATHS TO ALL STREETS IN SOUTH AND CENTRAL WARDS. (98/S/0178(3) xr 98/S/0185)

- 211 **RESOLUTION: (Bastic/Daley)** *that a report be brought before Council detailing a five-year programme to provide footpaths to all streets in South Ward and Central Ward.*

MOTION: (Bastic/Daley) SEE RESOLUTION.

11. URGENT BUSINESS.

Nil.

12. CONFIDENTIAL REPORT.

12.1 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 100/2002 - ONGOING MANAGEMENT OF THE DES RENFORD AQUATIC CENTRE. (98/S/0999)

13. COMMITTEE-OF-THE-WHOLE.

The Mayor invited members of the Public Gallery to address the Council on the proposal by the Council to proceed into a closed Committee-of-the-Whole. No persons indicated they wished to avail themselves of this opportunity.

RESOLVED: (Daley/White) that the Ordinary Meeting of the Council be adjourned at 10.03 p.m. and that the Council meet and sit as a Committee-of-the-Whole.

The Mayor declared the Ordinary Meeting of the Council resumed at 10.24 p.m.

14. REPORT OF COMMITTEE-OF-THE-WHOLE.

14.1 REPORT OF THE DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES TO THE ORDINARY MEETING OF THE COUNCIL, RELATING TO THE COUNCIL MEETING AS A COMMITTEE-OF-THE-WHOLE ON TUESDAY, 27TH AUGUST, 2002.

The Director Governance, Management and Information Services reported that the following matter had been considered and the following recommendation to the Council had been formulated by the Committee-of-the-Whole.

14.2 EXCLUSION OF PRESS AND PUBLIC

At the commencement of the meeting, the Committee-of-the-Whole **RESOLVED**, pursuant to Section 10 A(2) (g) of the Local Government Act, 1993, that the press and public be excluded from the whole of this meeting of the Committee as the matter under consideration concerned litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege and on which publicity or disclosure of the proceedings of the Committee would, in the opinion of the Committee, be prejudicial and on balance would be contrary to the public interest.

14.3 RECOMMENDATION

That:

- (a) Council undertake to continue management of the Des Renford Aquatic Centre;

- (b) In accordance with Council's legal advice, Shaw Swim P/L be notified that it is to cease squad training at the centre on fourteen days notice;
- (c) Council adopt the proposed budget for the Des Renford Aquatic Centre;
- (d) A follow up report on the circumstances of the non-signing of the licence be prepared and also include the fact that there was no detailing of the issue of the non-signing of the licence in the report to Council, as suggested in the Council's legal advice.

14.4 ADOPTION OF THE REPORT OF THE COMMITTEE-OF-THE-WHOLE.

212 **RESOLUTION:** *(Daley/White) that the recommendation made by the Committee-of-the-Whole at its meeting held on Tuesday, 27th August, 2002 be adopted.*

15. NOTICE OF RESCISSION MOTIONS.

Nil.

There being no further business, His Worship the Mayor, Cr D. Sullivan, declared the meeting closed at 10.26 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 17TH SEPTEMBER, 2002.

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CHAIRPERSON