

**MINUTES OF HEALTH BUILDING AND PLANNING COMMITTEE MEETING OF  
THE COUNCIL OF THE CITY OF RANDWICK  
HELD ON TUESDAY, 14TH MARCH 2006 AT 6:36 P.M.**

**PRESENT:**

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

Councillor B. Notley-Smith (East Ward) (Chairperson)

North Ward	-	Crs P. Tracey & M. Woodsmith
South Ward	-	Crs R. Belleli & M Daley (from 7.38pm)
East Ward	-	Crs M. Matson & D. Sullivan
West Ward	-	Crs B. Hughes & J. Procopiadis
Central Ward	-	Cr C. Bastic (from 6.57pm)

**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 Development Assessment	Mr. K. Kyriacou.
Manager Administrative Services	Mr. D. Kelly.
Senior Administrative Coordinator	Ms. J Hartshorn.
Communications Manager	Ms. D. Brien.

**1. APOLOGIES.**

Apologies were received from Crs Andrews, Nash and White.

**RESOLVED: (Belleli/Hughes)** that the apologies from Crs Andrews, Nash and White for non-attendance at the Health, Building & Planning Committee Meeting of the Council held on Tuesday, 14<sup>th</sup> March, 2006 be received & accepted.

**1A. LEAVE OF ABSENCE**

Leave of Absence had previously been granted to Cr Kenny, Minute No. 507 of 22 November, 2005.

## 2. MINUTES.

### CONFIRMATION OF THE MINUTES OF THE HEALTH, BUILDING AND PLANNING COMMITTEE MEETING HELD ON TUESDAY, 14<sup>TH</sup> FEBRUARY, 2006.

H11 **RESOLUTION:** *(Belleli/Matson)* that the Minutes of the Meeting of the Health, Building and Planning Committee held on Tuesday, 14<sup>th</sup> February, 2006 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

## 3. DECLARATION OF PECUNIARY & NON-PECUNIARY INTERESTS

Nil.

## 4. ADDRESSES TO THE COMMITTEE BY THE PUBLIC.

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

### 5.1 DEVELOPMENT APPLICATION REPORT - 93 BOUNDARY STREET, CLOVELLY.

The Objector            Mr Paul Say                            36 Park Street, Clovelly.

The Applicant           Mr Greg O'Sullivan                93 Boundary Street, Clovelly.

### 5.2 DEVELOPMENT APPLICATION REPORT - 8 PATON STREET, KINGSFORD.

The Objector            Ms Andrew Roydhouse            354 Avoca Street, Randwick.

The Applicant           Ms Claire Giles                      64 Brook Street, Coogee.

### 5.3 DEVELOPMENT APPLICATION REPORT - 70-72 PEROUSE ROAD, RANDWICK.

The Applicant           Mr Karl May                            Level 1, 586 Crown Street, Surry Hills.  
(Turner & Associates)

### 5.4 DEVELOPMENT APPLICATION REPORT - 47-53 DUDLEY STREET, COOGEE.

The Objector            Mr Michael Richards                88 Dudley Street, Coogee.

The Applicant           Mr Alex Smith                        185 Old South Head Road, Bondi Junction.

### 5.5 DEVELOPMENT APPLICATION REPORT - 40 HUGHES AVENUE MAROUBRA.

The Objector            Mr Anthony Betros                    301/282 Oxford Street, Bondi Junction.

The meeting was adjourned at 7:17 p.m. and was resumed at 7:38 p.m.

**5. DEVELOPMENT APPLICATIONS.**

**5.1 DEVELOPMENT APPLICATION REPORT - 93 BOUNDARY STREET, CLOVELLY. (DA/863/2005)**

H12 **RESOLUTION:** (*Tracey/Bastic*) that:

A. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 863/2005 for the completion of the retaining walls and for a new rear deck to the rear yard at 93 Boundary Street, CLOVELLY subject to the following conditions:-*

1. *The development must be implemented substantially in accordance with the plans numbered 0011/05 sheets 1 and 2, dated 10/10/05 and received by Council on 19 October 2005, 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.*

3. *The finished ground level of the proposed deck shall be reduced by 200mm, so that the maximum height of the deck does not exceed 700mm at any point above the natural ground levels as indicated on the submitted survey plan and site plan. Details of compliance are to be provided with the construction certificate plans.*

4. *A louvered privacy screen measuring 1.8m in height from the finished level of the proposed deck shall be provided to the recessed section of its south eastern corner. The privacy screen shall also extend for a length of 1.5m along the southern edge of the deck measured from the recessed corner. The louvers of the privacy screen shall be appropriately spaced and angled to prevent downward views into the adjoining properties to the south and east. Screen landscaping shall also be provided along the eastern boundary of the property adjacent to the proposed deck. Details of the privacy screen and its location and screen landscaping shall be submitted to and approved by Council's Director City Planning prior to construction certificate being issued.*

5. *The finished ground levels to the rear yard of the site are to be consistent with the development consent and no additional fill is to be provided to the rear yard or raised without the written consent of Council.*

6. *The existing conifers planted around the perimeter of the rear yard are to be retained to ensure that the privacy levels of the adjoining properties are maintained.*
7. *There must be no encroachment of any part of the infill and deck structures onto the adjoining premises.*

***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:***

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 person's 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.*

***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. *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 made available to the Council officers and all building contractors for assessment.*
21. *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.*

22. *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.*

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. *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.*
25. *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.*
26. *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.*

### ***Civil Works Conditions***

***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 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.*

### ***Service Authority Conditions***

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

28. *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.*

### ***Drainage Conditions***

***The following conditions are applied to provide adequate provisions for drainage and associated infrastructure:***

29. *The proposed timber deck shall be open form to ensure that stormwater runoff can fall to the underlying ground.*
30. *The area beneath the timber deck and trampoline shall be kept pervious to ensure that stormwater is able to infiltrate into the ground.*
31. *Any stormwater runoff from the new deck area and seepage from behind the retaining walls shall be dispersed into a suitably sized infiltration area.*

### ***Landscape Conditions***

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



32. *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 applicant's expense prior to the issue of a final Occupation Certificate.*
33. *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.*

### ***Tree Management***

34. *The following tree shall be removed subject to the planting of 2 x 25 litre broad canopied replacement trees (not palms) in/near the southeast corner of the site. The species selected shall be those that will attain a minimum height of between 4-7 metres at maturity.*
  - a) *Ulmus parvifolia (Chinese Weeping Elm) in the southeast corner of the site.*

### **ADVISORY MATTERS:**

- A1 *Building or excavations works must not be commenced until a construction certificate has been obtained from Council's Building Certification Services or an Accredited Certifier and either Council's Building Certification Services or an Accredited Certifier has been appointed as the Principal Certifying Authority (PCA) for this development.*

*Failure to obtain a Construction Certificate and appoint a PCA before commencing works is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million under the Environmental Planning & Assessment Act 1979.*

- A2 *The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA) and the construction certificate must not be inconsistent with the development consent.*

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

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

*You are therefore advised to ensure that the development is not inconsistent with Council's consent and to consult with Council's Building Certification Services or an accredited certifier prior to submitting your construction certificate application to enable these matters to be addressed accordingly.*

- A3 *The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the*

*commencement of any building/demolition works.*

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

**AMENDMENT: (Matson/Woodsmith)** that the recommendation be adopted, subject to condition three (3) being amended to read as follows:

3. The finished ground level of the proposed deck shall be reduced by 600mm, so that the maximum height of the deck does not exceed 300mm at any point above the natural ground levels as indicated on the submitted survey plan and site plan. Details of compliance are to be provided with the construction certificate plans. **LOST.**

**AMENDMENT (Matson/Woodsmith)** that the recommendation contained in the Director, City Planning’s report be adopted. **LOST.**

Crs Matson and Woodsmith rose and demanded a DIVISION on the amendment. The division was taken and the voting was as follows:

<b>FOR</b>	<b>AGAINST</b>
Cr Belleli	Cr Bastic
Cr Hughes	Cr Daley
Cr Matson	Cr Notley-Smith
His Worship the Mayor, Councillor Seng	Cr Procopiadis
Councillor Woodsmith	Cr Sullivan
-	Cr Tracey

**5.2 DEVELOPMENT APPLICATION REPORT - 8 PATON STREET, KINGSFORD. (DA/0522/2005)**

H13 **RESOLUTION: (Belleli/Hughes)**

- A. *That Council's original determination of Development Application No. 522/2005 dated 28 July 2005 for the alterations and ground and first floor additions to the existing dwelling house at 8 Paton Street, Kingsford, be rescinded.*
- B. *THAT Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 522/2005 for the alterations and first floor additions to the existing dwelling house at 8 Paton Street, Kingsford, subject to the following conditions: -*

**DEVELOPMENT CONSENT CONDITIONS**

1. *The development must be implemented substantially in accordance with the plans designated Drawing Nos. 2005-68/1A, 2005-68/2, 2005-68/3A, 2005-68/4A, 2005-68/5A, 2005-68/6A, 2005-68/7A, and 2005-68/8A, dated June 2005 and received by Council on 9 August 2005, 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 rear first floor window to bedroom 1 is to have a maximum width of 2.1m to address the potential loss of privacy to No. 10 Paton Street. Details of compliance are to be provided in the construction certificate plans.*
3. *The proposed rear ground floor pergola is to observe a 900mm minimum setback from the southern boundary and is to be redesigned to delete the brick southern wall and have a 90mm sole support on its southern side. The roof structure over is to consist of a single timber beam 200mm x 50mm with approximate spacing of 600mm to address the siting relative to No. 10 Paton Street and to reduce the level of overshadowing to the rear of that property. Details of compliance are to be provided in the construction certificate plans.*
4. *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 City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the relevant building works.*

5. *The external materials, colours and finishes of the building are required to match, as closely as possible, the existing building.*
6. *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.*
7. *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.*

***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. *New 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 manufacturer's details.*

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

10. *New hot water service pipes are to be provided with insulation and must also satisfy any relevant requirements of Building Code of Australia and AS 3500.*

***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 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.*

12. *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:***

13. *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.***

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

17. *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.*

18. *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”.

19. *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.*

20. ***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.*

21. *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.*

22. *The required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, **prior to the issuing of a Construction Certificate**,*

*in accordance with Section 109F of the Environmental Planning & Assessment Act 1979.*

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

23. *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:***

24. *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.*
25. *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.*
26. *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.*

27. *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.*

28. *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.*

29. *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.*

30. *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.*

31. *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.*

32. *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*



33. *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.*

34. *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.*

35. *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:***

36. *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 maintain reasonable levels of public health, amenity and safety:***

37. *The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with Randwick City Council's Asbestos Policy and the relevant requirements of WorkCover NSW and the NSW Department of Environment & Conservation (formerly the Environment Protection Authority), including:*

- *Occupational Health and Safety Act 2000*
- *Occupational Health and Safety (Hazardous Substances) Regulation 2001*
- *Occupational Health and Safety (Asbestos Removal Work) Regulation 2001*
- *WorkCover NSW Code of Practice for the Safe Removal of Asbestos*
- *Australian Standard 2601 (2001) – Demolition of Structures*
- *The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.*
- *Relevant Department of Environment & Conservation (DEC) / Environment Protection Authority (EPA) and WorkCover NSW Guidelines.*

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

***The following conditions have been applied to ensure that adequate security provisions are made for vehicular access, parking and public infrastructure:***

38. *A Road Opening Permit must be obtained from Council's City Services Department prior to opening-up or carrying out any proposed works within the road, footpath, nature strip or other public place and all works including repairs are to be carried out to Council's satisfaction.*

#### ***Civil Works Conditions***

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

39. *The applicant must meet the full cost for Council or a Council approved contractor to:*
- a) *Construct concrete vehicular crossing between the existing layback at kerb and the property boundary opposite the vehicular entrance to the site.*
40. *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.*

41. *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.*

#### ***Alignment Level Conditions***

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

42. *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 driveway entrance in McNair Avenue shall be as follows:*
- ***100mm above the existing back of layback.***
43. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the layback 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.*
44. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$121.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.*
45. *The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the existing ground level in both the Paton St & McNair Ave frontages.*

#### ***Service Authority Conditions***

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

46. *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.*
47. *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.

### ***Landscape Conditions***

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

48. *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 applicant's expense 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, fertilizing, and the removal of weeds.*
50. *In order to visually 'soften' the expanses of hard pavement, brick unit pavers, stenciled concrete 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 MATTERS:***

- A1 *Building or excavations works must not be commenced until a construction certificate has been obtained from Council's Building Certification Services or an Accredited Certifier and either Council's Building Certification Services or an Accredited Certifier has been appointed as the Principal Certifying Authority (PCA) for this development.*

*Failure to obtain a Construction Certificate and appoint a PCA before commencing works is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million under the Environmental Planning & Assessment Act 1979.*

- A2 *The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA) and the construction certificate must not be inconsistent with the development consent.*

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

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

*You are therefore advised to ensure that the development is not inconsistent with Council's consent and to consult with Council's Building Certification Services or an accredited certifier prior to submitting your construction certificate application to enable these matters to be addressed accordingly.*

- A3 *The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*

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

**5.3 DEVELOPMENT APPLICATION REPORT - 70-72 PEROUSE ROAD, RANDWICK. (D/1101/2003)**

H14 **RESOLUTION: (Belleli/Sullivan) that:**

- A. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No DA/1101/2003/C for Section 96 (2) application to modify the proposed design by reconfiguration of storage areas to the basement, internal unit reconfiguration, provision of new terrace for Unit 12, at 70-72 Perouse Road, Randwick, in the following manner:-*

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

1. *The development must be implemented substantially in accordance with the plans with Job Number 04032 and undated Drawing Nos. DA01, Revision F; DA02, Revision K; DA03, Revision H; DA04 and DA05, both Revision G; and DA06, Revision E, and all received by Council on 17/11/2004; the application form and on any supporting information received with the application, except as may be amended by the details approved with the deferred commencement conditions and as amended by the Section 96 plans numbered with Job No. 04032 and Drawing Nos. DA01, Revision K, DA02, Revision Q, DA04, Revision I, DA05, Revision I, DA06, Revision G, all dated 24 May, 2005 and DA03, Revision M, dated 9 June 2005; and as amended by the Section 96 plans numbered with Drawing Nos. A202, 203, 204, 301, 302, all Issue 6, dated 14 February, 2006, **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 amended plans.*

**Additional conditions:**

146. *Planters as shown on the second floor balcony of Unit 12 shall be fixed to the roof and demonstration of compliance shall be provided to the Certifying Authority prior to the issue of the occupation certificate.*
147. *The roof terrace and spiral stair access associated with Unit 12 shall be deleted from the proposal.*
149. *Soil depth above the slab level of the detention/rainwater tank shall be a minimum of 600mm and certification of compliance shall be provided to the Certifying Authority prior to the issue of the Occupation Certificate.*

150. *The kitchen window of Unit 11 and the study window of Unit 10 on the southern elevation of the rear building shall have a minimum sill height of 1.5m above floor level.*

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

**5.4 DEVELOPMENT APPLICATION REPORT - 47-53 DUDLEY STREET, COOGEE. (D/0068/2005)**

H15 **RESOLUTION: (Bastic/Daley) that:**

- A. *Council as the responsible authority grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to Modify Development Consent No. 68/2005 on property 47-53 Dudley Street, Coogee in the following manner:*

- ***Amend Condition Nos. 1, 2 and 64 to read:***

1. *The development must be implemented substantially in accordance with Revision C of the plans drawn by CSA Architects and numbered LEY-01 through to LEY-09, dated 22/06/05 and stamped received by Council on 30 June 2005, the landscape plan prepared by Taylor Brammer numbered Revision A of LA01 dated 21.01.05 and stamped received by Council on 4 February 2005, the Flood Assessment Verification Report (including revised pages 1-4) prepared by AKY Civil Engineering dated December 2004 and stamped received by Council on 4 February 2005, the draft subdivision plans in 4 sheets Surveyor's Reference 031002 DSP drawn by Denny Linker & Co and stamped received by Council on 4 February 2005, the application form and on any supporting information received with the application, except as may be amended by the Section 96 plans drawn by CSA Architects, Issue E of the plans numbered LEY-01 to LEY-09 dated 6 December 2005 all stamped received by Council on 7 December 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 details submitted to satisfy the deferred commencement conditions and the following conditions and as may be shown in red on the attached plans:*
2. *Parking spaces are to be allocated as follows:*

<b>Unit</b>	<b>Parking Spaces</b>
1	17, 18
4	12, 22
11	15, 20
12	16, 19
13	13, 21

*on the plans submitted for Construction Certificate and Strata Subdivision Certificate approval. All other units are to be allocated a minimum of 1 space. This condition is imposed to ensure the proper use of the stacked parking spaces.*

64. *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.

- **Add the following conditions:**

141. *The common wall between Units 5 and 6, 10 and 11 is to be extended 1.3m northwards to protect the adjacent balconies of these dwellings from visual privacy impacts. The common wall between Units 8 and 9, 12 and 13 is to be extended 1.0m northwards to protect the adjacent balconies of these dwellings from visual privacy impacts. Details are to be included in plans submitted with the Construction Certificate application.*
142. *The planter box on the western side of the development is to be extended over the area of the basement in the southwestern corner of the site highlighted in green on approved basement plan Revision E of LEY-01. This condition is imposed to soften the visual impact of the development and maintain the landscaped character of the site. Details are to be provided with the Construction Certificate application.*
143. *A minimum of eight (8) secure bicycle spaces are to be provided in the basement of the development.*
144. *Thirteen (13) storage spaces are to be provided in the basement of the development. In addition to the spaces shown on the approved basement plan Revision E of LEY-01, storage spaces are to be provided under the westernmost stair, in the room marked 'Services' on that plan and Space 8 is to be equally divided in two to achieve a total of 13. Details are to be provided with the Construction Certificate application.*
145. *The proposed enclosure of the front (south) facing balconies of Units 1,4,5,7 and 9 and enlargement of adjacent bedrooms shall be deleted from the plans and these areas are to remain as per the approved plan Revision D of drawings LEY-02 and LEY-03 dated 22 September 2005. The approved timber louvres on these balconies may be deleted.*
146. *The sill height of the west facing windows to the studies on Levels 1 and 2 of the building are to be increased to be a minimum height of 1.5m above finished floor level, or alternatively, the windows are to be fixed and provided with translucent, obscured, frosted or sandblasted glazing below 1.5m above finished floor level.*

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

## **5.5 DEVELOPMENT APPLICATION REPORT - 40 HUGHES AVENUE MAROUBRA. (DA 1051/05)**

- H16 **RESOLUTION: (Belleli/Woodsmith)** *that Council's Team leader under delegated authority from the General Manager, as the consent authority, refuse development consent under Section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 1051/05 for permission to carryout alterations and additions to the dwelling at 40 Hughes Avenue, Maroubra for the following reasons:*

1. *The proposal does not comply with the objectives and performance requirements of the Development Control Plan for Dwellings and Attached Dual Occupancies with respect to floor area in that the development will be excessive in bulk and scale and will not minimise adverse effects of bulk on the neighbours;*
2. *The proposal does not comply with the Objective and Performance Requirements of the Development Control Plan for Dwellings and Attached Dual Occupancies with respect to building setbacks in that the front and side boundary setbacks of the addition will not integrate with the established setbacks of the street and adjoining premises and will not maintain adequate access to natural light, daylight and fresh air;*
3. *The proposal does not comply with the Objectives and Performance Requirements of the Development Control Plan for Dwelling and Attached Dual Occupancies with respect to visual and acoustic privacy in that the new deck to the front of the premises will allow for the direct overlooking of the adjoining premises which will result in a severe loss of privacy to the adjoining premises; and*
4. *the proposal does not comply with the Objectives of Clause 10 of the Randwick LEP 1998 in that the development does compromise the amenity of the surrounding area.*

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

Councillors Daley and Procopiadis left the meeting at 7.57 pm.

## **6. MISCELLANEOUS.**

### **6.1 DIRECTOR, CITY SERVICES' REPORT 11/2006 - COOGEE BEACH TOILET BLOCK REFURBISHMENT TENDER NO. T049/05. (F2005/00788)**

H17 **RESOLUTION:** *(Belleli/Sullivan) that the Director, City Services' Report 11/2006 be received and noted and this matter be referred to the next Ordinary Council Meeting on 28<sup>th</sup> March, 2006.*

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

### **6.2 DIRECTOR, CITY PLANNING REPORT 9/2006 - UPDATE ON ENERGY CONSERVATION INITIATIVES VIA COUNCIL'S SUSTAINING OUR CITY PROGRAM. (F2005/00230)**

H18 **RESOLUTION:** *(Matson/Hughes) that the Director, City Planning Report 9/2006 be received and noted.*

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

Crs Bastic and Sullivan left the meeting at 8.03 pm resulting in the lack of a quorum to continue the meeting.

Councillors present in the chamber were Crs Belleli, Hughes, Matson, Notley-Smith, Seng, Tracey & Woodsmith.



Crs Procopiadis and Sullivan returned to the chamber at 8.05 pm resulting in a quorum to continue the meeting.

**6.3 DIRECTOR, CITY PLANNING REPORT 10/2006 - DRAFT SYDNEY COASTAL COUNCIL'S GROUP STRATEGIC PLAN 2005-2008. (F2004/00949)**

H19 **RESOLUTION:** *(Belleli/Sullivan) that:*

- a) *Council endorse the draft Sydney Coastal Councils Group Strategic Plan 2005 – 2008;*
- b) *Council note that the Guiding Principles, as outlined in the draft Plan, will be considered in future planning and coastal management responsibilities; and*
- c) *Council note its continuing membership of the Sydney Coastal Councils Group.*

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

**6.4 DIRECTOR, CITY PLANNING REPORT 11/2006 - PRINCE HENRY MASTERPLAN (DEEMED DCP) - PROPOSED AMENDMENT 2006. (F2006/3189)**

H20 **RESOLUTION:** *(Belleli/Sullivan) that:*

- a) *Council adopt the proposed Masterplan Amendment, dated January 2006, by removing from the Masterplan references to the dedication of the extension to Pine Avenue Park (Lot 76 and 77) to Council; and*
- b) *Council agrees that Lots 76 and 77 be managed as public open space by the Prince Henry Reserve Trust.*

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

**6.5 DIRECTOR, CITY PLANNING REPORT 12/2006 - RETROSPECTIVE CONSTRUCTION CERTIFICATES. (F2004/08241)**

H21 **RESOLUTION:** *(Belleli/Sullivan) that the Director, City Planning Report 12/2006 be received and noted.*

**MOTION (Belleli/Sullivan) CARRIED – SEE RESOLUTION.**

**7. GENERAL BUSINESS.**

Nil.

**8. NOTICE OF RESCISSION MOTIONS.**

Nil.

The meeting closed at 8:07p.m.

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CHAIRPERSON