

**MINUTES OF ORDINARY COUNCIL MEETING OF THE  
COUNCIL OF THE CITY OF RANDWICK  
HELD ON TUESDAY, 24<sup>TH</sup> FEBRUARY, 2004 AT 6:04 P.M.**

**PRESENT:**

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

Councillor M. Daley (South Ward) (Deputy Mayor) (from 7.28 p.m.)

North Ward	-	Crs J. Greenwood and P. Tracey
South Ward	-	Crs C. Matthews and 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 (from 9.04 p.m.) , T. Seng and A. Andrews

**OFFICERS PRESENT:**

General Manager	Mr. G. Messiter.
Director Asset & Infrastructure Services	Mr. M. Savage.
Director Planning & Community Development	Ms. S. Truuvert.
Director Governance Management & Information Services	Mr. M. Hummerston.
Acting Public Officer	Mr. D. Kelly.
Communications Manager	Ms. D. Brien.
Manager Development Assessment	Mr K. Kyriacou.
Manager Policy, Planning & Performance	Ms. K. Walshaw.
Manager Environmental Planning	Ms. K. Armstrong.

**1. COUNCIL PRAYER**

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

**2. APOLOGIES.**

Nil.

**3. MINUTES**

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING  
HELD ON TUESDAY, 9<sup>TH</sup> DECEMBER, 2003.**

- 1 **RESOLUTION:** (*Andrews/Notley-Smith*) that the Minutes of the Ordinary Council Meeting held on Tuesday, 9<sup>th</sup> December, 2003 (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, 16<sup>TH</sup> DECEMBER, 2003.**

- 2 **RESOLUTION:** (*Andrews/Procopiadis*) that the Minutes of the Extraordinary Council Meeting held on Tuesday, 16<sup>th</sup> December, 2003 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

**RESOLVED:** (*Andrews/Procopiadis*) that the meeting be adjourned at 6.06 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 John McEncroe, 49 Denning Street, South Coogee, on Item 9.2, Director Planning & Community Development's Report No. 5/2004 – 47 Denning Street, Coogee.
2. Mr Adam Cogan, Gateway Court, Suite 10, 89-91 Military Road, Neutral Bay, on Item 9.2, Director Planning & Community Development's Report No. 5/2004 – 47 Denning Street, Coogee.
3. Mr Michael Johnson, 10 Burnie Street, Clovelly, on Item 9.3, Director Planning & Community Development's Report No. 6/2004 – 8 Burnie Street, Clovelly.
4. Mr Murray Wood, Level 1, 50 Bronte Road, Bondi Junction, on Item 9.3, Director Planning & Community Development's Report No. 6/2004 – 8 Burnie Street, Clovelly.
5. Mr Robert Gusmerini, 15 Lurline Street, Maroubra, on Item 9.4, Director Planning & Community Development's Report No. 7/2004 – 11A Lurline Street, Maroubra.
6. Mr Mark Privett, 783 Bourke Street, Redfern, on Item 9.4, Director Planning & Community Development's Report No. 7/2004 – 11A Lurline Street, Maroubra.
7. Ms Amanda Moore, 88 Bilga Crescent, Malabar, on Item 9.5, Director Planning & Community Development's Report No. 8/2004 – 88 Bilga Crescent, Malabar.
8. Mr Alan Anderson, 14 Scott Street, Maroubra, on Item 9.6, Director Planning & Community Development's Report No. 9/2004 – 16 Scott Street, Maroubra.
9. Mr Rob Zikmann, 16 Scott Street, Maroubra, on Item 9.6, Director Planning & Community Development's Report No. 9/2004 – 16 Scott Street, Maroubra.
10. Mr Martin Cook, 97 Pacific Highway, North Sydney, on Item 9.7, Director Planning & Community Development's Report No. 10/2004 – 240-266 Anzac Parade & 101-105 Doncaster Avenue, Kensington.
11. Mr Neaf Ziade, 12/12 Alexander Street, Coogee, on Item 9.8, Director Planning & Community Development's Report No. 11/2004 – 145 Brook Street, Coogee.
12. Mr Richard Harvey, Town House 1, 89 Dangar Street, Randwick, on Item 9.9, Director Planning & Community Development's Report No. 12/2004 – 100-120 King Street, Randwick.

13. Mr Damien Barker, Level 3, 101 Sussex Street, Sydney, on Item 9.9, Director Planning & Community Development's Report No. 12/2004 – 100-120 King Street, Randwick.
14. Mr Ian Craig, PO Box W214, Parramatta, on Item 9.10, Director Planning & Community Development's Report No. 13/2004 – 7-37 Coogee Bay Road, Randwick.
15. Ms Levonne Whaanga, 490 Bunnerong Road, Matraville, on Item 9.13, Director Planning & Community Development's Report No. 17/2004 – Grocon Masterplan, 133-149 Beauchamp Road, Matraville.
16. Mr David Boyer, Suite 304, 203 New South Head Road, Edgecliff, on Item 9.13, Director Planning & Community Development's Report No. 17/2004 – Grocon Masterplan, 133-149 Beauchamp Road, Matraville.
17. Mr Nicholas Lucas, 152 Gloucester Street, Sydney, on Item 9.13, Director Planning & Community Development's Report No. 17/2004 – Grocon Masterplan, 133-149 Beauchamp Road, Matraville.
18. Mr Jose Gil, 17/230 Arden Street, Coogee, on Item 9.14, Director Planning & Community Development's Report No. 18/2004 – 212 Arden Street, Coogee (Coogee Bay Hotel.)
19. Mr Roger Corbin, Suite 21, 303 Pacific Highway, Lindfield, on Item 9.14, Director Planning & Community Development's Report No. 18/2004 – 212 Arden Street, Coogee. (Coogee Bay Hotel)
20. Mr Jack Ziade, 50 St Pauls Street, Randwick, on Item 9.15, Director Planning & Community Development's Report No. 19/2004 – 39-47 St Pauls Street, Randwick. (Ritz Cinema)
21. Mr George Lavecky, 19 St Pauls Street, Randwick, on Item 9.16, Director Planning & Community Development's Report No. 20/2004 – 265-271 Avoca Street, Randwick.
22. Mr Peter Mayoh, 60 Strathallen Avenue, Northbridge, on Item 9.16, Director Planning & Community Development's Report No. 20/2004 – 265-271 Avoca Street, Randwick.
23. Mr Bernard Rubens, 111/216 Maroubra Road, Maroubra, on Item 11.4, Motion Pursuant to Notice by Cr Whitehead – Provision of Land for Self-Care Hostel Accommodation.
24. Mr Kevin Nixon, 47 Carr Street, Coogee, on Item 11.7, Motion Pursuant to Notice by Cr Matson – Dangerous Practice at Dolphin Point.
25. Ms Claire Raffan, 9 Garden Street, Kingsford, on Item 11.9, Motion Pursuant to Notice by Cr Matson – No Forced Amalgamations.

The meeting was further adjourned at 8.15 p.m.

The meeting was resumed at 9.04 p.m. with Crs Bastic & Daley in attendance.

## **5. MAYORAL MINUTES.**

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This is Page No. 3 of the Minutes of the Ordinary Council Meeting held on Tuesday, 24<sup>th</sup> February, 2004.

**5.1 MAYORAL MINUTE 12/2004 - CLOVELLY BAY PROMENADES NORTH SIDE REPAIR - TENDER NO 10/03. (98/S/5446)**

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

- a) *Council award the tender to The Glascott Group Pty Ltd for the Clovelly Bay North Side Promenade Repair Works in the amount of \$2,869,557 excluding GST;*
- b) *Council vote additional project funding in the amount of \$833,490 in the 2004/2005 Capital Works Budget to fund the entire repair works project;*
- c) *The General Manager in consultation with the Mayor, be authorised to sign the contract for the Clovelly Bay North Side Promenade Repair Works Tender No. 10/03;*
- d) *The official seal of Randwick City Council be affixed to the Contract Documents; and*
- e) *The unsuccessful tenderers be notified of the outcome.*

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

**5.2 MAYORAL MINUTE 13/2004 - PRECINCT COMMITTEE REQUEST FOR FUNDING. (98/S/ 1240)**

**RESOLVED: (PROCEDURAL MOTION): (Matson/Greenwood)** that item 11.8 be dealt with in conjunction with Mayoral Minute No. 13/2004.

4 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan) that in the preparation of the 2004/2005 budget, consideration be given to the annual funding of the Precincts to cover their running expenses. In addition, each Precinct Committee to receive a minimum cash grant of \$250.00 per year.*

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

**5.3 MAYORAL MINUTE 14/2004 - SECOND ANNUAL CLEAN UP AUSTRALIA DAY COMMUNITY CELEBRATION AT COOGEE BEACH ORGANISED BY GRACEPOINT CHRISTIAN CHURCH. (98/S/3363)**

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

- a) *Council vote \$4255.00 to cover the fees associated with the 2004 “Coogee Beach Clean Up Australia Day Festival” event being organised by Grace Point Christian Church and funds be allocated from the Councillor Requested Works Vote; and*
- b) *The event organisers undertake to appropriately and prominently acknowledge and promote Council’s contribution prior to and during the event, including the displaying of Council’s banner which advises of Council’s sponsorship of the occasion.*

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

**5.4 MAYORAL MINUTE 15/2004 – WAIVING FEES – CLEAN UP AUSTRALIA DAY ARMY BAND PERFORMANCE. (98/S/1318 (5))**

6 **RESOLUTION:** (*His Worship the Mayor, Cr D. Sullivan*) that Council vote \$699.80 to cover the fees associated with the application from Sergeant Rod Mason of the Army Band, Sydney and that funds be allocated from the Councillors' Request Vote.

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

**5.5 MAYORAL MINUTE 16/2004 - COUNCIL'S POLICY ON THE REMOVAL OF " FICUS HILLII" STREET TREES. (98/S/4689)**

**RESOLVED: (PROCEDURAL MOTION) (Matson/Greenwood)** that Item 11.19 be dealt with in conjunction with Mayoral Minute No. 16/2004.

7 **RESOLUTION:** (*Matson/Greenwood*) that:

- a) *Council undertakes a survey of residents to obtain their views on the issues associated with the management of street trees in general, and Ficus 'Hillii' in particular;*
- b) *Council establishes a working party comprising Councillors, tree management staff, resident representatives and independent qualified arborists to assess the proposed removal and replacement of Council-owned Ficus 'Hillii' throughout the City;*
- c) *The following criteria be considered by the working party:-*
  - *The removal of large problem trees to be staggered so that no street will lose more than 10% of the tree canopy that prevailed at the time of adoption of this policy;*
  - *If the level of canopy loss reaches 10% further removals to be indefinitely postponed to allow canopy recovery by replacement trees;*
  - *Council to survey streets identified as containing problem trees to identify residents who wish to maintain those trees and who would be prepared to make a financial commitment to offset the cost of maintenance of footpaths and sewer pipe clearances; and*
  - *If a street survey identifies residents prepared to make a financial commitment, then Council would offer a contractual agreement to those residents for the retainment of specific problem trees;*
- d) *Council endorses the holding of street meetings to discuss the management associated with aggressive rooted street trees.*

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

- a) Council undertakes a survey of residents to obtain their views on the issues associated with the management of street trees in general, and Ficus 'Hillii' in particular;
- b) Council establishes a working party comprising Councillors, tree management staff, resident representatives and independent qualified arborists to assess the proposed removal and replacement of Council-owned Ficus 'Hillii' throughout the City;
- c) Council endorses the holding of street meetings to discuss the management associated with aggressive rooted street trees.

**AMENDMENT: (Matson/Greenwood) SEE RESOLUTION.**

**5.6 MAYORAL MINUTE 17/2004 - REGIONAL TASK FORCE – LIGHT RAIL FEASIBILITY. (98/S/3187)**

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

- a) *Randwick Council initiate the formation of a Regional Taskforce (involving the relevant Councils & Major Institutional Users), to focus on bringing forward and progressing the feasibility study for light rail in the Eastern Suburbs; and*
- b) *Council seek a meeting with the NSW Transport Minister to request the investigation of light rail as a priority for Randwick, outlining the formation of a regional taskforce, and seeking assistance from the State Government.*

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

**5.7 MAYORAL MINUTE 18/2004 - GREENING RANDWICK. (98/S/1559)**

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

- a) *Council continue to monitor the success of our community tree programs, and incorporate feedback from the community as part of this process;*
- b) *Council prepare a ‘Greening Randwick’ brochure, highlighting how members of the community can participate in the management of Randwick’s Trees; and*
- c) *Council establish a ‘Greening Randwick Committee’ to include interested Councillors and community members to plan and promote Randwick’s ‘Greening Randwick’ program.*

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

**6. GENERAL MANAGERS’ REPORTS.**

**6.1 GENERAL MANAGER’S REPORT 1/2004 - DECEMBER 2003 QUARTER REVIEW - 2003/06 MANAGEMENT PLAN. (98/S/0555)**

10 **RESOLUTION: (Greenwood/Backes) that the information contained in the General Manager’s Report No. 1/2004 on the December Quarter Review – 2003/06 Management Plan be received and noted.**

**MOTION: (Greenwood/Backes) SEE RESOLUTION.**

**6.2 GENERAL MANAGER’S REPORT 2/2004 - AFFIXING OF THE COUNCIL SEAL. (P/011349, P/003621, P/003422 2, P/011993, P/002910, P/001615 2, P/002147, 98/S/3049 2)**

11 **RESOLUTION: (Andrews/White) that authority be granted for the Council’s Common Seal to be affixed to the agreements between Council and –**

- a) *Kevin Birger (T/As Sugarplum Café & Ice Cream Bar) in relation to a licence for the purpose of outdoor dining at 1/25 Perouse Road, Randwick.*

- b) *Lisa Cotter (T/As Parini Italian Restaurant) in relation to a licence for the purpose of outdoor dining at 126 Anzac Parade, Kensington*
- c) *Robert Ellis Lees (T/As Maroubra Junction Hotel) in relation to a licence for the purpose of outdoor dining at 199 Maroubra Road, Maroubra Junction.*
- d) *Ronna Yerushalmy (T/As Green Zucchini) in relation to a licence for the purpose of outdoor dining at 48 Burnie Street, Clovelly.*
- e) *Helen Ablett (T/As The Pool Cafe) in relation to a licence for the purpose of outdoor dining at 94 Marine Parade, Maroubra*
- f) *Jia Guo Yin in relation to a lease of Shop, 28 Silver Street, Randwick.*
- g) *TAB Limited in relation to a lease of Shop, 22 Silver Street, Randwick*
- h) *Eagle Head Developments Pty Ltd in relation to a lease over the Kiosk/Café in Reserve No. R35571 and known as Bundock Park and Clovelly Bathing Reserve.*
- i) *Eagle Head Developments Pty Ltd in relation to a licence for the purpose of outdoor dining adjacent to the Kiosk/Café in Reserve No. R35571 and known as Bundock Park and Clovelly Bathing Reserve.*

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

**6.3 GENERAL MANAGER'S REPORT 3/2004 - 2003/04 BUDGET - REVIEW AS AT DECEMBER 2003. (98/S/2627)**

12 **RESOLUTION: (Daley/Bastic) that**

- a) *The report in relation to the December 2003 budget review be received and noted; and*
- b) *The budget variations referred too in the summary contained in the General Manager's Report No. 3/2004 be adopted.*

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

**6.4 GENERAL MANAGER'S REPORT 4/2003 - AUTHORITY FOR LICENSEE TO ENTER INTO AGREEMENT UNDER COMPANY NAME & AFFIXING OF THE COUNCIL SEAL. (98/S/3370)**

13 **RESOLUTION: (Andrews/White) that:**

- a) *Council prepare a new licence agreement with Susan Moore, Craig Wachholz and Brenda Miley as shareholders in a company trading as Sydney Safe Surf School for a period of twenty (20) months commencing 1 March 2004 and expiring in line with the current licence agreement with Ms Susan Moore on 31 October 2005;*
- b) *Authority be granted for Ms. Moore to increase her fees in line with the above mentioned information due to the substantial increase in costs for Public Liability Insurance; and*
- c) *Authority be granted for the Council's Common Seal to be affixed to the new licence agreements between Council and Ms Susan Moore, Mr Craig Wachholz and Ms Brenda Miley as shareholders in a company trading as Sydney Safe Surf School in relation to a licence to use Maroubra and Coogee Beaches for the purpose of holding Learn to Surf Classes.*

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

**7. DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORTS.**

**7.1 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 7/2004 - ACCELERATED REPLACEMENT OF STREET LIGHTING. (98/S/0791)**

14 **RESOLUTION:** (*Matthews/White*) that:

- a) *Council consent to proceed with this initiative;*
- b) *Council fund this initiative from the Street lighting vote in the 2003-2004 budget;*
- c) *Council accept the additional annual charge of \$10 for each 80-watt mercury vapour light;*
- d) *Council nominate Randwick and Maroubra as the target replacement areas;*
- e) *Council nominate a maximum replacement of 6,770 sets of twin 18-Watt lights;*
- f) *Energy Australia be requested to specifically investigate the upgrade of street lighting in Malabar Road and Houston Road; and*
- g) *Energy Australia be informed of Council's resolution.*

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

**7.2 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 8/2004 - TREE PLANTING AND MAINTENANCE TENDER. (98/S/5089)**

15 **RESOLUTION:** (*Andrews/White*) that Council declines to accept any of the three Tree Planting and Maintenance Tenders lodged on Tuesday, 30 September, 2003, and that the relevant tree planting and maintenance Specification be reviewed to more appropriately reflect the level and extent of service achievable within its current tree management budget.

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

**7.3 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 9/2004 - MOVERLY ROAD, KINGSFORD - ROAD CONDITION. (R/0548/01)**

16 **RESOLUTION:** (*Andrews/White*) that

- a) *The petition received from local residents in the vicinity of Moverly Road be noted; and*
- b) *The petitioners be notified that joint cleaning and sealing activities will be completed under routine maintenance, and slab replacement and potential asphalt overlays will be considered under the 2004-2005 resurfacing programme.*

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

**7.4 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 10/2004 - TENDER 001/04. GRAFFITI MANAGEMENT PROGRAMME. (98/S/2143)**

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

- a) *In accordance with Clause 19(3)(e) of the Local Government (Tendering) Regulations 1999, Council reject all tenders due to the fact that it is inappropriate to commit the forthcoming Council to the expenditure levels detailed in the tender recommended for acceptance. Further, the Council delegate authority to the Mayor and General Manager to negotiate a six month trial with Urban Management Systems Pty Ltd; and*



- b) *The unsuccessful tenderers be notified of the tender result.*

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

**7.5 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 11/2004 -32 BEACH STREET, COOGEE - DRAINAGE PROBLEMS. (P/004045)**

18 **RESOLUTION: (Matson/Greenwood) that:**

- a) *The \$35,000 to carry out the works suggested in Option 1 and 2 in the consultant's report be funded from an appropriate vote in the 2004/2005 budget;*
- b) *Mr. Sweeney be advised that Council requires him to comply fully with the conditions of consent for his pool and garage and to provide a suitable overland flow path through his property so that the drainage system at this location is capable of coping with a 1 in 10 year Annual Recurrence Interval (ARI) storm event; and*
- c) *A report be brought before the next Council meeting detailing the response of Mr Sweeney to Council's resolution.*

**MOTION: (Matson/Greenwood) SEE RESOLUTION.**

**7.6 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 12/2004 - TENDER T002/04. SUPPLY AND INSTALLATION OF FLAGPOLES IN MEDIAN STRIPS AT BUNNERONG ROAD, MATRAVILLE; ANZAC PARADE, KENSINGTON AND DONNELLAN CIRCUIT, CLOVELLY. (98/S/4046)**

19 **RESOLUTION: (Andrews/White) that**

- a) *The amount of \$85,000.00 for the provision of flag poles as part of the Kensington Townscape Improvements projects be allocated from funds available in Council's S94 Plan;*
- b) *Council accept the tender submitted by Scully and Associates Pty. Ltd., for the supply and installation of flag poles in the Kensington Town Centre only;*
- c) *The General Manager be authorised to sign the contract documents; and*
- d) *The unsuccessful tenderers be notified of the tender result.*

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

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

**8.1 DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES' REPORT 3/2004 - . ARRANGEMENTS DURING ELECTION PERIOD FOR DECISIONS TO BE MADE BY COUNCIL. (98/S/1238 xr 98/S/4495)**

20 **RESOLUTION: (Tracey/Bastic) that:**

- a) *Pursuant to Section 377 of the Local Government Act, 1993, as amended, and subject to compliance with all Council policies and lawful directions previously made by the Council or any public authority, Council hereby delegates authority to the General*

*Manager to determine, exercise or perform on behalf of the Council all powers, authorities, duties and functions of the Council following its meeting on 24<sup>th</sup> February, 2004 and until such time as the Mayor decides to reconvene the first Council Meeting; and*

- b) *Any determinations, exercising or performance by the General Manager, which would normally be undertaken at Council or Committee Meetings, be circulated to Councillors in the Councillors' Bulletin within seven (7) days of such action.*

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

**AMENDMENT: (Matson/Greenwood)** that the delegation does not extend to the General Manager on matters relating to Development Applications up until 27<sup>th</sup> March, 2004, the delegation for Development Applications to then take effect until the new Council first meets.  
**LOST.**

**8.2 DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES' REPORTS 4/2004 - PURCHASING POLICY. (98/S/3802)**

21 **RESOLUTION: (Andrews/White) that:**

- a) *The revised Purchasing Policy No. 3.01.13, be adopted by Council; and*
- b) *The Policy Register be updated accordingly.*

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

**8.3 DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES' REPORTS 5/2004. RISK MANAGEMENT POLICIES TO INCLUDE: RISK MANAGEMENT, GATHER INFORMATION & SIGN AS REMOTE SUPERVISION. (98/S/5485)**

22 **RESOLUTION: (Andrews/White) that:**

- a) *The policies listed below be adopted by Council-*
- *Risk*
  - *Signs as Remote Supervision*
  - *Gathering Information; and*
- b) *The Policy Register be updated accordingly.*

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

**9. DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORTS.**

**9.1 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 4/2004 - 15-19 MULWARREE AVENUE, RANDWICK. (D/0972/2003)**

23 **RESOLUTION: (Andrews/White) that:**

- A. *Council as the responsible authority refuse development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application*  
This is Page No. 10 of the Minutes of the Ordinary Council Meeting held on Tuesday, 24<sup>th</sup> February, 2004.

No. 972/03/GE for Demolition of existing dwellings and the construction of a four storey multi-unit housing development comprising 22 dwellings and parking for 30 vehicles at 15-19 Mulwarree Avenue, Randwick for the following reasons:-

1. *The bulk, form, scale, design and aesthetics of the proposed building would detrimentally affect the character and amenity of the surrounding locality and streetscape, pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act, 1979 (as amended).*
2. *Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act, 1979 (as amended), the proposal does not achieve the design quality principles as contained in State Environmental Planning Policy No. 65.*
3. *Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act, 1979 (as amended), the proposal fails to comply with the minimum landscaped area requirements for the site as contained in Clause 31 (2) of the Randwick Local Environmental Plan 1998.*
4. *Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act, 1979 (as amended), the proposal fails to comply with the maximum floor space ratio for the site as contained in Clause 32 (1) of the Randwick Local Environmental Plan 1998.*
5. *Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act, 1979 (as amended), the proposal fails to comply with the maximum external wall height for the site as contained in Clause 33 (4) of the Randwick Local Environmental Plan 1998.*
6. *Pursuant to Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979 (as amended), the proposal fails to comply with the building setback requirements of the Randwick Development Control Plan-Multi-Unit Housing.*
7. *Pursuant to Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979 (as amended), the proposal fails to comply with the storage requirements of the Randwick Development Control Plan-Multi-Unit Housing.*
8. *Pursuant to Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979 (as amended), the proposal fails to provide the requisite number of car wash bays in accordance with the requirements of the Randwick Development Control Plan-Parking.*
9. *Pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act, 1979 (as amended), the proposal would cause detrimental overshadowing to adjoining properties.*
10. *Pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act, 1979 (as amended), the proposal would result in detrimental privacy impacts to adjoining properties.*
11. *Pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act, 1979 (as amended), the proposed design is deficient in regard to the car park layout and design, vehicular access and entry and parking for people with a disability.*

12. Pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act, 1979 (as amended), the proposed design is deficient in regard to the provision of waste facilities.
13. Pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act, 1979 (as amended), the proposed internal design is deficient in regard to the provision of suitable level of amenity for future occupiers.
14. Pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act, 1979 (as amended), the proposed development is deficient in regard to the energy efficiency and environmental sustainability of the development.
15. Pursuant to Section 79C(1)(c) of the Environmental Planning and Assessment Act, 1979 (as amended), the proposal represents an overdevelopment of the site.

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

**9.2 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT  
5/2004 - 47 DENNING STREET, COOGEE. (D/1039/2003)**

24 **RESOLUTION: (Bastic/Andrews)** 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.1039/03 for permission to carryout alterations to the existing building at 47 Denning Street Coogee subject to the following conditions: -

- 1 The development must be implemented substantially in accordance with the plans numbered A01b, A02a, A03a, A04b, A05b & A06b, dated June 2001 and received by Council on 11<sup>th</sup> November 2003, 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.

*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 & Community Development, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the proposed development.*

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

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

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

- 4 *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.*
- 5 *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.*
- 6 *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.*

***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:***

- 7 *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.*
- 8 *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.*
- 9 *The building works are to be inspected by the Principal Certifying Authority (or other suitably qualified person approved by the Principal Certifying Authority), to monitor compliance with the relevant standards of construction and Council's development consent.*

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

*Documentary evidence of the building inspections carried out and details of compliance with Council's approval is to be maintained by the Principal Certifying Authority. Details of critical phase inspections carried out and copies of certification relied upon, shall be forwarded to Council with the occupation certificate or, upon finalisation of works if no occupation certificate is issued.*

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

- 12 *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.*
- 13 *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.*
- 14 *During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing.*
- 15 *Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line or any public place and the stockpiles must be protected with adequate sediment control measures.*

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

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

- 16 *That part of the naturestrip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicants expense prior to the issue of a final Occupation Certificate.*
- 17 *The naturestrip 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: (Bastic/Andrews) SEE RESOLUTION.**

### 9.3 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 6/2004 - 8 BURNIE STREET, CLOVELLY. (D/1139/2003)

25 **RESOLUTION:** *(Andrews/Bastic)* that Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 1139/03 for Alterations to the ground floor and new first floor additions including new front fence and car space at 8 Burnie Street, Clovelly subject to the following conditions:-

1. *The development must be implemented substantially in accordance with the plans numbered A01 to A05 (inclusive), dated 4 December 2003 and received by Council on 10 December 2003, 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.*

*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 & Community Development, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 **prior to a construction certificate being issued** for the proposed development.*

3. *Street numbering must be provided to the premises in a prominent position.*
4. *The infill panels in the front fence are to be designed and constructed of materials that will ensure that those panels are at least 50% open. Details to be submitted to and approved by Council's Director of Planning & Community Development, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 **prior to a construction certificate being issued** for the proposed development.*
5. *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 & Community Development, in accordance with section 80A(2) of the Environmental Planning and Assessment Act 1979, **prior to the commencement of any works.***
6. *The north-facing windows to Bedroom 2 and Bedroom 3 are to have awnings installed above them in a manner that is consistent with the other awnings on that elevation of the dwelling. Details to be submitted to and approved by Council's Director of Planning & Community Development, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 **prior to a construction certificate being issued** for the proposed development.*
7. *The fireplace located in the living room is to be deleted and replaced with a fireplace that operates exclusively on natural gas. Details to be submitted to and approved by Council's Director of Planning & Community Development, in accordance with*

*section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the proposed development.*

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

8. *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 noted in the construction certificate plans or specifications.*
9. *Hot water service pipes are to be provided with insulation, in accordance with the relevant requirements of Building Code of Australia and AS 3500.*
10. *External timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturers details.*

*Details of compliance with the requirements for insulation are to be noted in the construction certificate application.*

***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:***

11. *Surface water/stormwater must be drained and discharged to the street gutter or a suitably designed absorption pit and details are to be included in the construction certificate details for the development.*

*Absorption pits or soaker wells must be located not less than 3m from any adjoining premises and the stormwater must not be directed to any adjoining premises or cause a nuisance.*

*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 & Community Development 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:***

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

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



13. *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.*
14. *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.*
15. *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.*
16. *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 \$5,000.*

*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 / Notice of Intention to commence building work.*

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

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

18. *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 existing structure to support the additional storey.*

***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:***

19. *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.*
20. *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.*
21. *The building works are to be inspected by the Principal Certifying Authority (or other suitably qualified person approved by the Principal Certifying Authority), to monitor compliance with the relevant standards of construction and Council's development consent.*

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

*Documentary evidence of the building inspections carried out and details of compliance with Council's approval is to be maintained by the Principal Certifying Authority. Details of critical phase inspections carried out and copies of certification relied upon, shall be forwarded to Council with the occupation certificate or, upon finalisation of works if no occupation certificate is issued.*

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

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

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

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

25. *The use of any rock excavation machinery or any mechanical pile drivers is restricted to the hours of 8.00am to 5.00pm (maximum), Monday to Friday inclusive and from 8.00am to 1.00pm on Saturday, to minimise the noise levels during construction and loss of amenity to nearby residents.*

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

26. *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.*

27. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*

*The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.*

*A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or footway for services or the like*

28. *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.*

29. *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.*

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

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

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

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

*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, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.*

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

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

33. *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 ensure compliance with the Swimming Pools Act 1992 and to maintain public safety and amenity:***

34. *Swimming pools are to be provided with childproof fences and self-locking gates, in accordance with the Swimming Pools Act 1992 and regulations.*

*The swimming pool is to be surrounded by a fence having a minimum height of 1.2m, that separates the pool from any residential building situated on the premises and from any place (whether public or private) adjoining the premises; and that is designed, constructed and installed in accordance with AS 1926-1986.*

*Gates to pool area shall be a maximum width of 1 metre, and be self-closing and latching; the gate is required to open outwards from the pool area and prevent a small child opening the gate or door when the gate or door is closed.*

*Temporary pool safety fencing is to be provided pending the completion of all building work and the pool must not be filled until a fencing inspection has been carried out and approved by the principal certifying authority.*

*A sign shall be erected in a prominent position in the immediate vicinity of the swimming pool, in accordance with the document entitled "Policy Statement No.9.4.1: Guidelines for the Preparation of Posters on Resuscitation", published in 1985 by the Australian Resuscitation Council and the sign must bear a notice that contains the words "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL", together with details of resuscitation techniques (for adults, children and infants) set out in accordance with the document entitled "Cardio Pulmonary Resuscitation" published by the Australian Resuscitation Council.*

35. *Swimming pools are to be designed and installed in accordance with the following general requirements:-*

- *Backwash of the pool filter and other discharge of water is to be drained to the sewer in accordance with the requirements of the Sydney Water Corporation.*
- *All pool overflow water is to be drained away from the building and adjoining premises, so as not to result in a nuisance or damage to premises.*
- *Pool plant and equipment is to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.*

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

36. *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) \$700.00 - 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:***

37. *The applicant must meet the full cost for Council or a Council approved contractor to:
  - a) *Construct concrete vehicular crossing and layback at kerb opposite the proposed vehicular entrance to the site.**
38. *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.*
39. *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:***

40. *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 footpath along the full site frontage.***

*Any enquiries regarding this matter should be directed to Council's Assets & Infrastructure Services Department on 9399 0923.*

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

41. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the existing concrete footpath must be indicated on the building plans for the construction certificate.*
42. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$88.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.*

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

43. *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.*

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

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

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

**MOTION: (Greenwood/Matson)** that this application be refused as the form, design and aesthetics of the proposed building detrimentally affect the character and amenity of the surrounding locality and streetscape. **LOST.**

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

**9.4 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT  
7/2004 -11A LURLINE STREET, MAROUBRA. (D/0728/2003)**

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

- A. *Council as the responsible authority grant its development consent under Section 80(1) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No D/0728/03 for permission to erect privacy screens to the rear ground floor terrace of the existing dwelling house and rear yard, at 11A Lurline Street, Maroubra, subject to the following conditions:-*

**REFERENCED PLANS:**

1. *The development must be implemented substantially in accordance with the plan numbered 20221-01, revision C, dated August 2003 and received by Council on 19 January 2004, 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 proposed privacy screens are to be compatible with the existing building and 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 & Community Development, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 **prior to a construction certificate being issued** for the proposed development.*

3. *The proposal to increase the height of the existing side boundary fence adjoining the rear pool area of No. 15 Lurline Street shall be deleted from the plans as it will not effectively reduce the capacity for overlooking into the internal living areas and rear yard of the subject property and it will result in an unreasonable loss of filtered ocean views to No. 15 Lurline Street.*
4. *The lattice infill screen and terrace screen are to be amended to be of obscure glass to complement with the existing glass balustrade on the ground floor terrace and the terrace screen is to be a maximum height of 2.5 metres above balcony floor level, to ensure the screens are compatible with the existing building and to minimised the capacity for overlooking and loss of views from the adjoining property to the south at No. 15 Lurline Street. Details of compliance are to be provided in the **construction certificate plans**.*

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

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

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

6. *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.*
7. *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.*
8. *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.*



***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:***

9. *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.*
10. *The building works are to be inspected by the Principal Certifying Authority (or other suitably qualified person approved by the Principal Certifying Authority), to monitor compliance with the relevant standards of construction and Council's development consent.*

*Documentary evidence of the building inspections carried out and details of compliance with Council's approval is to be maintained by the Principal Certifying Authority. Details of critical phase inspections carried out and copies of certification relied upon, shall be forwarded to Council with the occupation certificate or, upon finalisation of works if no occupation certificate is issued.*

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

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

**9.5 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT  
8/2004 - 88 BILGA CRESCENT, MALABAR. (D/0814/2003)**

- 27 **RESOLUTION:** *(White/Matthews) 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.814/03 for permission to carryout alterations and additions to the dwelling at 88 Bilga Crescent Malabar subject to the following conditions: -*

- 1 *The development must be implemented substantially in accordance with the plans numbered 03/167, dated July 2003 and received by Council on the 9<sup>th</sup> September 2003, 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.*

*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 & Community Development, 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 imposed to promote ecologically sustainable development and energy efficiency.***

- 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 noted in the construction certificate plans or specifications.*

- 4 *Hot water service pipes are to be provided with insulation, in accordance with the relevant requirements of Building Code of Australia and AS 3500.*

- 5 *External timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturers details.*

*Details of compliance with the requirements for insulation are to be noted in the construction certificate application.*

***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 or a suitably designed absorption pit and details are to be included in the construction certificate application. Absorption pits or soaker wells shall only be provided if soil conditions are suitable to facilitate the absorption of stormwater and must be located not less than 3m from any adjoining premises. Stormwater must not be directed to any adjoining premises or cause a nuisance.*

*Details of any excavation or drainage 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 Assets & Infrastructure Services 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 *The requirements and provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000, must be fully complied with at all times.*

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

- 8 *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.*
- 9 *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.*
- 10 *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.*
- 11 *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 \$5,000.*

*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 / Notice of Intention to commence building work.*

- 12 *The required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, in accordance with Section 109F of the Environmental Planning & Assessment Act 1979.*
- 13 *An Occupation Certificate must be obtained from the principal certifying authority prior to any occupation of the building work encompassed in this development consent*

*in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*

***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:***

- 14 *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.*
- 15 *The building works are to be inspected by the Principal Certifying Authority (or other suitably qualified person approved by the Principal Certifying Authority), to monitor compliance with the relevant standards of construction and Council's development consent.*

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

*Documentary evidence of the building inspections carried out and details of compliance with Council's approval is to be maintained by the Principal Certifying Authority. Details of critical phase inspections carried out and copies of certification relied upon, shall be forwarded to Council with the occupation certificate or, upon finalisation of works if no occupation certificate is issued.*

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

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

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

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

- 19 *The use of any rock excavation machinery or any mechanical pile drivers is restricted to the hours of 8.00am to 5.00pm (maximum), Monday to Friday inclusive and from 8.00am to 1.00pm on Saturday, to minimise the noise levels during construction and loss of amenity to nearby residents.*

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

- 20 *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.*

- 21 *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.*

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

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

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

- 24 *Any part of Council's nature strip which is damaged as a result of the work must be back-filled, top-soiled and re-turfed with kikuyu turf prior to occupation or finalisation of the development, to Council's satisfaction.*

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

- 25 *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's infrastructure:***

26 *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) \$700.00 - 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:***

27 *The applicant must meet the full cost for Council or a Council approved contractor to:*

a) *Reconstruct the concrete vehicular crossing and layback at kerb to suit the the vehicular entrance to the site.*

28 *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.*

29 *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:***

30 *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 the extended driveway entrance must match the existing driveway entrance level at the site frontage.*

*Any enquiries regarding this matter should be directed to Council's Assets & Infrastructure Services Department on 9399 0923.*

- 31 *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$88.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.*
- 32 *The top of footings of any structures constructed on the boundary alignment must be at least 100mm below the existing Council kerb level r 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:***

- 33 *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.*
- 34 *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*

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

- 35 *That part of the naturestrip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicants expense prior to the issue of a final Occupation Certificate.*
- 36 *The naturestrip 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.*
- 37 *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, the 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: (White/Matthews) SEE RESOLUTION.**

### **9.6 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 9/2004 - 16 SCOTT STREET, MAROUBRA. (D/0414/2001)**

28 **RESOLUTION: (Daley/White)** *that Council as the responsible authority refuse its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to Modify Development Consent No 414/01 seeking consent to vary conditions of consent to carryout alterations and additions to the existing dwelling to provide for a new double garage, courtyard wall, rear timber deck, landscaping, new rear fence and swimming pool for the following reasons:-*

1. *The reduced side setback of the garage will adversely impact on the adjoining property and streetscape in terms of its visual bulk and scale;*
2. *The reduced side setback of the garage wall is inappropriate and results in less area being available for suitable landscaping to screen the garage wall; and*
3. *The reduced side setback of the garage does not comply with the objectives and performance requirements of the DCP Dwelling Houses & Attached Dual Occupancies in relation to building setbacks.*

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

### **9.7 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 10/2004 - 240-266 ANZAC PARADE & 101-105 DONCASTER AVE, KENSINGTON. (D/0897/2002)**

29 **RESOLUTION: (Andrews/White)** *that Council's as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to modify Development Consent No. 02/00897/GG relating to land known as 240-266 Anzac Parade & 101-105 Doncaster Ave, Kensington to alter the floor-to-floor and floor-to-ceiling levels of Level 1 (approved ground floor level), increase the floor-to-ceiling heights above Level 2 (approved Level 1) by approximately 25mm per level and increase the floor-to-floor levels respectively, increase to the floor level of Level 9 (approved level 8) by 575mm to the Anzac Parade (western) building wing and 275mm to the Doncaster Ave (eastern) building wing, increase to the height of the plant room and habitable rooms of the roof space to provide raised windows on the north and south elevations of the habitable rooms, in the following manner:*

#### **AMENDED CONDITIONS**

A. Amend Development Consent Condition No. 1 to read as following:

#### **REFERENCED PLANS:**



1. *The development must be implemented substantially in accordance with plans drawn by MGT Architects and numbered DA-02 (Rev. B), DA-05 (Rev. B), DA-06 (Rev. B), DA-07 (Rev. B), DA-08 (Rev. B), DA-09 (Rev. B), DA-10 (Rev. B), DA-11 (Rev. B), DA-12 (Rev. B), DA-13 (Rev. B), DA-14 (Rev. B), DA-15 (Rev. B), DA-18 (Rev. B), DA-19 (Rev. B), DA-20 (Rev. B) and DA-21 (Rev. B) dated 28 February 2003 and DA-16 (Rev. C) and DA-17 (Rev. C) dated 8 May 2003 and received by the Council on 19 May 2003 as a consolidated set and DA-06A (Rev. C) and DA-06B (Rev. C) dated 11 April 2003, as amended by DA-10 (Rev.C) dated May 12 2003 and received by Council on 12 May 2003 and unnumbered sketch plans provided to Council on 9 May 2003 and 12 May 2003 and received by the Council on 20 May 2003, the application form and any supporting information received with the application, EXCEPT as amended by the Section 96 plans numbered RB DA 01 and RB DA 02 dated 03 February 2004 and received by Council on 5 November 2003, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application, and the following conditions and as may be shown in red on the attached plans.*

**B. Amend Development Consent Condition No. 172 to read as following:**

- 172 *The retail tenancies fronting Anzac parade shall be constructed in general accordance with the details shown on the hand-drawn amendments to DA-06 Rev. C, Part 1 & 2 Opt 1 by MGT Architects dated 9/5/2003, except where amended by Section 96 plans numbered RB DA 01 and RB DA 02 dated 20 October 2003 and received by Council on 5 November 2003.*

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

**9.8 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT  
11/2004 - 145 BROOK STREET, COOGEE. (D/1187/2001)**

30 **RESOLUTION: (Andrews/White) that:**

- A. *Council as the responsible authority grant its consent under Section of the Environmental Planning and Assessment Act 1979 (as amended) to Modify Development Consent No.1187/01 'A' on property 145 Brook St Coogee to demolish the existing building and erect a new dwelling house in the following manner:*
  - *Amend Condition No. 1 to read:*
    1. *The development must be implemented substantially in accordance with the plans comprising of 8 sheets, numbered 1/8 to 3/8 issue E dated 18/11/02 and 4/8 to 8/8 issue F dated 2/12/02 and received by Council on 3/12/02, the application form and on any supporting information received with the application, as amended by the Section 96 plans numbered Sheet 1 of 1 Issue A, undated and received by Council on 27/11/03, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 applications, except as may be amended by the following conditions and as may be shown in red on the attached plans:*
  - *Add condition No. 67 to 72*
    67. *The sub floor area that extends beyond car spaces 1 and 2 shall not be used as habitable floor area. A 600mm high block wall shall be provided at the end of*

*the parking spaces to restrict movement into this area. Details shall be submitted as part of the amended construction certificate application.*

68. *Prior to the commencement of any building works, an amended 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.*
69. *The timber batten panelling on the northern elevation shall not extend past the car lift area as detailed in the amending sketch received by Council on 17 February 2004. Details shall be submitted as part of the amended construction certificate application.*
70. *The maximum height of the side boundary dividing fences shall be 1800mm. Details shall be submitted as part of the amended construction certificate application.*
71. *The applicant is to provide either a compliance certificate or a certificate of compliance for the following works prior to the issue of a construction certificate; for the completion of the works:*
  - *Basement footings*
  - *Basement slab*
  - *Structural brickwork-both internal and external*
  - *Natural ventilation of the basement area.*
72. *The applicant is to obtain a Building Certificate from Council for all works prior to the issue of a construction certificate for the completion of works.*

*B. THAT 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.1187/01 on property 145 Brook St Coogee to demolish the existing building and erect a new dwelling house in the following manner:*

- *Amend Condition No. 1 to read:*

1. *The development must be implemented substantially in accordance with the plans comprising of 8 sheets, numbered 1/8 to 3/8 issue E dated 18/11/02 and 4/8 to 8/8 issue F dated 2/12/02 and received by Council on 3/12/02, the application form and on any supporting information received with the application, as amended by the Section 96 'A' plans numbered Sheet 1 of 1 Issue A, undated and received by Council on 27/11/03 and Section 96 'B' plans numbered Sheet 1 of 2 and 2 of 2 Issue A, undated and received by Council on 27/11/03, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 applications, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

- *Add condition No. 73*

73. *That an appropriate species of plant creeper be provided contiguous to the northern elevation of the car lift to grow onto the timber battens to provide a softening of this structure and reduce the apparent bulk to the street. Details*

are to be submitted for approval by Council's Director of Planning and Community Development under section 80(A2) of the EP & A Act.

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

**9.9 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT  
12/2004 - 100-120 KING STREET RANDWICK. (D/0551/2002)**

31 **RESOLUTION: (Andrews/White) 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 551/2002 to amend the design comprising an increase in the seating capacity and floor area of the Shule within the Synagogue, increase the setback to Dangar Street, provision of a larger foyer, relocation of the Function Room further west, and partially increase in the height of the Synagogue, reconfiguration and relocation of retail areas and the Wellness Centre, and revision of the number and location of amenities at 100-120 King Street, Randwick in the following manner:*

1. *That Condition No. 1 be amended to read:*

*"1. The development must be implemented substantially in accordance with the plans numbered A001 Issue C, A101 Issue D, A102 Issue D, A103 Issue D, A104 Issue D, A105 Issue D, A106 Issue D, A201 Issue D, A202 Issue D dated 12 June 2002 and received by Council on 13 June 2002, amended plans A101 Issue D-1, A102 Issue D-1, A103 Issue D-1, A104 Issue D-1, A105 Issue D-1, A106 Issue D, A201 Issue D-1, A202 Issue D dated 12 June 2002 received by Council on 15 October 2002, the application form, and on any supporting information received with the application, and as amended by Section 96 plans numbered A101 Issue H, A102 Issue H, A103 Issue H, A104 Issue H, A105 Issue H, A106 Issue F, A201 Issue F, and A202 Issue F, and Section 96 plans numbered DA-00 Revision B, DA-01 Revision B, DA-02 Revision B, DA-03 Revision B, DA-04 Revision B, DA-05 Revision B, DA-06 Revision B, DA-07 Revision B, DA-08 Revision B, and DA-09 Revision B all dated September 2003, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application, except as may be amended by the following conditions and as may be shown in red on the attached plans:"*

2. *That the following condition be added:*

*"135. The use of the Synagogue shall be restricted to a seating capacity of 244 seats except for 15 days of each calendar year when the use of the Synagogue may be increased to the maximum seating capacity of 455 seats."*

3. *That the following condition be added:*

*"136. The use of the Function Centre shall be restricted to functions and community/social events associated with the Synagogue and the Aged Care Facility."*

4. *That the following condition be added:*

“137. *The Wellness Centre shall not operate on the 15 days of each calendar year when the use of the Synagogue is increased beyond the 244 seating capacity specified in Condition No 135, and the carparking spaces allocated to the Wellness Centre shall be made available for the users of the Synagogue (Shule) on these days.*”

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

**9.10 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT  
13/2004 - MASTERPLAN FOR 7-37 COOGEE BAY ROAD, RANDWICK.  
(D/1195/2003)**

32 **RESOLUTION: (Andrews/White) that:**

A *Council in principle prepare a draft local environmental plan to amend Randwick Local Environmental Plan 1998 to allow the development of retail/commercial suites at ground level within the portion of the site fronting St Paul's Street, subject to an appropriate economic analysis being submitted by the proponent demonstrating the suitability of the site for a retail/commercial use and its impact on The Spot Town Centre.*

B *That Council adopt the Master Plan for Lot 2 DP 776899 and Lot 1 DP 729654 known as 7-37 Coogee Bay Road, Randwick subject to the following variations and/or requirements:*

1. *The master plan is to be substantially in accordance with Drawings No. MP01, MP02, MP03, MP04, MP05, MP06, MP07 and MP08 (Rev A) dated May 2002 and submitted to Randwick City Council on 22 December 2003 and any accompanying documentation.*
2. *The built form of the proposed assembly hall building is to be limited to three storeys in height above ground level and is to be consistent with the scale and form of the adjoining Ritz Cinema and the prevailing streetscape of the Spot Commercial Centre.*
3. *The building alignment of the proposed assembly hall shall be set back from the alignment of the existing footpath by at least 1 metre to provide safe pedestrian access at ground level along St Paul's Street. The widened section of footpath shall be dedicated to Council. Any revised proposal shall retain consistency with the heritage and streetscape qualities of the locality and shall be resubmitted for review by the Council.*
4. *The eastern facade of the proposed assembly hall building shall be designed to minimise any visual impacts on the adjoining residential property. Visual interest and relief shall be provided within the proposed eastern wall of the building through the use of articulation and the appropriate arrangement of materials and finishes.*
5. *The proposed vehicular crossing in St Paul's Street shall be suitably sized and located so as to minimise the loss of on-street parking spaces in St Paul's street.*

6. *The proposed Master Plan shall be in accordance with any recommendations of the Local Traffic Committee or the NSW Roads and Traffic Authority/ Sydney Regional Development Advisory Committee.*

***The matters listed below require consideration in future development applications:***

7. *The applicant shall not remove any trees, (covered by Council's Tree Preservation Order), from the development site without the prior consent of Council. Applications that require the removal of trees covered by Council's Tree Preservation Order should be accompanied by appropriate supporting evidence.*
8. *The applicant shall note that removal of mature trees found to be in good health and to be a good example of the species will not be approved until all possible measures for their retention have been explored and found to be unsuitable.*
9. *The applicant shall be required to ensure the retention and long-term health of all trees located on adjoining properties, adjacent to the proposed development, together with any street trees.*
10. *Where it could be reasonably assumed that the proposed development may adversely impact on the retention and long term health of a tree/s located on any adjoining property it is recommended that the applicant submits a report, prepared by a qualified Arborist/Tree Surgeon (Member of National Arborist's Association), giving an appraisal of the subject tree/s, and the likely affect the proposal will have on this tree/s. The report should detail methods to be undertaken to ensure the preservation and longevity of the tree/s.*
11. *The applicant is advised that Council cannot give consideration to approving the removal of any trees located within properties adjoining the development site without the consent in writing of the owners of the adjoining properties.*
12. *Any development application for the subject site shall provide provision for a suitable overflow path for the site.*
13. *All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system.*
14. *Onsite detention of stormwater shall be required for that portion of the site that is to be redeveloped (this shall include any proposed landscaping works). The maximum discharge from the above site is not to exceed that which would occur during a 1 in 5 year storm of 1-hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by the Director of Asset and Infrastructure Services. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.*
15. *The applicant must provide for a detention volume of up to the 1 in 100 year storm event should no formal overland escape route be provided for storms greater than the design storm.*

16. *As the above site may encounter groundwater/seepage water within the depth of the basement excavation, the basement carpark or similar structures are to be suitably tanked and waterproofed.*
17. *Any subsoil drainage is to be disposed of within the site and is not to be discharged to Council's kerb & gutter and/or underground drainage system.*
18. *Adequate provision is to be made for the ground water to drain around the basement carpark (to ensure that the basement will not dam or slow the movement of the ground water through the development site).*
19. *Any seepage water must be drained directly into an absorption pit within the site. Seepage water must not be drained from the site.*
20. *The applicant shall meet the full cost for Council, or a Council approved contractor, to undertake civil works in St Paul's Street as required to make provision for access, transport, infrastructure and a widening of the footpath. The vehicular crossing in St Paul's Street shall be suitably sized and located so as to minimise the loss of on-street parking spaces in St Paul's street.*
21. *The footpath works in St Paul's Street shall be carried out in accordance with the Urban Design Guidelines for the Spot Commercial Area.*
22. *The applicant shall meet the full cost for Council, or a Council approved contractor, to undertake civil works in St Paul's Street as required to make provision for the extension of Council's underground stormwater system. This shall include the new pits and pipe for the pipe extension, road, kerb and gutter and footway works and upgrading of the existing Council Stormwater system to accommodate the connection to the new pipeline.*
23. *The proposed carpark layout should comply with Council's Development Control Plan – Parking. Variations from the standards in DCP-Parking should be supported by appropriate turning manoeuvre diagrams.*
24. *Adequate onsite carparking shall be provided for any proposed development in accordance with Council's DCP Parking.*
25. *The proposed internal driveway gradients should comply with Council's Development Control Plan – Parking.*
26. *Adequate queuing area must be provided within the site for vehicles waiting to enter the car park. There must be no queuing of vehicles on St Paul's Street.*
27. *A traffic and parking study indicating how traffic and parking requirements have been determined and met shall be submitted in conjunction with any development applications for the site.*
28. *All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level or splayed 1.5 metre by 1.5 metre so that a driver of a stopped vehicle 2 metres behind the street boundary line can observe pedestrians up to 2 metres from the crossings*

29. *The design of the access, internal circulation and parking areas for the development shall be in accordance with the provisions of Council's DCP - Parking and AS 2890.1.*
30. *All costs of traffic management measures associated with the development shall be borne by the developer.*
31. *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.*
32. *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.*
33. *Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied must be submitted to the certifying authority prior to a construction certificate being issued for development of the site.*
34. *Energy Australia has advised that it may be necessary to establish a substation on the subject site to accommodate the proposed development. Any electricity substation required for the site is to be located within the site and is to be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant is to liaise with Energy Australia to see if an electricity substation will be required for the development.*
35. *Access and sanitary facilities for persons with disabilities being provided to the building in accordance with Parts D3 and F2 of the Building Code of Australia and relevant Australian Standards. Details of compliance is required to be provided in the relevant plans/specifications for the construction certification.*

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

**9.11 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 14/2004 - DRAFT EXEMPT AND COMPLYING DEVELOPMENT DEVELOPMENT CONTROL PLAN AND ASSOCIATED DRAFT LOCAL ENVIRONMENTAL PLAN (AMENDMENT NO. 34.) (98/S/4842)**

33 **RESOLUTION: (Andrews/White) that Council:**

- a) *Resolve under section 64 of the Environmental Planning and Assessment Act 1979 (the Act) to endorse the exhibition of the draft Local Environmental Plan (Amendment No. 34) Exempt and Complying Development and draft Development Control Plan for Exempt and Complying Development dated February 2004 in accordance with the Act.*

- b) *Resolve to seek exemption by the Department of Infrastructure, Planning and Natural Resources from clauses 15 and 16 of State Environmental Planning Policy No. 4 - Development Without Consent and Miscellaneous Exempt and Complying Development, as part of the processing of the draft Local Environmental Plan.*
- c) *Resolve to exhibit draft Local Environmental Plan (Amendment No. 34) Exempt and Complying Development and draft Development Control Plan for Exempt and Complying Development in accordance with the Best Practice Guidelines for Council owned Land.*
- d) *Agree that the Director of Planning and Community Development may make minor modifications to rectify any numerical, typographical and formatting errors if required before the exhibition.*

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

**9.12 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 16/2004 - AMENDMENT TO PRINCE HENRY DRAFT LEP/DCP. (98/S/4151)**

34 **RESOLUTION: (Andrews/White) that Council:**

- 1. *Resolve under Sections 54 and 64 of the Environmental Planning and Assessment Act (the Act) to prepare and exhibit the draft LEP for the former Prince Henry Hospital site, incorporating the subject land of the eastern redevelopment area of the site including the AGSM site subject to the following variations and requirements:*
  - a) *that, prior to re-exhibition, the draft LEP zoning map (sheet 1) be amended to include the mapping of the northern, central and southern watercourses; and*
  - b) *that, prior to re-exhibition of the draft LEP and draft DCP, the lots within DCP superlots B and C1 and their indicative private driveway alignments are to be oriented at a right angle to road NRI, to mirror the orientation of the lots on the northern side of NRI.*
- 2. *Resolve under Section 72 of the Act to exhibit the revised draft DCP for the former Prince Henry Hospital site, including the subject land discussed in this report;*
- 3. *Note that, as the draft LEP affects Council owned or controlled land, the exhibition process should comply with the State Government's Best Practice Guidelines for Councils exhibiting LEPs applying to Council owned or controlled land;*
- 4. *Note that the Director, Planning and Community development, may make minor modifications to rectify any numerical, typographical and formatting errors, if required, and to include additional/alternative explanatory photographs/graphics in preparing the draft Local Environmental Plan and draft Development Control Plan documents for public exhibition;*
- 5. *Note that a developer agreement is to be entered into with Council to specifically detail the works in kind contributions for the Prince Henry Site in terms of the provision of an on-site Community Recreation Facility (via a Community Facility Plan) and the provision of open space and its embellishment, and other infrastructure to be dedicated to Council, as identified in the draft LEP/DCP and the master plan for the site. This agreement is to specify at a minimum:*



- total monetary contribution;
- time period for completion of required plans (ie Community Facility Plan, Public Domain Plan etc);
- commencement date/s for subject works;
- completion date/s for subject works;
- a guarantee to meet requirements/a default penalty for non-provision or non-completion of facilities; and is to
- provide for public toilets specifically for beach users. These public toilets are to be located within DCP Lot 42, and are to be appropriately screened (if necessary) so that the setting of this lot and its surrounds is not adversely affected. These public toilets are to be managed by the Trust body that manages Little Bay beach.

*This agreement is to be signed off by both parties (Landcom and Council) prior to issue of the first subdivision certificate.*

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

**9.13 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT  
17/2004 - GROCON MASTERPLAN 133-149 BEAUCHAMP ROAD,  
MATRAVILLE. (98/S/5028)**

(Cr Notley-Smith declared a pecuniary interest in the abovementioned item as he has a commercial interest with a prospective tenderer. Cr Notley-Smith left the Chambers, taking no part in discussion of, and voting thereon.)

- 35 **RESOLUTION: (Daley/Andrews)** that Council adopt the Master Plan for 133-149 Beauchamp Road, Matraville, subject to deletion of any supermarket use (Building E) and any generically defined "business uses" (Buildings B and D) and subject to the master plan being revised to incorporate the Schedule of Variations and submitted to Council within 3 months. The master plan must specify the type of business use, as permitted within the Randwick LEPP 1998 and Clause 36 for Buildings B, D and E.

**MOTION: (White/Matthews)** that Council adopt the master plan for 133-149 Beauchamp Road, Matraville, subject to the deletion of any generically defined "business uses" (Buildings B and D) and subject to the master plan being revised to incorporate the Schedule of Variations and submitted to Council within 3 months. The master plan must specify the type of business use, as permitted within the Randwick LEPP 1998 and Clause 36 for Buildings B, D. **LOST.**

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

**9.14 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT  
18/2004 - COOGEE BAY HOTEL - 212 ARDEN STREET, COOGEE.  
(03/00008/WA)**

- 36 **RESOLUTION: (Daley/Andrews)** that:
1. Council Adopt the Master Plan for 212 Arden Street, Coogee, (The Coogee Bay Hotel) subject to the variations and requirements outlined in Part A -Schedule of Variations of this report.

2. *The applicant be requested to provide a revised Master Plan document, incorporating the variations in Part A - Schedule of Variations of this report, prior to the lodgement of any development application.*
3. *The applicant be advised that the issues specified in Part B – Matters to be addressed in Future Development Applications of this report be submitted with future development applications for the proposed development.*
4. *The Master Plan be adopted for 5 years from the date of its adoption.*

#### ***Part A – Schedule of Variations***

1. *The relevant section of the Master Plan (including floor plans, elevations and sections) be amended to show an appropriate redesign to the Arden Street and Coogee Bay Road frontages by incorporating the following:*
  - 1.1 *Design of the proposed balcony on the Upper Ground Floor (Arden Street and Coogee Bay Road frontages) such that it:*
    - *is leased from Council for use as an outdoor dining area.*
    - *is used in conjunction with an approved restaurant/café. The balconies must not be used in conjunction with a bar.*
    - *is designed by a suitably qualified structural engineer.*
    - *reviews the number of supporting columns under the proposed balcony on the Arden Street frontage so as to reduce obstruction to, and retain, existing views from the Hotel to the Coogee Bay Beach.*
2. *The relevant section of the Master Plan be amended to indicate that details of further surveys of patronage of the Coogee Bay Hotel to determine an actual modal split for the Hotel will be provided in the Traffic Report accompanying any development application for the proposal.*

#### ***Part B – Matters to be addressed/submitted in Future Development Applications***

1. *Demonstrated consistency with all the requirements and variations of the approved Master Plan such that:*
  - *the Development Application proposal shall be substantially in accordance with the height, building envelope, footprint, setbacks and façade shown in the plans No. MP-112 Issue C dated 22/12/03, MP-113 Issue C dated 22/12/03, MP-114 Issue C dated 22/12/03, MP-115 Issue C dated 22/12/03, MP-116 Issue C dated 22/12/03, and MP-117 Issue A, submitted with the Master Plan*
  - *the elevation and floorplans in the plans No. MP-112 Issue C dated 22/12/03, MP-113 Issue C dated 22/12/03, MP-114 Issue C dated 22/12/03, MP-115 Issue C dated 22/12/03, MP-116 Issue C dated 22/12/03, and MP-117 Issue A, submitted with the Master Plan shall be indicative only with details to be provided at the Development Application Stage.*
2. *Review the design of the proposed balconies linked to the new lounge bar on the first floor.*

3. *Review the need for the proposed pergola on the first floor balcony fronting Arden Street.*
4. *The design of the proposal will be consistent with the list of design required under requirement No. 1 in Part A – Schedule of Variations of this report.*
5. *A Parking Study incorporating, but not limited to, further surveys of patronage of the Coogee Bay Hotel to determine the likely modal split and vehicle occupancy rates for the Hotel.*
6. *Submission of a detailed acoustic report in support of the proposal to be prepared by a suitably qualified and experienced consultant in acoustics in accordance with the NSW Environmental Protection Authority's Guidelines, namely the Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance) and the relevant Australian Standards and to include assessment of noise from patrons especially with regards to use of the outdoor balconies, mechanical ventilation and from the various activities associated with the use of the hotel such as live bands and music etc;*
7. *Details of stormwater design incorporating the following:*
  - *All stormwater runoff from the new/redeveloped roof areas shall be discharged to Council's underground drainage system in either Arden Street or Coogee Bay Road.*
  - *All stormwater must be taken through a sediment/silt arrestor pit prior to being discharged from the site.*
8. *Details of traffic/civil works incorporating the following:*
  - *The applicant will be required to meet the full cost for Council or a Council approved contractor to reconstruct the footpath along the Coogee Bay Road site frontage in accordance with Council's Urban Design guidelines for Coogee.*
  - *The cross fall of the existing footpath in Coogee Bay Road appears to exceed the maximum crossfalls recommended for disabled access of 2.5%. As part of the Hotel redevelopment the applicant shall lower the design alignment levels along the property boundary to facilitate the footpath crossfalls being reduced to 2.5%. It is noted that this may necessitate redesign of the entries off Coogee Bay Road.*
9. *Details showing all public utility services located within the development site shall be suitably located underground and in compliance with the requirements/conditions imposed by the various authorities.*
  - *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.*

- *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.*
- *Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied, must be submitted to the certifying authority prior to a construction certificate being issued for development of the site.*
- *The electricity substation required for the site shall be located within the site and is to be screened from view.”*

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

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

<b>For</b>	<b>Against</b>
Andrews	Greenwood
Backes	Matson
Bastic	
Daley	
Matthews	
Notley-Smith	
Procopiadis	
Schick	
Seng	
His Worship the Mayor, Cr D. Sullivan	
Tracey	
White	
Whitehead	

**9.15 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT’S REPORT  
19/2004 - 39-47 ST PAULS STREET RANDWICK (RITZ CINEMA).  
(D/0615/2003)**

37 **RESOLUTION: (Bastic/Matthews) 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.651/2003 on property 39-57 St Pauls Street in the following manner:*

- *Delete Deferred Commencement Condition No. 1.*
- *Delete Deferred Commencement Condition 2.*
- *Add the following conditions:*

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

8. *The applicant shall commence operation of the valet parking system in accordance with the valet management plan prepared by Urban Research and Planning (dated January 2004) and supporting documentation received in conjunction with the application to modify development consent 615/2003. The performance of the valet parking system shall be monitored over a trial period of three months and a valet parking performance report shall be prepared by the applicant at the end of the first and third months, which details patron usage rates for the valet parking and notes any occurrences of:*

- *Patrons waiting for more than 5 minutes to drop off or retrieve vehicles*
- *Vehicles reversing in Aeolia Lane*
- *Vehicles queuing in Aeolia Street*
- *Complaints from patrons or residents in the vicinity of the site regarding the operation of the valet parking system.*
- *Damage to vehicles as a result of the valet parking system.*

*At the end of the first month, the Director of Planning and Community Development or a delegate shall inspect the operation of the valet system, review the performance report and provide recommendations regarding how the valet management plan should be modified to improve performance/make the system more 'user friendly'.*

*The applicant shall implement any changes to the valet management plan that are recommended as a result of the review, and continue to monitor the performance of the system until the end of the 3 month trial period. At the end of this period, the review process (detailed above) shall be repeated and any changes deemed appropriate by the Director of Planning and Community Development shall be implemented.*

*The recommendations made by the Director of Planning and Community Development as a result of the review processes shall be incorporated into a revised valet management plan. This revised plan shall be submitted to the Director of Planning and Community Development for approval within 1 month of the trial period ending. The valet parking system shall be operated in accordance with the approved valet management plan.*

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

*In this regard, the operation of the premises shall not give rise to a sound pressure level at any affected premises that exceeds the background ( $L_{A90}$ ), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an  $L_{Aeq}$ , 15 min and adjusted in accordance with Environmental Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content, in accordance with the relevant provisions of the NSW Environmental Protection Authority's Environmental Noise Control Manual, Industrial Noise Policy 2000 and The Protection of the Environment Operations Act 1997.*

10. *The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises.*

**ADVISORY**

*Approval of this S96 application should not be construed as indicating that the deferred commencement conditions have been satisfied. The consent remains inoperative until all deferred commencement conditions (as modified) are complied with to the satisfaction of the Director, Planning and Community Development.*

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

**9.16 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT  
20/2004 - MASTER PLAN FOR 265-271 AVOCA STREET, RANDWICK.  
(98/S/5389)**

- 38 **RESOLUTION: (Daley/Backes)** *that Council not adopt the Master Plan for 265-271 Avoca Street, Randwick, as the proposal is excessive in scale, bulk and height such that it constitutes an overdevelopment of the site, detracts from the existing and desired future character of the locality, will be dominant and visually intrusive, and gives rise to loss of privacy and sunlight.*

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

**10. PETITIONS.**

**10.1 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR CR. D. SULLIVAN ON BEHALF OF RESIDENTS OBJECTING TO THE ADVERTISING SIGNS BELONGING TO THE SOUTH COOGEE BOWLING CLUB. (98/S/1173 xr D/1191/2003)**

- 39 **RESOLUTION: (Andrews/White)** *that the petition be referred to the appropriate Committee and/or the Councillors' Bulletin with a report from the relevant officer.*

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

**10.2 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR. D. SULLIVAN ON BEHALF OF RESIDENTS REQUESTING THE CONSTRUCTION OF A FOOTPATH IN LOCH MAREE STREET, MAROUBRA. (98/S/1173 xr R/0476/00)**

- 40 **RESOLUTION: (Andrews/White)** *that the petition be referred to the appropriate Committee and/or the Councillors' Bulletin with a report from the relevant officer.*

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

**10.3 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR. D. SULLIVAN ON BEHALF OF RESIDENTS OBJECTING TO PROPOSED TRAFFIC CHANGES IN McDOUGALL STREET & MILROY AVENUE, KENSINGTON. (98/S/1173 xr R/0483/02 xr R/0529/02)**

- 41 **RESOLUTION: (Andrews/White)** *that the petition be referred to the appropriate Committee and/or the Councillors' Bulletin with a report from the relevant officer.*

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

**10.4. PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR. D. SULLIVAN ON BEHALF OF RESIDENTS REGARDING THE CONDITION OF MAHON POOL. (98/S/1173 xr 98/S/1198)**

42 **RESOLUTION:** *(Andrews/White) that the petition be referred to the appropriate Committee and/or the Councillors' Bulletin with a report from the relevant officer.*

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

**10.5 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR. D. SULLIVAN ON BEHALF OF RESIDENTS OBJECTING TO THE PROPOSED MASTERPLAN FOR THE RANDWICK NISSAN SITE. (98/S/1173 xr P/012660)**

43 **RESOLUTION:** *(Andrews/White) that the petition be referred to the appropriate Committee and/or the Councillors' Bulletin with a report from the relevant officer.*

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

**11. MOTIONS PURSUANT TO NOTICE.**

**11.1 NOTICE OF RESCISSION MOTION BY COUNCILLORS BACKES, GREENWOOD, MATSON, NOTLEY-SMITH, SENG & WHITEHEAD – HEALTH, BUILDING & PLANNING COMMITTEE MEETING, TUESDAY, 10<sup>TH</sup> FEBRUARY, 2004 – ITEM 5.2 – DEVELOPMENT APPLICATION REPORT – 567 MALABAR ROAD, MAROUBRA. (D/0573/2002)**

**(Note: Due to a signature being interpreted incorrectly as Cr. Backes on the notice of rescission motion form, Cr Backes' name appears here in error.)**

**MOTION:** (Matson/Seng) that the resolution passed at the Health, Building & Planning Committee Meeting held on Tuesday, 10<sup>th</sup> February, 2004, reading as follows:-

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.573/2002 on property 567 Malabar Rd Maroubra by deleting condition No. 5 to amend the design of the privacy screen and to increase the area of the rear first floor deck, thereby deleting condition No. 4 and increasing the roof area over the rear first floor deck.

**BE AND IS HEREBY RESCINDED. LOST.**

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

<b>For</b>	<b>Against</b>
Greenwood	Andrews
Matson	Backes
Notley-Smith	Bastic
Seng	Daley
Whitehead	Matthews
	Procopiadis
	Schick

His Worship the Mayor, Cr D. Sullivan  
Tracey  
White

44 **RESOLUTION: (PROCEDURAL MOTION): (Daley/Andrews)** that Motions Pursuant to Notice 11.2 – 11.7, 11.9 – 11.18, 11.20 and 11.22 be LOST.

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

<b>For</b>	<b>Against</b>
Andrews	Greenwood
Backes	Matson
Bastic	Notley-Smith
Daley	Seng
Matthews	Whitehead
Procopiadis	
Schick	
His Worship the Mayor, Cr D. Sullivan	
Tracey	
White	

**11.2 BY COUNCILLOR WHITEHEAD – COUNCIL’S ONLINE UPDATE OF PROGRESS. (98/S/4898 xr 98/S/0178)**

This motion was lost. See Minute No. 44.

**11.3 BY COUNCILLOR WHITEHEAD –BANNERS IN THE KENSINGTON COMMERCIAL CENTRE. (98/S/2311 xr 98/S/0178)**

This motion was lost. See Minute No. 44.

**11.4 BY COUNCILLOR WHITEHEAD – PROVISION OF LAND FOR SELF-CARE HOSTEL ACCOMMODATION. (98/S/5444 xr 98/S/0178)**

This motion was lost. See Minute No. 44.

**11.5 BY COUNCILLOR WHITEHEAD – FUTURE PURCHASE OF MASONIC TEMPLE. (98/S/0230 xr 98/S/0178)**

This motion was lost. See Minute No. 44.

**11.6 BY COUNCILLOR SENG – EXISTING USE RIGHTS PROVISIONS. (98/S/1093 xr 98/S/0178)**

This motion was lost. See Minute No. 44.

**11.7 BY COUNCILLOR MATSON – DANGEROUS PRACTICE AT DOLPHIN POINT. (98/S/1650 xr 98/S/0178)**

This motion was lost. See Minute No. 44.

**11.8 BY COUNCILLOR MATSON – INCREASED FUNDING TO PRECINCT**

This is Page No. 48 of the Minutes of the Ordinary Council Meeting held on Tuesday, 24<sup>th</sup> February, 2004.



**COMMITTEES. (98/S/1240 xr 98/S/0178)**

This motion was considered in conjunction with Mayoral Minute No. 13/2004. See Minute No. 4.

**11.9 BY COUNCILLOR MATSON – NO FORCED AMALGAMATIONS. (98/S/0063 xr 98/S/0178)**

This motion was lost. See Minute No. 44.

**11.10 BY COUNCILLOR NOTLEY-SMITH – TRAFFIC SURVEY & MANAGEMENT PLAN FOR DENNING, RAINBOW, CUZCO STREETS & MALABAR ROAD, SOUTH COOGEE. (R/0229/02 xr R/0635/02 XR R/0495/02 xr R/0213/02 xr 98/S/0178)**

This motion was lost. See Minute No. 44.

**11.11 BY COUNCILLOR NOTLEY-SMITH – REMOVAL OF BUS LANE IN DACEY AVENUE, KENSINGTON. (98/S/0959 xr 98/S/0178)**

This motion was lost. See Minute No. 44.

**11.12 BY COUNCILLOR GREENWOOD – BEACH LOCKERS. (98/S/0977 xr 98/S/0178)**

This motion was lost. See Minute No. 44.

**11.13 BY COUNCILLOR GREENWOOD – PUBLIC NOTIFICATION OF DEVELOPMENT PROPOSALS. (98/S/0915 xr 98/S/0178)**

This motion was lost. See Minute No. 44.

**11.14 BY COUNCILLOR GREENWOOD– USE OF COWPER STREET FOR NIGHT PASSAGE OF HEAVY VEHICLES. (R/0205/04 xr 98/S/0178)**

This motion was lost. See Minute No. 44.

**11.15 BY COUNCILLOR GREENWOOD – CLOVELLY PRECINCT COMMITTEE. (98/S/0007 xr 98/S/0178)**

This motion was lost. See Minute No. 44.

**11.16 BY COUNCILLOR GREENWOOD – BIODIVERSITY STRATEGY. (98/S/2490 xr 98/S/0178)**

This motion was lost. See Minute No. 44.

**11.17 BY COUNCILLOR GREENWOOD – BUSHLAND CONSERVATION COVENANTS. (98/S/1784 xr 98/S/0178)**

This motion was lost. See Minute No. 44.

**11.18 BY COUNCILLOR GREENWOOD – PUBLIC TRANSPORT. (98/S/0971 xr**

**98/S/0178)**

This motion was lost. See Minute No. 44.

**11.19 BY COUNCILLOR MATSON – EVALUATION OF POSSIBLE PROBLEM STREET TREE POLICY COMPONENT. (98/S/1847 xr 98/S/0178)**

This motion was considered in conjunction with Mayoral Minute No. 16/2004. See Minute No. 7.

**11.20 BY COUNCILLOR MATSON – ADOPTION OF A NEW TELECOMMUNICATIONS AND RADIO COMMUNICATIONS DCP. (98/S/4710 xr 98/S/0178)**

This motion was lost. See Minute No. 44.

**11.21 BY COUNCILLOR BASTIC – 134 MARINE PARADE, MAROUBRA. (P/018350 xr 98/S/0178)**

This motion was withdrawn by Cr Bastic with the consent of the Council.

**11.22 BY COUNCILLOR MATSON – NEED TO AMEND THE TELECOMMUNICATIONS ACT. (98/S/4710 xr 98/S/0178)**

This motion was lost. See Minute No. 44.

**12. URGENT BUSINESS.**

Nil.

**13. CONFIDENTIAL REPORT.**

**13.1 CONFIDENTIAL DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 15/2004 - 9 RON FILBEE PLACE, MAROUBRA. (D/1136/2001 & 98/S/0178)**

45 **RESOLUTION:** *(Andrews/Daley) that the Director Planning & Community Development's Report on 9 Ron Filbee Place, Maroubra be noted.*

**MOTION:** **(Whitehead/Greenwood)** that the Ordinary Council Meeting of the Council be adjourned at 10.31 p.m. and that Council meet and sit as a Committee-of-the-Whole. **LOST.**

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

**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 10.35 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 27<sup>TH</sup> APRIL, 2004.

.....  
CHAIRPERSON