

**MINUTES OF ORDINARY COUNCIL MEETING OF  
THE COUNCIL OF THE CITY OF RANDWICK  
HELD ON, TUESDAY 18<sup>TH</sup> OCTOBER, 2005 AT 6:08 P.M.**

**PRESENT:**

His Worship the Mayor, Cr. T. Seng (Central Ward) (Chairperson)

Councillor M. Matson (East Ward) (Deputy Mayor)

North Ward - Crs J. Kenny, P. Tracey & M. Woodsmith

South Ward - Crs R. Belleli & A. White

East Ward - Cr D. Sullivan (from 7.33 p.m.)

West Ward - Crs B. Hughes, S. Nash & J. Procopiadis

Central Ward - Cr A. Andrews

**OFFICERS PRESENT:**

General Manager	Mr. R. Brownlee.
Director, City Services	Mr. J. Frangoples.
Director, City Planning	Ms. S. Truuvvert.
Director, Governance & Financial Services	Mr. G. Banting.
Manager, Administrative Services	Mr. D. Kelly.
Communications Manager	Ms. D. Brien.
Manager Policy & Performance	Ms. K. Walshaw.

**1. COUNCIL PRAYER**

The Council Prayer was read by Cr Nash.

**2. APOLOGIES.**

Apologies were received from Crs Bastic, Daley and Notley-Smith.

**RESOLVED:** (Andrews/Belleli) that the apologies from Crs Bastic, Daley and Notley-Smith for non-attendance at the Ordinary Council Meeting of the Council held on Tuesday, 18<sup>th</sup> October, 2005 be received & accepted.

**3. MINUTES**

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY, 27<sup>TH</sup> SEPTEMBER, 2005.**

415 **RESOLUTION:** (Belleli /Andrews) that the Minutes of the Ordinary Council Meeting held on Tuesday, 27<sup>th</sup> September, 2005 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

#### **4. DECLARATION OF PECUNIARY & NON-PECUNIARY INTERESTS.**

- (a) Cr Kenny declared a Non-Pecuniary interest in Item No. 9.1, Director, City Planning Report 72/2005 - 3 Wisdom Street, South Coogee as he lives in the surrounding area.
- (b) Cr Belleli declared a Non-Pecuniary interest in Item No. 11.1, Notice Of Rescission Motion By Councillors Andrews, Bastic & White – Ordinary Council Meeting, Tuesday, 27<sup>th</sup> September, 2005 – Confidential General Manager’s Report 48/2005 – Maroubra Beach Pavilion - Cafe & Kiosk - Lease Tender Evaluation - T036/05 as he is a member of the Maroubra Chamber of Commerce along with some of the tenderers, and some of the tenderers are also ex-clients.

**RESOLVED: (PROCEDURAL MOTION) (Sullivan/White)** that all the Director, City Planning reports be dealt with as the first items of business on the agenda.

#### **5. ADDRESSES TO THE COUNCIL BY THE PUBLIC.**

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

##### **8.5 DIRECTOR, CITY SERVICES' REPORT 124/2005 - ESTABLISHMENT OF ALCOHOL FREE ZONES**

In Favour                      Miss Rona Wade                      4/138 Beach Street, Coogee.

##### **9.2 DIRECTOR, CITY PLANNING REPORT 73/2005 – 50 DOLPHIN STREET, COOGEE.**

The Objector                      Mr Stuart Murray                      1/225 Carrington Road, Coogee

The Applicant                      Mr Nicholas Salerni                      254 Beauchamp Road, Matraville

##### **9.3 DIRECTOR, CITY PLANNING REPORT 74/2005 – 85 BREAM STREET, COOGEE**

The Objector                      Ms Jane McMillan                      4/174 Arden Street, Coogee

##### **9.4 DIRECTOR, CITY PLANNING REPORT 75/2005 – 12 BELLEVUE STREET, MAROUBRA.**

The Objector                      Miss Lisa Robinson                      Ray White – Dulwich Hill

The Applicant                      Mr Xing Mai Jiang                      12 Bellevue Street, Maroubra

##### **9.5 DIRECTOR, CITY PLANNING REPORT 76/2005 – THE DOLINA SITE - STAGE 1 INTEGRATED DEVELOPMENT APPLICATION FOR THE LAND LOCATED AT 89-103 EPSOM ROAD, ROSEBERY (WITHIN THE CITY OF SYDNEY)**

The Objector                      Ms Gwyn Greenaway                      50 Lenthall Street, Kensington

**9.7 DIRECTOR, CITY PLANNING REPORT 78/2005 – PROPOSED AMENDMENT TO PRINCE HENRY MASTERPLAN/DCP.**

The Objector Mr Rob Padgett 1441 Anzac Parade, Little Bay

The Objector Mr Tim Dalton Dawes Street, Little Bay

The Applicant Mr Garry Bauer PO Box 6151, Malabar

**11.5 BY COUNCILLOR ANDREWS – KERB & GUTTERING AT 31-35 MASON STREET, MAROUBRA.**

In Favour Mr Nino Bove 35 Mason Street, Maroubra

The meeting was adjourned at 7.05 p.m. and was resumed at 7.33 p.m.

**6. MAYORAL MINUTES.**

**6.1 MAYOR'S MINUTE 127/2005 - SURFING NSW - SEEKING WAIVING OF FEES FOR USE OF MAROUBRA BEACH. (F2004/07550)**

416 **RESOLUTION:** *(His Worship the Mayor, Cr T. Seng) that:*

- a) *Council vote \$435.90 to cover the fees associated with the Dedication Day on Sunday 4 December, 2005 at Maroubra Beach and funds be allocated from the Contingency Fund 2005/06; and*
- b) *the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event.*

**MOTION: (His Worship the Mayor, Cr T. Seng) CARRIED – SEE RESOLUTION.**

**6.2 MAYOR'S MINUTE 128/2005 - USE OF CORAL SEA PARK BY MAROUBRA UNITED SOCCER CLUB. (F2004/07842)**

417 **RESOLUTION:** *(His Worship the Mayor, Cr T. Seng) that:*

- a) *Council vote \$755.00 to cover the fees associated with the Maroubra United Soccer Club and that these funds be allocated from the 2005/06 Contingency Fund budget;*
- b) *the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the program; and*
- c) *the Mayor's representative be given the opportunity to address the activity on behalf of Council.*

**MOTION: (His Worship the Mayor, Cr T. Seng) CARRIED – SEE RESOLUTION.**

**6.3 MAYOR'S MINUTE 129/2005 - DES RENFORD CHAIR OF HEART RESEARCH SWIM CHALLENGE AND CHARITY DAY - USE OF DES RENFORD AQUATIC CENTRE. (F2004/06639)**

418 **RESOLUTION: (His Worship the Mayor, Cr T. Seng)** that Council vote \$5,500.00 to cover the costs associated with Council's contribution towards the organising and staging of the Des Renford Family Day and Swim Challenge to be held on Sunday 27 November, 2005 for the purpose of raising money for the Victor Chang Cardiac Foundation and that this be funded from the Contingency Fund 2005/2006.

**MOTION: (His Worship the Mayor, Cr T. Seng) CARRIED – SEE RESOLUTION.**

**6.4 MAYOR'S MINUTE 130/2005 - IRONMAN SERIES FINAL AT COOGEE BEACH. (F2004/08286)**

419 **RESOLUTION: (His Worship the Mayor, Cr T. Seng)** that:

- (a) Council give an "In Principle Approval" to Coogee Beach being the location for the 2006 Kellogg's Nutri-Grain IronMan Series Final and that Surf Life Saving Australia be advised accordingly; and
- (b) Surf Life Saving Australia be requested to submit a formal application to Council for holding the 2006 Kellogg's Nutri-Grain IronMan Series Final at Coogee Beach on 28 and 29 January, 2006.

**MOTION: (Woodsmith/Matson)** that:

- (a) Council give an "In Principle Approval" to Coogee Beach being the location for the 2006 Kellogg's Nutri-Grain IronMan Series Final and that Surf Life Saving Australia be advised accordingly;
- (b) Surf Life Saving Australia be requested to submit a formal application to Council for holding the 2006 Kellogg's Nutri-Grain IronMan Series Final at Coogee Beach on 28 and 29 January, 2006; and
- (c) an alcohol ban be imposed for the day on Coogee Beach and the promenade. **LOST.**

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

For	Against
Belleli	Andrews
Hughes	Kenny
Matson	Nash
Woodsmith	Procopiadis
	Seng
	Sullivan
	Tracey
	White

**MOTION: (His Worship the Mayor, Cr T. Seng) CARRIED – SEE RESOLUTION.**

**6.5 MAYOR'S MINUTE 131/2005 - USE OF KOKODA PARK, KENSINGTON, FOR CAROLS BY CANDLELIGHT- REQUEST FOR WAIVING OF FEES. (F2004/07794)**

420 **RESOLUTION:** (*His Worship the Mayor, Cr T. Seng*) that:

- (a) Council vote \$2778.00 to cover the fees associated with the event and funds be allocated from the Contingency Fund 2005/06;
- (b) the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and
- (c) the Mayor's representative shall be given the opportunity to address the event on behalf of Council.

**MOTION:** (*His Worship the Mayor, Cr T. Seng*) CARRIED – SEE RESOLUTION.

**6.6 MAYOR'S MINUTE 132/2005 - GORDONS BAY AMATEUR FISHING CLUB - REQUEST FOR FINANCIAL ASSISTANCE FOR REPAIRS TO THE STORM DAMAGED BOAT RACKS AND ASSISTANCE WITH ELECTRICITY COSTS. (F2004/07396)**

421 **RESOLUTION:** (*His Worship the Mayor, Cr T. Seng*) that:

1. Council provide the amount of \$2,942.00 to the Gordons Bay Amateur Fishing and Volunteer Sea Rescue Club Inc, to cover the costs of repairs to the boat racks at Gordons Bay and that the funds be funded from the Contingency Fund 2005/2006; and
2. Council fully fund the floodlight energy costs on an annual basis from the Council's Street Lighting Fund Allocation.

**MOTION:** (*His Worship the Mayor, Cr T. Seng*) CARRIED – SEE RESOLUTION.

**6.7 MAYOR'S MINUTE 133/2005 - SOUTH COOGEE PUBLIC SCHOOL FETE BANNER. (F2004/06257)**

422 **RESOLUTION:** (*His Worship the Mayor, Cr T. Seng*) that Council approve the request by South Coogee Public School to hang a banner promoting "Fiesta 2005" on the Randwick Cemetery timber paling fence on the corner of Moverly and Malabar Roads.

**MOTION:** (*His Worship the Mayor, Cr T. Seng*) CARRIED – SEE RESOLUTION.

**6.8 MAYOR'S MINUTE 134/2005 - WAIVING OF FEES - MUSICAL PERFORMANCES AND SHAKESPEAREAN THEATRE IN GRANT RESERVE. (F2004/07843)**

423 **RESOLUTION:** (*Woodsmith/Belleli*) that:

- (a) Council vote \$8,664.00 to cover the fees associated with the 2006 musical events in Grant Reserve and the Shakespearean Theatre and funds be allocated from the Contingency Fund 2005/06;
- (b) the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the events;

- (c) *the Mayor's representative shall be given the opportunity to address the events on behalf of Council; and*
- (d) *the organiser of the event be required to provide adequate portable toilets.*

**MOTION: (Woodsmith/Belleli) CARRIED – SEE RESOLUTION.**

**6.9 MAYOR'S MINUTE 135/2005 – MAROUBRA PCYC SWIMMING PROGRAM – DRAC. (F2004/06574)**

424 **RESOLUTION: (His Worship the Mayor, Cr T. Seng)** *that Council vote \$600.00 to cover the fees associated with the hire of the indoor competition pool at the Des Renford Aquatic Centre for a PCYC Koori swimming carnival to be held in 2006.*

**MOTION: (His Worship the Mayor, Cr T. Seng) CARRIED – SEE RESOLUTION.**

**6.10 MAYOR'S MINUTE 137/2005 – AUSTRALIAN PARALYMPIC TEAM. (F2004/07396)**

425 **RESOLUTION: (His Worship the Mayor, Cr T. Seng)** *that:*

- (a) *Council agree to support the Australian Paralympic Committee by voting \$250.00 from Council's 2005/06 Contingency budget; and*
- (b) *the Committee is requested to acknowledge Council's contribution where appropriate.*

**MOTION: (His Worship the Mayor, Cr T. Seng) CARRIED – SEE RESOLUTION.**

**6.11 MAYOR'S MINUTE 138/2005 – AIDS AWARENESS WEEK AND DAY 2005. (F2005/00614)**

426 **RESOLUTION: (His Worship the Mayor, Cr T. Seng)** *that:*

- (a) *Council agree to provide general support for AIDS Awareness Week and AIDS Awareness Day 2005; and*
- (b) *South Eastern Sydney Illawarra Area Health Service is requested to acknowledge Council's support where appropriate.*

**MOTION: (His Worship the Mayor, Cr T. Seng) CARRIED – SEE RESOLUTION.**

**6.12 MAYOR'S MINUTE 139/2005 – REQUEST FOR FUNDING - REFUGEE SCHOLARSHIP. (F2004/06574 xr F2004/07396)**

427 **RESOLUTION: (His Worship the Mayor, Cr T. Seng)** *that:*

- (a) *Council agree to support the Centre for Refugee Research, UNSW's "Hopes Fulfilled or Dreams Shattered, from Resettlement to Settlement" Conference from 23<sup>rd</sup> to 28<sup>th</sup> November 2005;*

- (b) Council agree to provide a \$500.00 donation for a scholarship for a refugee to attend the conference, from Council's Contingency Fund budget 2005/06; and
- (c) all UNSW promotional material relating to the Conference acknowledge Council's support.

**MOTION: (His Worship the Mayor, Cr T. Seng) CARRIED – SEE RESOLUTION.**

**7. GENERAL MANAGERS' REPORT.**

**7.1 GENERAL MANAGER'S REPORT 51/2005 - DISCLOSURE OF INTEREST RETURNS. (F2005/00800)**

428 **RESOLUTION: (Andrews/Nash) that:**

- a) the contents of the General Manager's Report 51/2005 dated 11 October, 2005 be received and noted; and
- b) it be noted that the Disclosure of Interests Register has been tabled at the Ordinary Meeting of the Council held on 18 October, 2005.

**MOTION: (Andrews/Nash) CARRIED – SEE RESOLUTION.**

**8. DIRECTOR, CITY SERVICES' REPORTS.**

**8.1 DIRECTOR, CITY SERVICES' REPORT 120/2005 - RANDWICK JUNIOR RUGBY CLUB - GROUND FEE RENTALS. (F2004/06890)**

429 **RESOLUTION: (Matson/Procopiadis) that Council accept the request for a discount in rates for Randwick Junior Rugby for the 2005 rugby season and therefore invoice Randwick Junior Rugby the remainder of the \$6,867.30 to reflect the actual park usage.**

**MOTION: (Matson/Procopiadis) CARRIED – SEE RESOLUTION.**

**8.2 DIRECTOR, CITY SERVICES' REPORT 121/2005 - NAMING OF STREET NAMES - BAYBROOK PROJECT, 1 - 81 LITTLE BAY ROAD, LITTLE BAY. (F2004/07140)**

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

- (a) Council advertise in the local paper the proposal to name the streets:

- i. Clonard Way
- ii. Esperance Close
- iii. Cove Circuit

*and invite interested parties to make written submissions with their views of the suggested names or other names in keeping with the history of the area;*

- (b) Council notify the Geographical Names Board of the proposal;
- (c) Council notify Clarendon Property Group Developments Pty Ltd of its intention to call

*for submissions from interested parties; and*

(d) *a report be brought back to Council after the closing date of all submissions.*

**MOTION: (Andrews/Procopiadis) CARRIED – SEE RESOLUTION.**

**8.3 DIRECTOR, CITY SERVICES' REPORT 122/2005 - NATIONAL RECOGNITION OF MAROUBRA BEACH AS ONE OF AUSTRALIA'S CULTURAL SIGNIFICANT SURFING RESERVES - CONTRIBUTION OF FUNDS. (F2005/00603)**

431 **RESOLUTION: (Matson/Woodsmith) that:**

- (a) *Council support this significant day by contributing \$3,000.00 plus the cost of the plaque towards the total cost of the event; and*
- (b) *the General Manager write to the organisers outlining Council's resolution, how the Council came to it's decision and asking for any feedback or comment from them.*

**MOTION: (Belleli/Andrews)** that Council consider this request and the cost of the plaque and plinth be also paid from these funds.

**AMENDMENT: (Matson/Woodsmith) CARRIED & BECAME THE MOTION.  
MOTION CARRIED – SEE RESOLUTION.**

**8.4 DIRECTOR, CITY SERVICES' REPORT 123/2005 - NAMING AREA IN CLOVELLY AFTER THE LATE TOM CADDY. (F2004/00171)**

432 **RESOLUTION: (Kenny/Matson) that:**

- a) *the proposal to name the southern point of Clovelly Bay 'Tom Caddy Point' be accepted in recognition of Tom Caddy's many years of dedication to the local community; and*
- b) *the proposal be advertised and gazetted, in accordance with the guidelines of the Geographical Names Board.*

**MOTION: (Kenny/Matson) CARRIED – SEE RESOLUTION.**

**8.5 DIRECTOR, CITY SERVICES' REPORT 124/2005 - ESTABLISHMENT OF ALCOHOL FREE ZONES. (F2004/07231)**

433 **RESOLUTION: (Matson/Sullivan)** that Council resolve to re-establish the following Alcohol Fee Zones for a period of three years, expiring on the 18 October, 2008 -

**MAROUBRA BEACH**

- *Road and footpath areas on both sides of Marine Parade from Bond Street to Fitzgerald Avenue.*
- *Road and footpath areas on both sides of McKeon Street from Marine Parade to Duncan Street.*
- *Carpark and footpath areas in the carpark behind the Maroubra Beach Pavilion.*

- *In and around Fenton Avenue from McKeon Street to Mons Avenue and the extension at Maroubra Beach to include Mons Avenue between Marine Parade and Fenton Avenue.*

*The zone excludes adjacent parks and reserves and areas licensed by Council as outdoor eating area. (Refer to Map 1).*

### **MAROUBRA JUNCTION**

- *Carpark and footpath areas in the Anzac Parade median from Boyce Road to Maroubra Road.*
- *Carpark and footpath areas in the Anzac Parade median from Maroubra Road to Fitzgerald Avenue (Refer to Map 2).*

### **COOGEE**

- *Road and footpath areas on both sides of Arden Street from Carr Street to Dolphin Street.*
- *Road and footpath areas on both sides of Coogee Bay Road from Arden Street to Brook Street.*
- *Carpark and footpath areas in the carpark on the eastern side of Coogee Oval.*
- *Road and footpath areas on both sides of Brook Street between Dolphin Street and Coogee Bay Road.*
- *Road and footpath areas on both sides of Dolphin and Alfreda Streets between Brook and Arden Streets.*
- *Road, carpark and footpath areas on both sides of Dolphin Street between Arden and Beach Streets.*
- *Road and footpath areas on both sides of Beach Street from Dudley to Carr Streets.*
- *Road and footpath areas on both sides of Beach Street from the eastern extension of Dolphin to Baden Streets.*
- *Road and footpath areas on both sides of Carr Street from Arden to Beach Streets.*
- *Road and footpath areas on both sides of Kurrawa Avenue and Paul Lane.*

*The zone excludes adjacent parks and reserves and area licensed by Council as outdoor eating areas (Refer to Map 3).*

### **SOUTH COOGEE**

- *Road and footpath areas on both sides of Elphinstone Road from Moverly Road to Bundock Street (Refer to Map 4).*

### **LEXINGTON PLACE, MAROUBRA**

- *Road and footpath areas on the northern side of New Orleans Crescent from Morris Way to Neosho Way.*
- *Road and footpath areas on both sides of Lexington Place from New Orleans Crescent to Minneapolis Way*
- *Road and footpath areas on the southern side of Minneapolis Crescent for Lexington Place to Neosho Way. (Refer to Map 5).*

### **LITTLE BAY**

- *Road and footpath areas on both sides of Anzac Parade from Little Bay Road to Jennifer Street. (Refer to Map 6).*

## **RANDWICK**

- *Short Street, Randwick both sides from Belmore Road to Avoca Street and Avoca Street west side from the intersection of Belmore Road to pedestrian's entrance to Randwick Village. (Refer to Map 7).*

*The zone excludes areas licensed by Council as outdoor eating area;*

*and that all parties who submitted comments on the proposal be advised of Council's resolution.*

## **MOTION: (Matson/Sullivan) CARRIED – SEE RESOLUTION.**

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

For	Against
Andrews	
Belleli	
Hughes	
Kenny	
Matson	
Nash	
Procopiadis	
Seng	
Sullivan	
Tracey	
White	
Woodsmith	

(Note: Cr Sullivan left the meeting at this stage, the time being 8.52 p.m.)

## **9. DIRECTOR, CITY PLANNING REPORTS.**

(Note: The Director City Planning reports were considered as the first items of business on the agenda.)

### **9.1 DIRECTOR, CITY PLANNING REPORT 72/2005 - 3 WISDOM STREET, SOUTH COOGEE. (DA401/2005)**

434 **RESOLUTION:** *(Sullivan/Andrews) that:*

*A Council as the responsible authority grant its consent to Development Application No. 401/05 for demolition of existing structure (excluding western retaining wall and garage slab) and erection of a new dwelling at No.3 Wisdom Street, South Coogee, subject to the following conditions:*

- 1. The development must be implemented substantially in accordance with the*

*plans numbered DA00, DA 01/A, DA 02.1/A, DA 02.2/A, DA 03/A, DA 04/A, DA05/A, DA 06/A, DA 07/A and DA 08/A dated May 2005 and received by Council on 7 October 2005.*

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 relevant building works.*

3. *Metal roof sheeting is to be painted or colour bonded to minimise reflection and to be sympathetic and compatible with the building and surrounding environment.*
4. *There must be no encroachment of any part of the structures onto the adjoining premises or onto Council's road reserve, footway or public place.*
5. *No cooking facilities or sanitary fittings other than those indicated on the approved plans are to be installed in the premises without the prior written consent of the Council.*

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

6. *The development must implement all BASIX Commitments scheduled within the BASIX Certificate, including the provision of a kitchen window to permit natural lighting. The window should be of obscure glass to protect privacy between adjoining dwellings*

***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:***

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

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

8. *External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining*

*premises, so as not to result in the entry of water into the building, or cause a nuisance or damage to the adjoining premises.*

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

9. *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.***

10. *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.*

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

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

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

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

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

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

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

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

14. *A sign must be erected and maintained in a prominent position on the site, which contains the following details:*

- *name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours, or owner-builder permit details (as applicable);*
- *name, address and telephone number of the Principal Certifying Authority; and*
- *a statement stating that "unauthorised entry to the work site is prohibited".*

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

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

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

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

*Council with the occupation certificate.*

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

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

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

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

*At the time of this development consent, Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.2% of the cost of the works.*

19. *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 Building Code of Australia – 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 that the development satisfies relevant standards of construction, and to maintain adequate levels of health, safety and amenity during construction:***

20. *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.*
21. *Any building/demolition works involving asbestos products are to be carried out in accordance with WorkCover New South Wales requirements, guidelines and codes of practice.*
22. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.*
23. *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.*

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.*

*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.*

25. *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.*

26. *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.*

27. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.*

28. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council, 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 Development Control Plan for Exempt & Complying Development and Council's Local Approvals Policy. Applications to place a waste container in a public place can be made to Council's Building Services section.*

29. *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*

30. *Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line or any public place and the stockpiles must be protected with adequate sediment control measures. Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.*

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

31. *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.*

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

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

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

32. *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.*

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

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

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

34. *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 provide adequate provisions for access, transport and infrastructure:***

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

- a) *Reconstruct the existing concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site, if required.*
36. *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.*
37. *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:***

38. *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 driveway access, shall be:*
- ***West edge of driveway opening to be at RL 28.45***
  - ***East edge of driveway opening to be at RL 28.15***
39. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the kerb must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
40. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$332.00 calculated at \$33.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*

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

41. *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.*

42. *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 drainage and associated infrastructure:***

43. *Generally all site stormwater shall be piped to a sediment/silt arrester pit that drains to an infiltration area with a minimum 5 m<sup>2</sup> base area. An overflow pipe shall be provided from the silt arrester pit to drain to Council's kerb and gutter.*

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

*Notes:*

- a. *The sediment/silt arrester pit shall be constructed:-*
- i. within the site at or near the street boundary.*
  - ii. with a child proof and corrosion resistant fastening system (e.g. spring loaded jay-bolt).*
  - iii. with a minimum of 4 x 90 mm diameter weep holes (preferably located in the walls of the pit at the floor level) and with a suitable geotextile material **with a high filtration rating** located around the weep holes.*
  - iv. with the pit floor being a minimum 300mm below the invert level of the outlet pipelines.*
  - v. with a **galvanised** heavy duty screen (Lysaght RH3030 Maximesh or similar) located over the outlet pipes draining to the infiltration pit and the kerb. (Similar to a Mascot GRC stormwater discharge control pit, product code DS3SDC).*
- b. *The infiltration/rubble pit shall:-*
- i. have a minimum 300 mm of soil cover (600 mm where the pit is located under a garden/landscaping area).*
  - ii. be located a minimum of 3.0 metres from the dwelling or other structure (closer if a structural engineer certifies that the infiltration area will not adversely affect the structure) and 2.1 metres from the adjacent side or rear boundaries.*
  - iii. be constructed with a minimum 200 mm thick layer of 20 mm basalt/blue metal (or similar) that is wrapped in a suitable geotextile material covering with a high filtration rating (Geofabrics Bidim "A" range of filtration fabrics or equivalent). A suitable means of dispersing the stormwater over the area of infiltration is to be constructed.  
*Note: other equivalent methods of infiltration may be adopted.**
  - iv. have a minimum base area of 5.0 square metres (m<sup>2</sup>).*

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

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

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

- d. The overflow pipe/s from the rainwater tank/s shall be directed into the infiltration area.*
- 44. Should seepage water be encountered during excavations for the proposed basement level, the basement shall be suitably tanked and waterproofed.*

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

- 45. Landscaping at the site shall be installed substantially in accordance with the landscape plan prepared by Monique Carah, drawing number DA.01, dated May 2005 subject to the following additional requirements being shown on an amended plan **prior to a construction certificate being issued.***
  - a) All existing vegetation (except the Kentia Palm in the rear yard) shall be removed from the site, with two 25 litre sized replacement trees to be provided within the site. The species selected will be those which will attain a minimum height at maturity of between 4-7 metres.*
- 46. Landscaped areas must contain a predominance of species that require minimal watering once established or species with water needs that match rainfall and drainage conditions.*
- 47. The landscaping shall be installed in accordance with the approved documentation prior to the issue of a final occupation certificate and shall be maintained in accordance with those plans.*
- 48. The naturestrip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.*
- 49. 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.*
- 50. The applicant shall submit a total payment of \$94.60 to Council,*

- a. *Being the cost for Council to supply and install 1 x 25 litre street tree (Banksia integrifolia, Coastal Banksia) on the western side of the proposed driveway at the completion of all works (\$86.00 + GST)*

*The contribution shall be paid at the Cashier on the Ground Floor of the Administrative Centre **prior to an occupation certificate being issued for the development.***

51. *In order to ensure the retention of the Howea fosteriana (Kentia Palm) in the rear yard, close to the western boundary in good health, the following measures are to be undertaken:*

- a. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing specimen with the position of the trunk and full diameter of the canopy clearly shown on all drawings.*
- b. *The palm is to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing, which is to be located a minimum radius of 1.5 metres from the outside edge of the trunk.*

*This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed.*

- c. *Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of in the area and no stockpiling of soil or rubble.*

*Any works required within this zone (only as approved on the construction certificate) shall be under the direction of, and to the satisfaction of, a suitably qualified Arborist.*

- d. *Any excavations required for footings, structures, retaining walls, paving etc within 2.5 metres of the trunk shall be undertaken by hand and under the direction of, and to the satisfaction of, a suitably qualified Arborist with all roots being cleanly cut.*
- e. *The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".*
- f. *A refundable deposit in the form of cash or cheque of \$990.00 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the preservation of the tree in accordance with the requirements described in this condition.*

<b>QUANTITY</b>	<b>SPECIES</b>	<b>AMOUNT</b>
<i>1</i>	<i>Howea fosteriana (Kentia Palm)</i>	<i>\$990.00</i>
	<b>TOTAL</b>	<b>\$990.00</b>

*The refundable deposit is placed to ensure that the tree protection measures as described in this condition are undertaken throughout the demolition and construction period. The refundable deposit will be released twelve (12) months from the time of issue of a final occupation certificate by the certifying authority providing the tree protection measures (including amendments to the plans) have been undertaken throughout the demolition and construction period and the palm has been retained in good health.*

*Any contravention of Council's conditions relating to the palm at any time during the demolition and construction period or prior to the issue of a final occupation certificate will result in the Council claiming all of the lodged security.*

52. *In order to ensure the retention of the Lagunaria patersonii (Norfolk Island Hibiscus) tree located in the rear yard of the adjoining property to the east, 4 Crana Avenue, close to the common boundary in good health, the following measures are to be undertaken:*
- a. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing specimen with the position of the tree trunk and full diameter of the tree canopy clearly shown on all drawings.*
  - b. *There is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble within the dripline.*
  - c. *Any excavations required for footings, structures, retaining walls, pipes, stormwater infiltration systems etc within 3 metres of the tree trunk shall be undertaken by hand and under the direction of, and to the satisfaction of, a suitably qualified Arborist with all roots being cleanly cut.*

#### **Advisings**

- A1 *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: (Sullivan/Andrews) CARRIED – SEE RESOLUTION.**

#### **9.2 DIRECTOR, CITY PLANNING REPORT 73/2005 - 50 DOLPHIN STREET, COOGEE. (DA/0193/2005)**

- 435 **RESOLUTION:** *(Matson/Woodsmith) that Council as the responsible authority refuse its development consent as a 'Deferred Commencement' under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 193/2005 for the alterations and additions to the existing multi unit housing development by adding a new upper level to Unit 3 at 50 Dolphin Street, Coogee for the following reasons:-*

- (a) *the proposal does not comply with the maximum permissible FSR of 0.65:1 and results in adverse impacts in terms of bulk and scale;*
- (b) *the proposal is excessive in height and does not comply with the wall height and overall height requirements of RLEP 1998;*
- (c) *the proposal represents an overdevelopment of the site given the significant departures from the FSR and height requirements of RLEP 1998;*
- (d) *the proposal will adversely impact upon the amenity of adjoining and neighbouring properties in terms of overshadowing, privacy and visual bulk and scale; and*
- (e) *the proposal does not satisfy the objectives and performance requirements of the DCP – Multi-Unit Housing in relation to side setbacks.*

**MOTION: (Matson/Woodsmith) CARRIED – SEE RESOLUTION.**

**9.3 DIRECTOR, CITY PLANNING REPORT 74/2005 - 85 BREAM STREET, COOGEE. (D/0656/2003)**

436 **RESOLUTION: (Sullivan/Andrews) that:**

- A. *Council as the responsible authority grant its consent under Section 96 (2) of the Environmental Planning and Assessment Act, 1979 (as amended), to modify Development Consent No. 00656/2003/A on property at No. 85 Bream Street, Coogee in the following manner:-*

**Amend Condition No. 3 to read:**

- 3. *The rear courtyard for Unit 1 on Level 2 of the building shall be reconfigured such that the area of paved courtyard over the Level 1 carpark at the rear of the Master Bedroom shall be limited to a maximum of 3m in depth and 3.8m in width and the area of courtyard to the rear Bedroom 2 shall be limited to 2m in depth and 4.7m in width, with the remaining area at the rear of the site terraced and landscaped to reduce the visual dominance of the rear retaining wall and provide a maximum area of deep soil planting. Details shall be provided on an amended landscape plan to be submitted and approved by Council's Director of City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act, 1979, **prior to the issue of a construction certificate.***

**Additional conditions**

- 123. *The overall height of the building over the Master Bedroom and ensuite on Level 5 shall be increased to RL 30.31 so as to allow roof insulation and shall be shown as such on the construction certificate plans **prior to the issue of the construction certificate.***
- 124. *Awning/canopies consisting of metal louvres with a maximum projection of 900mm shall be installed at the rear of the building on Levels 2, 3 and 4 to provide solar screening to bedrooms and shall be shown as such on the construction certificate plans **prior to the issue of the construction certificate.***

**MOTION: (Sullivan/Andrews) CARRIED – SEE RESOLUTION.**

**9.4 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT  
75/2005 - 12 BELLEVUE STREET, MAROUBRA. (DA/257/1999/B)**

437 **RESOLUTION: (Andrews/Matson) 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. 257/99 by carrying out alterations and additions to the approved dwelling house including extension of the subfloor space, ground and first floor front balconies by 620mm, relocation of wine cellar at basement level, split laundry and bathroom on ground floor and some window changes for property at 12 Bellevue Street, Maroubra, in the following manner:*

***Amend Condition No. 1 to read:***

1. *The development must be implemented substantially in accordance with the plans designated Project No 312 NB/99 sheets 1 and 2 dated March 1999, the application form and on any supporting information received with the application, and unless modified by the Section 96 application 'A' plans received by Council on 18 May 2005, and as amended by the Section 96 application 'B' plans numbered 0511-01 to 0511-06, dated 12/09/05 and received by Council on 13 September 2005, 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:*

***Condition No. 6 of Development Consent No. 257/1999, dated 12 December 2000 is not altered.***

**MOTION: (Andrews/Matson) CARRIED – SEE RESOLUTION.**

**9.5 DIRECTOR, CITY PLANNING REPORT 76/2005 - THE DOLINA SITE -  
STAGE 1 INTEGRATED DEVELOPMENT APPLICATION FOR THE LAND  
LOCATED AT 89-103 EPSOM ROAD, ROSEBERY (WITHIN THE CITY OF  
SYDNEY.) (F2004/07970)**

438 **RESOLUTION: (Nash/Hughes) that:**

- a) *Council advise Sydney City Council that it strongly objects to the development for 89-103 Epsom Road, Rosebery;*
- b) *Council endorse the submission to be forwarded to the City of Sydney; and*
- c) *Council incorporates a reference to all the names of additional correspondents when presenting its submission.*

**MOTION: (Nash/Hughes) CARRIED – SEE RESOLUTION.**

**9.6 DIRECTOR, CITY PLANNING REPORT 77/2005 - AFFIXING OF THE  
COUNCIL SEAL. (F2004/06282)**

439 **RESOLUTION:** *(Sullivan/Andrews)* that authority be granted for the Council's Common Seal to be affixed to the Department of Community Services Generic Report on Achievements & Remuneration Payment Certificate for the 2004 – 2005 financial year period.

**MOTION:** *(Sullivan/Andrews)* CARRIED – SEE RESOLUTION.

**9.7 DIRECTOR, CITY PLANNING REPORT 78/2005 - PROPOSED AMENDMENT TO PRINCE HENRY MASTERPLAN/DCP . (F2005/00566)**

440 **RESOLUTION:** *(Belleli/Woodsmith)* that Council:

- a) *adopt the Proposed Masterplan Amendment dated September 2005, in accordance with the schedule of variations outlined below;*
- b) *resolve that the Master Plan (September 2005) be adopted for 5 years from the date of its adoption being 18 October 2005;*
- c) *require that the applicant amend the Masterplan in accordance with the schedule of variations detailed below, which will be confirmed by Council in a letter of advice to Landcom. The amended Masterplan including Council variations is to be submitted to Council **within three months** from the date of its adoption;*
- d) *resolve to prepare an Amendment to Randwick Local Environmental Plan, under the relevant provisions of the EPA Act, and regulations to give effect to the Master Plan (September 2005) and variations and adopted by Council;*
- e) *resolve to make the necessary amendments to the existing Prince Henry Development Control Plan to incorporate the master plan/deemed development control plan, as adopted by Council on 18 October 2005;*
- f) *resolve that the cost of implementing the changes arising as a result of this proposed master plan amendment (including amendments to the LEP and Prince Henry DCP) be billed to Landcom in accordance with Council's fees and charges; and*
- g) *give delegations to the Director of City Planning to correct any errors and misdescription contained in the report attachments.*

**SCHEDULE OF VARIATIONS TO MASTERPLAN**

*The Masterplan Amendments, dated September 2005, received by Council 5 September 2005 and adopted at the Council meeting 18 October 2005, is varied in the following way, and the relevant sections of the Masterplan are to be amended accordingly and submitted to Council within 3 months from the date of its adoption being 18 October 2005:*

1. *the remnant bushland proposed for removal on Lot 50 is to be retained. The remnant bushland is to be retained as per the LEP Amendment No. 28 Map (Sheet 1), which supersedes relevant diagrams in the Masterplan.*
2. *the boundary around Lots 47 and 48 is to remain unchanged.*
3. *the western end of Harvey Street at the south eastern corner of Lot 50 end in a cul de sac, allowing a pedestrian, cycle and emergency vehicle access to Jennifer Street.*

4. *the proposed increase in height for Lot 65 from 5 storeys to 8 storeys be deleted, and the 2004 Prince Henry Development Control Plan controls applying to this lot remain.*
5. *the master plan is to note that all road widths, verge and footpath widths, travel lanes and parking lanes are to be provided in accordance with current development consents, issued construction certificates, Council's adopted standards, and any Council endorsed recommendations of the Traffic Committee. The master plan maps are to be amended accordingly*
6. *vehicular crossings on NR6 and NR7, and the private driveways within Lot 51, are to be designed and constructed to accommodate the 85<sup>th</sup> percentile vehicle turning movements based on the worst case on-street parking scenario. The intersection geometry and carriageway widths of NR6 and NR7, and the private driveways within Lot 51, are to be such as to facilitate suitable collection of domestic waste and circulation by vehicles with a minimum turning radius of 10.5 metres. Larger trucks such as 12.5 metre removalist trucks will be able to navigate the intersections without mounting kerbs.*
7. *the roads indicated as private driveways in Lot 51 are to be designed to Council's specifications and are to have the following minimum widths: 3.5m travel lane (measured from face of kerb) and a 2.3m parking lane; and one way circulation.*
8. *the master plan is to note that dedication to Council of the proposed extension of Pine Avenue Park will not occur until such time as Council is satisfied that the use of the park by the general public does not represent an unreasonable risk resulting from the proximity of the park to the Coast Golf Course.*
9. *the references to the proposed loss of additional trees in Lot 51 to be deleted. Note: this matter is to be subject to a more detailed consideration as part of the future development application assessment for Lot 51.*
10. *the references to Landcom's Design Guidelines be deleted from the masterplan report.*
12. *all indicative building envelopes are to be deleted from the amended master plan. Note: the primary controls of FSR, height, and minimum landscaped area are specified.*
12. *the master plan is to note that a restrictive covenant is to be placed on the title within Lot 75 to prohibit dual occupancies.*
13. *note that the Director City Planning 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 documents for public exhibition.*

**MOTION: (Belleli/Woodsmith) CARRIED – SEE RESOLUTION.**

**AMENDMENT: (Matson/Hughes)** that this matter be deferred for mediation between the applicant and objectors through the relevant precinct committee. **LOST.**

**10. PETITIONS.**

**10.1 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR T. SENG ON BEHALF OF RESIDENTS OBJECTING TO COUNCIL TERMINATING THE LEASE WITH R.O.C.K. AT 31 WARATAH AVENUE, RANDWICK. (F2005/00172 xr F2004/06336)**

441 *RESOLUTION: (His Worship the Mayor, Cr T. Seng/Belleli) that the petition tabled be received and noted.*

**MOTION: (His Worship the Mayor, Cr T. Seng/Belleli) CARRIED – SEE RESOLUTION.**

**10.2 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR T. SENG ON BEHALF OF RESIDENTS OBJECTING TO THE DEVELOPMENT APPLICATION AT 1-3 VILLIERS STREET, KENSINGTON. (F2005/00172 xr D/0070/2004-01)**

442 *RESOLUTION: (His Worship the Mayor, Cr T. Seng/Belleli) that the petition tabled be received and noted.*

**MOTION: (His Worship the Mayor, Cr T. Seng/Belleli) CARRIED – SEE RESOLUTION.**

**11. MOTIONS PURSUANT TO NOTICE.**

**11.1 NOTICE OF RESCISSION MOTION BY COUNCILLORS ANDREWS, BASTIC & WHITE – ORDINARY COUNCIL MEETING, TUESDAY, 27<sup>TH</sup> SEPTEMBER, 2005 – CONFIDENTIAL GENERAL MANAGER'S REPORT 48/2005 – MAROUBRA BEACH PAVILION - CAFE & KIOSK - LEASE TENDER EVALUATION - T036/05. (F2005/00198)**

(Note: This matter was considered in closed Committee in conjunction with Item 13.1 – See Minute No. 447)

**11.2 BY COUNCILLOR SCOTT NASH – LEASES – COUNCIL AS LANDLORD. (F2004/06351 XR F2005/00171)**

(This motion was withdrawn with the consent of Council.)

**11.3 BY COUNCILLOR ANDREWS – INSTALLATION OF ROUNDABOUT AT MALABAR ROAD/MONS AVENUE, MAROUBRA. (F2004/08222 XR F2005/00171)**

443 *RESOLUTION: (Andrews/White) that Council considers the installation of a roundabout at the intersection of Malabar Road/Mons Avenue Maroubra. Further this matter be referred to the Traffic Committee for its comments.*

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

**11.4 BY COUNCILLOR ANDREWS – INSTALLATION OF PEDESTRIAN CROSSING AT FENTON STREET, MAROUBRA. (F2004/08222 XR F2005/00171)**

444 *RESOLUTION: (Andrews/Procopiadis) that Council consider the installation of a pedestrian crossing at the Fenton Street, Maroubra near the intersection of McKeon Street. Further this matter be referred to the Traffic Committee for its comments.*

**MOTION: (Andrews/Procopiadis) CARRIED – SEE RESOLUTION.**

**11.5 BY COUNCILLOR ANDREWS – KERB & GUTTERING AT 31-35 MASON STREET, MAROUBRA. (F2004/06115 XR F2005/00171)**

445 *RESOLUTION: (Matson/Woodsmith) that Council consider the installation of kerb and guttering for the residence of 31-35 Mason Street, Maroubra in the 2006/07 budget as this is the only remaining part of Mason Street which has not been kerb and guttered.*

**MOTION: (Andrews/Belleli)** that this Council provide kerb and guttering for the residence of 31-35 Mason Street, Maroubra that being the only remaining part of Mason Street which has not been kerb and guttered. That funding for this project be available in the budget for 2006/07. **LOST.**

**AMENDMENT: (Matson/Woodsmith) CARRIED & BECAME THE MOTION. MOTION CARRIED – SEE RESOLUTION.**

**11.6 BY COUNCILLOR MATSON – KASHMIR, PAKISTAN & INDIA EARTHQUAKE RELIEF. (F2005/00182: XR F2005/00171)**

446 *RESOLUTION: (Matson/Woodsmith) that Council:*

- a) *resolves to donate \$5,000.00 to Medecins Sans Frontieres or another suitable agency assessed by the General Manager to be providing relief work to the victims of the recent earthquake affecting parts of Kashmir, Pakistan & India;*
- b) *offers to make the Town Hall available for free should the Kashmir, Pakistan and Indian communities of the local area wish to stage a fundraising event;*
- c) *encourages residents and businesses within the area to donate to relief efforts; and*
- d) *congratulate the Springtime Greek Glendi for its donation of \$1,000.00 which was received at the meeting.*

**MOTION: (Matson/Woodsmith) CARRIED – SEE RESOLUTION.**

**11.7 BY COUNCILLOR MATSON – ALCOHOL FREE ZONES IN COOGEE. (F2004/06858 XR F2005/00171)**

(This motion was withdrawn with the consent of Council.)

**12. URGENT BUSINESS.**

Nil.

**13. CONFIDENTIAL REPORTS.**

**14. COMMITTEE-OF-THE-WHOLE.**

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

**EXCLUSION OF PRESS AND PUBLIC.**

At the commencement of the meeting, the Committee-of-the-Whole **RESOLVED**, pursuant to Section 10 A(2)(d) of the Local Government Act, 1993, that the press and public be excluded from the whole of this meeting of the Committee as the matters under consideration concerned respectively (d) commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it or confer a commercial advantage on a competitor of the Council or reveal a trade secret, on which publicity or disclosure of the proceedings of the Committee would, in the opinion of the Committee, be prejudicial and on balance would be contrary to the public interest.

**RESOLVED: (Andrews/Matson)** that the Ordinary Meeting of the Council be adjourned at 9.15 p.m. to consider the confidential items in closed session.

**RESOLVED: (Matson/Belleli)** that the Ordinary Meeting of the Council be resumed at 9.32 p.m.

**15. REPORT ON CONFIDENTIAL ITEMS CONSIDERED IN CLOSED SESSION.**

The General Manager reported that the following matters had been considered and the following recommendations to the Council had been formulated by the Committee-of-the-Whole.

**NOTICE OF RESCISSION MOTION BY COUNCILLORS ANDREWS, BASTIC & WHITE – ORDINARY COUNCIL MEETING, TUESDAY, 27<sup>TH</sup> SEPTEMBER, 2005 – CONFIDENTIAL GENERAL MANAGER’S REPORT 48/2005 – MAROUBRA BEACH PAVILION - CAFE & KIOSK - LEASE TENDER EVALUATION - T036/05. (F2005/00198)**

447 **RESOLUTION: (Andrews/Belleli)** that the resolution passed at the Ordinary Council Meeting held on Tuesday, 27<sup>th</sup> September, 2005 reading as follows:-

*that:*

- (a) *Council not accept any tenders; and*
- (b) *tenders be called again, requesting that all tenderers secure a bank guarantee for their rent for the full four and a half (4½) year period.*

**BE AND IS HEREBY RESCINDED.**

**MOTION: (Andrews/Belleli) CARRIED – SEE RESOLUTION.**

448 **RESOLUTION: (FURTHER) (Nash/Belleli) that:**

- (a) *Council not accept any tenders; and*
- (b) *the General Manager be delegated authority to negotiate with the existing tenderers to secure a personal guarantee on a sliding scale and to bring a report back to Council.*

**MOTION (FURTHER): (Nash/Belleli) CARRIED – SEE RESOLUTION.**

**CONFIDENTIAL GENERAL MANAGER'S REPORT 52/2005 - SALE OF LAND ADJACENT TO 276 DONCASTER AVENUE & EDWARD AVENUE, KINGSFORD. (F2004/06326)**

449 **RESOLUTION: (Matson/Belleli) that Council terminates any negotiations with the owner of 276 Doncaster Avenue, Kingsford in regard to sale of the Crown Land and Council reimburses the proposed purchaser the incurred costs associated with the valuation, advertising and legal fees in regard to the proposed purchase of this parcel of land.**

**MOTION: (Matson/Belleli) CARRIED – SEE RESOLUTION.**

**16. NOTICE OF RESCISSION MOTIONS.**

Nil.

There being no further business, His Worship the Mayor, Cr T. Seng, declared the meeting closed at 9.33 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 22<sup>ND</sup> NOVEMBER, 2005.

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CHAIRPERSON