

**MINUTES OF ORDINARY COUNCIL MEETING OF  
THE COUNCIL OF THE CITY OF RANDWICK  
HELD ON, TUESDAY 25TH JULY 2006 AT 6:10 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 & M. Daley
East Ward	- Cr B. Notley-Smith & D. Sullivan (from 6.24pm)
West Ward	- Crs B. Hughes, S. Nash & J. Procopiadis
Central Ward	- Crs A. Andrews & C. Bastic

**OFFICERS PRESENT:**

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

**1. COUNCIL PRAYER**

The Council Prayer was read by Cr Belleli.

**2. APOLOGY.**

An apology was received from Cr White.

**RESOLVED:** (Nash/Daley) that the apology from Cr White for non-attendance at the Ordinary Council Meeting of the Council held on Tuesday, 25<sup>th</sup> July, 2006 be received & accepted.

**3. MINUTES**

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY 27<sup>TH</sup> JUNE, 2006 AND THE EXTRAORDINARY COUNCIL MEETING HELD ON TUESDAY 12<sup>TH</sup> JULY, 2006.**

- 190 **RESOLUTION:** (*Andrews/Notley-Smith*) that the Minutes of the Ordinary Council Meeting held on Tuesday, 27<sup>th</sup> June, 2006 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.
- 191 **RESOLUTION:** (*Notley-Smith/Belleli*) that the Minutes of the Extraordinary Council Meeting held on Wednesday, 12<sup>th</sup> July, 2006 (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 Hughes declared a non pecuniary interest in Item 12.9, Motion by Councillor Notley-Smith – Maintenance, St Jude’s Cemetery Fence, as St Judes Church is a client of his.
- (b) Cr Kenny declared a non pecuniary interest in Item 12.1, Notice of Rescission Motion by Councillors Andrews, Matson & Bastic – Development Application Report - 55 Denning Street, South Coogee, as he lives in the same street and used to know the objector personally.

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

**ITEM 10.1 DIRECTOR, CITY PLANNING REPORT 63/2006 - 25 BYRNE CRESCENT MAROUBRA**

The Objector	Mr Gary Dalton	27 Dawes Street, Little Bay
The Applicant	Ms Paula Castile	25 Byrne Crescent, Maroubra

**ITEM 10.2 DIRECTOR, CITY PLANNING REPORT 64/2006 - 62 CANBERRA STREET RANDWICK.**

The Applicant	Mr Michael Lewis	62 Canberra Street, Randwick
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**ITEM 10.3 DIRECTOR, CITY PLANNING REPORT 65/2006 - 47-53 DUDLEY STREET, COOGEE.**

The Objector	Ms Jane Becker	80 Dudley Street, Coogee
The Applicant	Mr Alex Smith	185 Old South Head Road, Bondi Junction

The meeting was adjourned at 6.36 p.m. and was resumed at 6.50 p.m.

**MOTION: (Sullivan/Bastic)** that Cr Kenny be asked to stand aside whilst he is still facing serious criminal charges. **RULED OUT OF ORDER BY THE MAYOR.**

**DISSENT MOTION: (Sullivan/Bastic)** on the ruling of the chairperson. **LOST.**

A division on the dissent motion was called for by Crs Bastic and Sullivan. Voting was as follows:-

<b>For</b>	<b>Against</b>
Andrews	Belleli
Bastic	Hughes
Procopiadis	Kenny
Sullivan	Matson
Tracey	Nash
	Notley-Smith
	His Worship the Mayor, Cr. T. Seng
	Woodsmith

**6. MAYORAL MINUTES.**

**6.1 MAYOR'S MINUTE 51/2006 - WAIVING OF FEES - ST PAULS ANGLICAN CHURCH - "CAROLS BY THE SEA". (F2004/07843)**

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

- a) *Council vote \$1,063.18 to cover the fees associated with the event and funds be allocated from the 2006/2007 Contingency Fund Budget;*
- 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 or his 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.**

**6.2 MAYOR'S MINUTE 52/2006 - REQUEST FOR DISPLAYING A BANNER AND WAIVING OF ASSOCIATED FEES BY LEARNING LINKS. (F2004/06257)**

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

- a) *the fees associated with the installation and dismantling of a banner on the flagpole within the Randwick City for one (1) month be waived and \$709.83 be allocated from the Contingency Fund 2006/07; and*
- b) *Learning Links undertakes to appropriately and prominently acknowledge and promote Council's contribution to its public awareness campaign.*

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

**6.3 MAYOR'S MINUTE 53/2006 - URBAN DESIGN AWARDS 2006. (F2004/07776)**

194 **RESOLUTION:** *(His Worship the Mayor, Cr. T. Seng) that Council note this Report and the key dates for the Randwick City Urban Design Awards 2006.*

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

**6.4 MAYOR'S MINUTE 54/2006 - SSROC EAST TIMOR PARTNERSHIP - ANNUAL FINANCIAL CONTRIBUTION. (F2005/00182)**

195 **RESOLUTION:** *(His Worship the Mayor, Cr. T. Seng)* that the SSROC East Timor Partnership be supported and Council agree to an annual contribution of \$4,000.00 for each of the three years (being 2006/07, 2007/08 & 2008/09) and that this contribution be funded from the Contingency Fund Budget.

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

**6.5 MAYOR’S MINUTE 55/2006 - CLOVELLY BEACH RESIDENT PARKING PROPOSALS. (F2004/08439)**

196 **RESOLUTION:** *(His Worship the Mayor, Cr. T. Seng)* that the previously endorsed priorities for implementation of area wide Resident Parking Schemes, in various parts of the City, be adjusted so that they be dealt with in the following order of priority:

*The Spot (completed), Coogee Beach (completed), Randwick Junction, Kensington, Kingsford, North Randwick (TAFE Precinct), Todman Avenue, Maroubra Junction and Maroubra Beach.*

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

**7. GENERAL MANAGERS’ REPORTS.**

**7.1 GENERAL MANAGER'S REPORT 23/2006 - AFFIXING OF THE COUNCIL SEAL. (F2004/07593)**

197 **RESOLUTION:** *(Nash/Hughes)* that authority be granted for the Council’s Common Seal to be affixed to the agreements between Council and:

1. *Ms Kanphanisa Sasirutkul (T/As Chilli Box Noodle Bar) in relation to a licence for the purpose of outdoor dining at 207A Coogee Bay Road, Coogee.*
2. *Kosmos Papadopoulos (T/As Clodeli Fine Foods) in relation to a licence for the purpose of outdoor dining at Shop 1, 210-212 Clovelly Road, Clovelly.*
3. *JM, LW, MJ & NJ Pawley (T/As Café Clovelly) in relation to a licence for the purpose of outdoor dining at 331 Clovelly Road, Clovelly.*
4. *Con Zarocostas (T/As Coogee Café) in relation to a licence for the purpose of outdoor dining at 221 Coogee Bay Road, Coogee.*
5. *Maher (Leon) Jordan (T/As Beach Bay Charcoal Chicken) in relation to a licence for the purpose of outdoor dining at 55 McKeon Street, Maroubra.*
6. *David Genca & David Petrucci (T/As Vinny’s Woodfire Pizza) in relation to a licence for the purpose of outdoor dining at 1-3 Maroubra Road, Maroubra.*
7. *Tony Cerqueira (T/As Oportos Kingsford) in relation to a licence for the purpose of outdoor dining at 287-291 Anzac Parade, Kingsford.*
8. *Tony Cerqueira (T/As Oportos Maroubra) in relation to a licence for the purpose of outdoor dining at 944 Anzac Parade, Maroubra.*
9. *Alicia Gonzalez (T/As Peek A Boo Café) in relation to a licence for the purpose of outdoor dining at 10 Bream Street, Coogee.*
10. *William Yousif (T/As Alison Lebanese Cuisine) in relation to a licence for the purpose of outdoor dining at 169 Alison Road, Randwick.*
11. *Tommy Tjhie (T/As Beach Pit Café) in relation to a licence for the purpose of outdoor dining at 211 Coogee Bay Road, Coogee.*
12. *Grace Barge (T/As Café 105) in relation to a licence for the purpose of outdoor dining*

- at 105 King Street, Randwick.*
13. *A residential lease agreement over a bachelor unit at Unit 1/6 Barrett Place, Randwick.*
  14. *A residential lease agreement over a one bedroom unit at 3/32 Belmore Road, Randwick.*
  15. *Anthony Francis Conyngham in relation to a transfer granting of easement over a right of way at Lot 9 DP 301332 also known as 59R Clifton Road, Clovelly.*
  16. *See to Shore in relation to a lease agreement over the Maroubra Beach Pavilion Café/Kiosk at 3R Marine Parade, Maroubra.*
  17. *Department of Lands in relation to a request for removal of a notation on a Certificate of Title over Lot 10 DP 1097236, also known as 16R St Pauls Lane, Randwick.*

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

**7.2 GENERAL MANAGER'S REPORT 24/2006 - UNDERGROUNDING OF ELECTRICAL WIRING IN MARINE PARADE BETWEEN UNDINE AND WILSON STREETS AS PART OF THE UPGRADING OF THE COASTAL WALKWAY. (F2005/00508)**

198 **RESOLUTION: (Notley-Smith/Belleli) that:**

- a) *Council organise and bear the cost for the design of the undergrounding of cables in Marine Parade, Maroubra, between Undine Street and Wilson Street;*
- b) *Council officers seek quotations for the works; and*
- c) *the residents of Marine Parade be invited to fund the required cabling and associated works.*

**MOTION: (Notley-Smith/Belleli) CARRIED – SEE RESOLUTION**

**7.3 GENERAL MANAGER'S REPORT 25/2006 - MAROUBRA BEACH PAVILION CAFE TENDER. (F2005/00198)**

199 **RESOLUTION: (Bastic/Procopiadis) that:**

- a) *the Conduct Committee's finding be received and noted; and*
- b) *the General Manager arrange briefing sessions for Councillors and relevant Council Officers on their obligations under the Code of Conduct at the beginning and half way through each Council term.*

**MOTION:(Matson/Woodsmith) that this matter be deferred for further advice as to whether the Conduct Committee's findings can be rejected. LOST.**

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

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

**8.1 DIRECTOR, CITY SERVICES' REPORT 56/2006 - NEW ROAD NAMES, PRINCE HENRY SITE, LITTLE BAY. (F2004/07140)**

200 **RESOLUTION: (Andrews/Belleli) that:**

- a. *The road names for Prince Henry at Little Bay be named  
New Road 6 - Meyler Close  
New Road 7 - McMaster Place  
Private Drive 8 - Stanley Crescent  
Private Drive 9 - Gull Way;*
- b. *The Geographical Names Board be requested to proceed with the naming proposal application;*
- c. *an advertisement be placed in the local papers advising of Council Resolution for approval of the road names;*
- d. *arrangements made for the road names to be gazetted; and*
- e. *all interested parties be advised accordingly.*

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

## **9. DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORTS.**

### **9.1 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 47/2006 - PROPOSED WARD BOUNDARY ALTERATIONS. (F2004/06561)**

201 **RESOLUTION: (Notley-Smith/Nash) that:**

- a) *Council adopt the proposed ward boundary alterations as detailed in the independent consultant's report and shown on the ward boundary plans to enable the metes and bounds description of the ward boundaries to be published in the NSW Government Gazette; and*
- b) *the Electoral Commissioner and the Australian Statistician be advised of the revised ward boundaries.*

**MOTION: (Notley-Smith/Nash) CARRIED – SEE RESOLUTION.**

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

### **10.1 DIRECTOR, CITY PLANNING REPORT 63/2006 - 25 BYRNE CRESCENT MAROUBRA. (DA 996/2004)**

202 **RESOLUTION: (Nash/Bastic) that Council as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No DA/996/2004/A for permission to delete the proposed enlargement of the existing balconies and repair the existing balconies and provide glass balustrades.**

*Original Consent: Extend the rear balconies along the eastern side and enlarge the balcony along the north including new staircase at 25 Byrne Crescent, MAROUBRA in the following manner:-*

**A Amend Condition 1 to read:**

*The development must be implemented substantially in accordance with the Section 96 plans numbered 3474-1 and 3474-2, dated 6/7/06 and received by Council on the 7th July 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 attached plans:*

**B**     ***Conditions 3, 4 & 5 be deleted.***

**C**     *The Director City Planning be delegated authority to place a notation on the stamped plans that there is no change to the northern balcony and landing and that the two stainless steel supports are not part of the section 96 and are to be removed from the stamped plans.*

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

**10.2 DIRECTOR, CITY PLANNING REPORT 64/2006 - 62 CANBERRA STREET RANDWICK. (DA/314/2006 xr PROP049854)**

203 **RESOLUTION:** *(Notley-Smith/Sullivan) that Council as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No.314/06 for permission to carryout alterations and additions to the dwelling including new dormer windows to the attic store, and conversion of the garage into a therapy room at 62 Canberra Street Randwick subject to the following conditions: -*

***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:***

1.     *The development must be implemented substantially in accordance with the plans numbered 62CANB, sheets 1 & 2, dated March 2006 and received by Council on the 1st May 2006, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*
2.     *The external materials, colours and finishes of the building are required to match, as closely as possible, the existing building.*
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 the structures onto any adjoining premises or onto Council's road reserve, footway or public place, unless permission has been obtained from the owners of the adjoining land accordingly.*
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.*
6.     *The use of the therapy room is to be in conjunction with the use of the dwelling and is not to be used for any other purpose or occupation.*

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

7 *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.*

8 *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.*

9 *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:***

10 *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.*

11 *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:***

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

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

13 *All new building work must be carried out in accordance with the provisions of the **Building Code of Australia** (BCA), in accordance with Clause 98 of the*



*Environmental Planning and Assessment Regulation 2000.*

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

- 16 ***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.*

17 *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”.*

18 *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.*

19 ***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.*

20 *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.*

- 21 *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.*

- 22 *Smoke alarms are required to be installed in each Class 1 building or residential 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:***

- 23 *The demolition, removal, storage, handling and disposal of building products and materials must be carried out in accordance with the relevant requirements of WorkCover NSW, the NSW Department of Environment & Conservation (formerly the Environment Protection Authority) and Randwick City Council policies and conditions, 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.*
- *Randwick City Council Asbestos Policy (adopted 13 September 2005)*

*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.*

- 24 *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.*
- 25 *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.*
- 26 *Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all building, demolition and associated site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and Public Holidays.*
- 27 *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.*
- 28 *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.*

- 29 *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.*

*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.*

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

*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.*

***The following conditions are applied to maintain reasonable levels of public health, amenity and safety:***

- 31 *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.*

**MOION:(Notley-Smith/Sullivan) CARRIED – SEE RESOLUTION.**

**10.3 DIRECTOR, CITY PLANNING REPORT 65/2006 - 47-53 DUDLEY STREET, COOGEE. (DA/221/2006)**

- 204 **RESOLUTION:** *(Notley-Smith/Matson) that Council as the responsible authority refuse development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA 221/2006 for Alterations and new*

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This is Page No. 13 of the Minutes of the Ordinary Council Meeting held on Tuesday, 25<sup>th</sup> July, 2006.

upper level addition to the approved development at Nos. 47-53 Dudley Street, Coogee for the following reasons:-

1. *The proposal is in excess of the maximum floor space ratio applicable to the site under Clause 32 (1) of the Randwick Local Environmental Plan 1998 and the buildings bulk, scale and form is visually excessive and the objection submitted pursuant to State Environmental Planning Policy No. 1 is not considered to be well founded.*
2. *The proposal exceeds the maximum external wall height of 10m applicable under Clause 33 (4) of the Randwick Local Environmental Plan 1998 and the increased height and built form is visually excessive and not well integrated to the approved development and the objection submitted pursuant to State Environmental Planning Policy No. 1 is not considered to be well founded.*
3. *The proposal is inconsistent with the design quality principles of State Environmental Planning Policy No. 65 in particular:- Principle 1: Context; Principle 2: Scale; Principle 3: Built Form; Principle 4: Density; Principle 7: Amenity; and Principle 10: Aesthetics.*
4. *The proposed development does not achieve the objectives of the 2C Residential Zone in that the proposed building form, height, scale and density will compromise the amenity of the surrounding residential area.*
5. *The proposal is inconsistent with the view sharing performance requirements and objectives of the Randwick Development Control Plan – Multi-Unit Housing in that it results in the loss of views and outlook to properties on the southern side of Dudley Street, Coogee.*

**MOTION: (Notley-Smith/Matson) CARRIED – SEE RESOLUTION.**

A Division was called for by Crs Notley-Smith and Matson. Voting was as follows:-

<b>For</b>	<b>Against</b>
Belleli	Andrews
Hughes	Bastic
Kenny	Daley
Matson	Sullivan
Nash	
Notley-Smith	
Procopiadis	
His Worship the Mayor, Cr. T. Seng	
Tracey	
Woodsmith	

**10.4 DIRECTOR, CITY PLANNING REPORT 66/2006 - 32 - 46 JENNER STREET, LITTLE BAY. (DA/0094/2006)**

205 **RESOLUTION: (Belleli/Nash) that:**

- A. *Council support the objection under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with Clauses 30A of the Randwick Local Environmental Plan 1998 (as amended), relating to heritage building envelopes, on the grounds that the proposed development is consistent with the relevant objectives of the clauses and will not adversely affect the amenity of the surrounding locality and that the Department of Planning be advised accordingly.*

AND

- B. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No D/0094/20066 for Construction of 4 new semi-detached cottages and additions to and refurbishment of the existing four (4) Artisans Cottages at Lot 26 of the Prince Henry site at 32-46 Jenner Street, Little Bay, subject to the following conditions:-*

- 1. The development must be implemented substantially in accordance with the plans numbered AR.DA.02 Issue D and AR.DA.03 Issue D, dated May 2006 and stamped received by Council on 26 May 2006; AR.DA.04 Issue C, AR.DA.05 Issue C, AR.DA.06 Issue C, AR.DA.07 Issue C AR.DA.08 Issue C, and AR.DA.09 Issue C, dated January 2006 and stamped received by Council on 17 February 2006; AR.DA.10 Issue D dated May 2006 and stamped received by Council on 26 May 2006; and AR.DA.11 Issue C, dated January 2006 and stamped received by Council on 26 May 2006 the application form, and on any supporting information received with the application, except as may be amended by the following conditions and the details approved pursuant to the deferred commencement 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 of the new building are to be consistent with that indicated in the sample board accompanying the subject development application and received by Council on 17 February 2006.*
- 3. Details of all fencing on site including all entrances and associated structures indicating compliance with Part 4.16 Fences of the Development Control Plan for Prince Henry Site shall be submitted to and approved by Council prior to a Construction Certificate being issued for the development.*
- 4. Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*

*In this regard, prior to occupation of the building, an application must be submitted to and approved by Council's Director of City Planning, together with the required fee, for the allocation of an appropriate street number/s to the development.*

- 5. The reflectivity index of glass used in the external façade of the development must not exceed 20 percent.*
- 6. Lighting to the premises shall be designed so as not to cause a nuisance to nearby*

*residents or motorists and to ensure that light overspill does not affect the amenity of the area.*

7. *Power supply and telecommunications cabling to the development shall be underground.*
8. *Subsurface disturbance within the Artisans' Cottages Group should be preceded by consultation with representatives of the La Perouse Aboriginal Land Council (LPALC).*
9. *Prior to the commencement of any subsurface disturbance (excavation) within the Artisan's Cottages Group, all those involved should be made aware of the existence of Aboriginal archaeological remains at the Prince Henry site and of the possibility that more as yet undiscovered Aboriginal cultural material may exist. This should be done through a site induction, which also notifies all involved of their obligations under the National Parks and Wildlife Act 1974 (NSW).*
10. *Prior to the commencement of any subsurface disturbance (excavation) within the Artisan's Cottages Group, all those involved should be made aware of the potential for historical archaeological relics to survive in the area. This should be done through a site induction, which also notifies all involved of their obligations under the Heritage Act 1977 1974 (NSW).*
11. *The site wide Interpretation Plan should include guidelines for site specific interpretation of the Artisans' Cottages Group. The interpretation of the group is to be implemented in conjunction with the proposed development.*
12. *The salvageable materials recovered from the demolition of Artisan's Cottages Nos.8 and 9 and salvaged from Artisans' Cottages No.4 and 5 as part of the process of hazardous materials removal should be used for repairs.*
13. *As required by the Heritage Act, a Section 60 (Works Approval) application should be submitted to the NSW Heritage Council to undertake any works within the Prince Henry site (including Lot 26), pursuant to Section 63 of the Act.*
14. *The Heritage Act requires that ground disturbance which will move, damage or destroy a relic forming part of an item of the State Heritage Register (SHR) must be preceded by an application for an excavation permit for relics disturbance, pursuant to Section 60 of the Act.*
15. *Subsurface disturbance in the vicinity of the Artisans' Cottages Group should be preceded by consultation with representatives of the LPALC.*
16. *Should Aboriginal objects be found, the Department of Environment and Conservation (DEC) be informed, as required b the National Parks and Wildlife Act 1974 (NSW). Subject to an assessment of the extent, integrity and significance of any exposed objects, application under ether Section 87 or Section 90 of the Act may be required before works could resume.*
17. *A Schedule of Conservation Works for the existing Artisans' Cottages No.4 and 5 and 6 and 7, and for the existing brick retaining wall and the sandstone kerbing,*



*and other landscape elements including plantings and paving, shall be prepared in accordance with the principles embodied in the Australia ICOMOS Burra Charter and the methodology outlined in J.S. Kerr's The Conservation Plan. This Plan shall be prepared by an architect suitably qualified and experienced in heritage conservation, and shall be to be submitted to and approved by Council's Director 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 development.*

18. *The conservation policies and maintenance program outlined in the Schedule of Conservation Works are to be implemented in conjunction with the proposed development. An architect suitably qualified and experienced in heritage conservation shall be engaged to oversee the implementation of the endorsed Conservation Plan to ensure the use of technically sound and appropriate techniques. All work shall be carried out in accordance with the principles of the Australia ICOMOS Burra Charter and to the satisfaction of the Director City Planning.*
19. *Details of the design, height, materials and structure of the front fence and gates are to be submitted to and approved by Council's Director 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 development. Fencing and gates are to be compatible with the style of the dwelling and based on physical or documentary evidence of the original fencing on the site.*

***The following conditions are applied to meet the requirements of the Heritage Council of NSW:***

20. *The development must be implemented substantially in accordance with the General Terms of Approval issued by the Heritage Council of NSW as detailed in the letter from the Council dated 26 June 2004.*

***The following conditions are applied to maintain reasonable levels of environmental amenity and public health safety.***

21. *The land must be remediated in accordance with Council's Development Consent 1188/02 (as amended). If not already furnished to Council, copies of the relevant Site Audit Statements for the relevant land must be provided to the Council prior to any building works commencing.*
22. *No infrastructure or construction works are permitted to be undertaken unless the subject land has been remediated in accordance with consent 1188/02 (as amended) and all contamination and cross contamination issues have been addressed and the land is the subject of either a Site Audit Statement or a Clearance Instruction.*
23. *The applicant is to engage the services of a suitably qualified environmental consultant to respond to enquiries and complaints made by the Community or Council in relation to contamination, remediation and construction site management matters.*

*A specific contact number is to be made available for such enquiries and complaints*

*(including an after hours emergency contact number) and a complaints register is to be maintained to record all such enquiries, complaints and actions taken in response to same, which is to be made available to Council officers upon request.*

24. *The works shall not give rise to environmental pollution or public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 or NSW Occupational Health and Safety Act 2000 and Regulations there under.*
25. *Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council immediately.*

***The following conditions are applied to satisfy the provisions of Council's environmental plans, policies and codes for subdivision works:***

26. *Construction of new cottages 2/3 shall not commence until the underground carpark associated with Lot 14 is complete.*
27. *The boundary adjustment between Lots 26 and 27 shall be registered with the Department of Lands prior to the issue of occupation certificate.*

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

28. *The applicant shall:*
  - a) *Construct a heavy-duty concrete vehicular crossing and layback at the kerb opposite the proposed vehicular entrance to the site in Jenner Street (NR3).*

*Note: Should the new crossing be located over an existing kerb inlet pit, the applicant will be required to:*

- i) *Convert the existing kerb inlet pit to a grated inlet pit in the new layback; and*
- ii) *Construct a new kerb inlet pit immediately adjacent to the new crossing to compensate for the lost inlet capacity.*

*All civil works are to be in accordance with Australian Standard specifications for driveways, and in general accordance with Randwick City Council's 'Standard Kerb and Gutter and Vehicular Crossing Detail' (Drawing SD4) and Council's 'Standard DGGP with Extended Kerb Inlet Detail' (Drawing SD7a).*

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

29. *The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, shall match the back of the approved footpath levels along the site frontage in both Jenner Street and Mayo Street.*

*Any enquiries regarding this matter should be directed to Council's Development Engineer on 9399 0919.*

30. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the footpath must be indicated on the building plans for the construction certificate.*
31. *The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the alignment level as specified for the vehicular access.*

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

32. *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.*
33. *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.*
34. *Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied, must be submitted to the certifying authority prior to a construction certificate being issued for the development.*
35. *Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant must liaise with Energy Australia prior to lodging the construction certificate to determine whether or not an electricity substation is required for the development.*
36. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the “e-developer” icon or telephone 13 20 92.*
37. *Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.*

*The Notice must be issued to the Principal Certifying Authority prior to the construction certificate being issued.*

38. *The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.*

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

39. *Stormwater drainage plans have not been approved as part of this development*

*consent. Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage (for Lot 26) shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:*

- a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or the accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.*
  - b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connections into the inter-allotment drainage system.*
  - c) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage system.*
  - d) Proposed finished surface levels and internal driveways which are to be related to Council's design alignment levels.*
  - e) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.*
- 40. All stormwater run-off naturally draining to Lot 26 must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.*
- 41. All site stormwater leaving Lot 26 must be discharged to the new storage pond (located adjacent to Fairway 7 within the Coast golf course), via the inter-allotment drainage easement at rear of the site in accordance with the Prince Henry drainage strategy prepared by Connell Wagner.*

*All site discharge pipes shall connect into the inter-allotment drainage line via junction pits*

- 42. A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
- 43. Where required, a reflux valve shall be provided (within the site) over any pipelines discharging from the site to ensure that stormwater from the underground drainage system does not surcharge back into the site stormwater system.*
- 44. A sediment/silt arrester pit must be provided within the site prior to stormwater discharging by gravity to the inter-allotment drainage system.*

*The sediment/silt arrester pit shall be constructed in accordance with the following requirements:-*

- *The base of the pit located a minimum 300mm under the invert level of the outlet pipe.*
- *The pit constructed from cast in-situ concrete, precast concrete or double brick.*
- *A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.*
- *A galvanised heavy-duty screen located over the outlet pipe/s (Mascot GMS multipurpose filter screen or equivalent).*
- *The grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system.*
- *A child proof and corrosion resistant fastening system provided for the access grate.*
- *A sign adjacent to the pit stating:*

*“This sediment/silt arrester pit shall be regularly inspected and cleaned.”*

**Note:** *Sketch details of a standard sediment/silt arrester pit may be obtained from Council’s Drainage Engineer.*

45. *Prior to the issuing of an occupation certificate, the applicant shall submit to Council a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:*

- f) *Finished site contours at 0.2 metre intervals (over Lot 26);*
- g) *The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes.*

46. *Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with the conditions of development consent. The certification must be provided following inspection/s of the site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the PCA.*

**The following conditions are applied to provide adequate provisions for waste management:**

47. *Separate bin storage areas shall be provided for each of the dwellings. Each bin*

*storage area shall be sized to contain at least 1 x 240 litre recycling bin and 1 x 120 litre garbage bin. The plans submitted for the construction certificate shall demonstrate compliance with this requirement.*

48. *Prior to the credited certifier issuing an occupation certificate for the proposed development the applicant is to contact Council's Manager of Waste in regards to meeting Council's requirements for waste services for each of the residences.*

***The following conditions are applied to satisfy the provisions of Council's environmental plans, policies and codes for subdivision works:***

49. *A formal subdivision application for the boundary adjustment is required to be submitted to and approved by the Council prior to the release of the subdivision plans.*

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

50. *Landscaping at the site shall be installed substantially in accordance with the landscape plans prepared by Pittendrigh Shinkfield & Bruce, plan numbers DA01E dated 07.02.06 and stamped received at Council on 26 May 2006, DA02D dated 07.02.06 and stamped received at Council on 26 May 2006, DA04C, dated 07.02.06 and stamped received at Council on 17 February 2006, subject to the following additional requirements being shown on amended plans, to the satisfaction of the certifying authority, prior to the issue of a construction certificate:*

- a. *A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes and proposed staking methods when applicable.*

*Notes:*

- 1) *The applicant will be required to demonstrate, through the submission of a written statement from a suitably qualified professional in bush regeneration, that the planting schedule does not contain any species which have the capacity to escape planted areas and invade neighbouring areas of bushland through seeds, cuttings or otherwise.*
  - 2) *The species selected for those areas of the site which are located over the proposed carpark shall be appropriate for the limited soil depth available (approximately 1 metre).*
  - 3) *The landscape plan shall be prepared in order to meet the objectives and criteria contained within point 4.7 and 4.8 of the Prince Henry DCP, 8<sup>th</sup> December 2004, for the Historical Precinct.*
- b. *All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm. Details shall be submitted with the detailed landscape plans.*

51. *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.*

52. *Documentary evidence is to be obtained from a suitably qualified Landscape Architect and submitted to the principal certifying authority (PCA) (and Council, if Council is not the PCA) prior to the issuing of a final occupation certificate which confirms that the landscaping works have been completed in accordance with the approved landscaping plans and relevant conditions of development consent, to the satisfaction of the PCA.*
53. *Landscaped areas must contain a predominance of species that require minimal watering once established or species with water needs that match site rainfall and drainage conditions.*

### ***Tree Management***

54. *The following tree shall be removed from site as part of the proposed works:*

- a) *One Ficus macrophylla (Moreton Bay Fig) along the eastern boundary, due to structural concerns as well as to accommodate the proposed stormwater lines, pits and sewer in the location proposed.*

### ***Tree Protection Measures***

55. *In order to ensure the retention of the Melaleuca quinquinervia (Broad Leafed Paperbark) located towards the western boundary of proposed cottage number 7, fronting Jenner Street in good health, the following measures are to be undertaken:*

- a. *All detailed documentation submitted for the construction certificate application shall show the retention of this tree with the position of its trunk and full diameter of its canopy clearly shown on all drawings.*
- b. *Detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show no alteration in the existing soil levels within a radius of 3 metres from the outside edge of its trunk.*
- c. *The tree is to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing which shall be installed a minimum distance of 3 metres from the outside edge of the tree 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.*

- d. *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.*

- e. *Any excavations required for footings, structures, retaining walls, paving etc within 3.5 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.*
  - f. *The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".*
56. *A refundable deposit in the form of cash or cheque, or bank guarantee for the amount of \$8,000.00 shall be lodged with Council prior to a construction certificate being issued for the proposed development to ensure the implementation and maintenance of the landscape works in accordance with the approved landscape documentation.*
- a. *The refundable deposit will be released twelve (12) months after the issue of a final occupation certificate by the principle certifying authority providing the landscape works have been successfully implemented and maintained in accordance with the approved landscape documentation. Throughout the maintenance/bond period, the applicant shall be responsible for all routine maintenance such as grass cutting, weeding, watering, fertilising, spraying, staking and replacement of all failed plant stock. There must be no alteration to the original design, including substitution of trees and shrubs, without the prior approval of the Principal Certifying Authority.*
  - b. *Any contravention of Council's landscape conditions at any time during the construction period or prior to the expiration of a period of twelve (12) months from the date a final occupation certificate is issued will result in the Council claiming all or part of the lodged security.*
  - c. *To facilitate release of the bond, the applicant shall provide Council with certification from a suitably qualified Landscape Architect (who is eligible for membership with the Australian Institute of Landscape Architects), confirming that they have inspected the site 12 months after the date of issue of the occupation certificate, and that the landscape works have been successfully implemented and maintained in accordance with the approved landscape documentation.*

#### ***Advisory Conditions***

1. *When the proposed carpark beneath cottages 2/3 is stratum subdivided and allocated to Lot 14, suitable easements for support must be created over the carpark allotment to ensure that support of Cottages 2/3 is not undermined at anytime in the future. The easement for support should be created upon registration of the stratum plans.*
2. *When the proposed Matron Dixon carpark is stratum subdivided and allocated to Lot 27, an easement for support should be created over the carpark stratum allocated to Lot 27 to ensure that support of cottages 6/7 and 8/9 is maintained at all times. The easement for support should be created upon registration of the stratum plans.*

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



**11. PETITIONS.**

**11.1 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR T. SENG ON BEHALF OF RESIDENTS OPPOSING DEVELOPMENT APPLICATION NO. 466/2006. (F2005/00172 xr DA/466/2006)**

206 *RESOLUTION: (Nash/Notley-Smith) that the petition tabled be received and noted.*

**MOTION: (Nash/Notley-Smith) CARRIED - SEE RESOLUTION.**

**11.2 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR T. SENG ON BEHALF OF RESIDENTS OPPOSING THE REMOVAL OF THE SHACK FROM YARRA BEACH. (F2005/00172 xr F2005/00299)**

207 *RESOLUTION: (Nash/Notley-Smith) that the petition tabled be received and noted.*

**MOTION: (Nash/Notley-Smith) CARRIED - SEE RESOLUTION.**

**12. MOTIONS PURSUANT TO NOTICE.**

**12.1 NOTICE OF RESCISSION MOTION BY COUNCILLORS ANDREWS, MATSON & BASTIC – HEALTH, BUILDING & PLANNING COMMITTEE MEETING – ITEM 5.8 – DEVELOPMENT APPLICATION REPORT - 55 DENNING STREET, SOUTH COOGEE. (D/0695/2005)**

**MOTION: (Andrews/Bastic)**

That the resolution passed at the Health, Building & Planning Committee Meeting held on 11<sup>th</sup> July, 2006, reading as follows:-

“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 695/2005 for Alterations and additions to existing dwelling including extension of bedroom and living areas to the rear at first and second floor level, modification of dwelling entry, extension of existing garage from single to double garage, extension of ground floor patio to the rear, landscaping works to the rear yard including new swimming pool and spa and retractable awning over pool at 55 Denning Street, South Coogee subject to the following conditions:-

**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:**

1. The development must be implemented substantially in accordance with the plans numbered 01-b, 02-b, 03-b, dated 16-04-2006 and received by Council on 16 March 2006, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:
2. The 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.

3. The external materials, colours and finishes of the building are required to match, as closely as possible, the existing building.
4. The design, materials and colour of the roofing to the proposed building/s are required to match, as closely as possible, the existing roof.
5. There must be no encroachment of any part of the structure/s onto the adjoining premises or onto Council's road reserve, footway or public place.
6. 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.
7. If the rear or side boundary walls/fences or any retaining structures are adversely affected by the construction/building work the responsibility to reconstruct them is with the owner/applicant of the property.
8. The level of the existing garden tier (next level below the pool location) shall have its south eastern corner reflect an RL of 36.91 in accordance with the survey plans and shall be included in the construction certificate plans prior to certification occurring.
9. The proposed vertical privacy screens located along the southern and eastern side of the ground floor balcony (off the proposed meals room) and the associated shall be deleted and the balcony shall remain open.
10. To reduce the impact of the development upon the amenity of the environment and to protect view sharing a landscape plan shall be submitted to and approved by the Director of City Planning, in accordance with section 80A(2) of the Environmental Planning and Assessment Act 1979, **prior to issuing a construction certificate**. The landscape plan shall include:
  - a. Details of the species and height of plants proposed for the rear private space of the site, including the planting along the southern, eastern and northern boundaries. Details regarding special works to ensure the existing retaining wall located on No.2 Pearce Street, South Coogee and any subterranean pipes are protected during landscaping works.
  - b. Details of species and height of plants proposed to the front of the dwelling, in the north western corner of the site, shall also be included.
  - c. Porous paving should also be used in all pathways and stairs, wherever practicable, to maximize on-site absorption of rainwater and details are to be provided on the landscape plans.

- d. Any planting along the southern boundary shall be restricted to hedges or evergreen shrubs that reach a maximum height of 2m from the ground level.
11. The frosted/obscured glass panels located on the 2nd and 3rd floor balconies facing the northern adjoining property and located between the external walls of the bedroom 2 on the 2nd floor and living/dining room on the 3rd floor of the dwelling and the clear glass balcony balustrade shall not be altered by the development.

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

12. 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.
13. 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.

14. 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:**

15. 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.

16. 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 group of conditions have been applied to ensure the structural adequacy**

**and integrity of the proposed building and adjacent premises:**

17. A dilapidation report prepared by a professional engineer or suitably qualified and experienced building surveyor shall be submitted to the certifying authority **prior to the commencement of demolition, excavation or building works** detailing the current condition and status of the fences, retaining walls and driveways located upon No.2 Pearce Street, South Coogee.

The report is to be supported with photographic evidence of the status and condition of the buildings and a copy of the report must also be forwarded to the Council and to the owners of each of the abovestated premises, **prior to the commencement of any works.**

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

18. 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.

19. 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.

20. **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.

21. **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.

22. 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.

23. 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".

24. 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.

25. **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.

26. 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.

27. 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.

28. 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:**

29. 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.
30. 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.
31. 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.

32. 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.

33. 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.

34. 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.

35. 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.
36. 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.
37. 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
38. 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.

39. 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.

40. 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.
41. 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 conditions are applied to maintain reasonable levels of public health, amenity and safety:**

42. 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.

43. A **Demolition Work Plan** must be prepared for the development in accordance with Australian Standard AS2601-2001, Demolition of Structures.

The Work Plan must include the following information (as applicable):

- The name, address, contact details and licence number of the Demolisher /Asbestos Removal Contractor
- Details of hazardous materials, including asbestos
- Method/s of demolition and removal of asbestos
- Measures and processes to be implemented to ensure the health & safety of workers and community
- Measures to be implemented to minimise any airborne asbestos and dust
- Methods and location of disposal of any asbestos or other hazardous materials
- Other relevant details, measures and requirements to be implemented as identified in the Asbestos Survey
- Date the demolition and removal of asbestos will commence

The Demolition Work Plan must be submitted to Council and the Principal Certifying Authority (PCA) if the Council is not the PCA, not less than two (2) working days **before commencing any demolition works** involving asbestos products or materials. A copy of the Demolition Work Plan must also be maintained on site and be made available to Council officers upon request.

**Note** it is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.

44. A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 200 m<sup>2</sup> of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
45. On demolition sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words ‘DANGER ASBESTOS REMOVAL IN PROGRESS’ and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.
46. Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996.

Asbestos waste must be disposed of at an approved waste disposal depot (refer to the DEC or Waste Service NSW for details of sites). Copies of all receipts detailing method and location of disposal must be maintained on site and be provided to Council officers upon request, as evidence of correct disposal.

47. A Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant,

architect or experienced licensed building contractor), must be provided to Council **upon completion of the works** (prior to an Occupation Certificate being issued), which confirms that the relevant requirements contained in the Asbestos Survey and conditions of consent, in relation to the safe removal and disposal of asbestos, have been satisfied.

**The following conditions are applied to ensure compliance with the Swimming Pools Act 1992 and to maintain public safety and amenity:**

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

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

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

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

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

49. Spa pools are to be provided with a child resistant barrier, in accordance with the provisions of the Swimming Pools Act 1992 and regulations.

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

50. Swimming pools are to be designed, installed and operated in accordance with the following general requirements: -

- Backwash of the pool filter and other discharge of water is to be drained to the sewer in accordance with the requirements of the Sydney Water Corporation; and
- All pool overflow water is to be drained away from the building and adjoining

premises, so as not to result in a nuisance or damage to premises.

51. Pool plant and equipment is to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.

The operation of swimming pool/spa pool pump and equipment is restricted, if the noise emitted can be heard within a habitable room in any other residential premises, the equipment shall not be operated during the following hours, or, as otherwise specified in relevant Noise Control Regulations: -

- before 8.00am or after 8.00pm on any Sunday or public holiday; or
- before 7.00am or after 8.00pm on any other day.

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

52. The applicant must meet the full cost for Council or a Council approved contractor to:
  - a. Reconstruct/extend the concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site, if required.
53. 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.
54. 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:**

55. The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage.
56. The above alignment levels and the site inspection by Council's Development Engineer 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.

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

57. 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.
58. The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.

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

59. 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.
60. 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.
61. Detailed drainage plans (prepared by a suitably qualified Hydraulic Engineer) shall be submitted to and approved by the certifying authority prior to the issue of a construction certificate. The drainage plans shall demonstrate compliance with the conditions of this development approval.
62. Stormwater runoff from the site shall be discharged either:
  - a) To the kerb and gutter along the site frontage in Denning Street by gravity; OR
  - b) Through private drainage easements to Council's kerb and gutter (or underground drainage system) in Pearce Street, Crana Avenue or Wisdom Street.

NOTE: Should the applicant be unable to obtain private drainage easements over properties to the rear of the development site (to facilitate stormwater discharge in accordance with option b); consideration may be given to the use of a pump out system for that portion of the site which cannot be drained by gravity to the kerb and gutter in Denning Street.

63. Should a pump system be required to drain any portion of the site, the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the required discharge rate) and connected to a control board so that each pump will operate alternatively. **The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.**

The pump system must also be designed and installed strictly in accordance with Randwick City Council's Stormwater Code.

64. All pump out water must pass through a stilling pit prior to being discharged by gravity to the kerb and gutter.

**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.”

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

Note: Cr Daley requested leave from the remainder of the meeting at 7.38pm.

**12.2 MOTION BY COUNCILLOR TRACEY – LIGHTING IMPROVEMENTS - RANDWICK LITERARY INSTITUTE. (F2004/06192 XR F2005/00171)**

208 **RESOLUTION:** *(Tracey/Procopiadis)* that a report be prepared detailing ways in which Council could provide heritage lighting to the Randwick Literary Institute, including:

- *down or up lighting in a warm colour which focuses on the building and draws attention to it;*
- *gentle illumination of the area to increase public safety and deter vandalism, graffiti and anti social behaviour on and around the Randwick Literary Institute; and*
- *improve lighting in Mary McKillop Place.*

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

**12.3 MOTION BY COUNCILLOR MATSON – REQUEST FOR “OUR CITY” BANNER. (F2004/06257 XR F2005/00171)**

209 *RESOLUTION: (Matson/Hughes) that Council agree to Ms Eileen Slarke’s request on behalf of Wylie’s Baths Trust for an “Our City” banner.*

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

**12.4 MOTION BY COUNCILLOR MATSON – BECOMING THE AUSTRALIAN LEADER IN ECOLOGICALLY SUSTAINABLE DEVELOPMENT. (F2004/07964 XR F2005/00171)**

210 *RESOLUTION: (Matson/Nash) that:*

- a) *Council resolves to take the opportunity afforded by the ongoing revision of our LEP to upgrade the ESD provisions of our DCP’s beyond the present scope of BASIX to a level that will ensure that Randwick is recognised as the Australian Local Government leader in implementing ESD principles in development matters; and*
- b) *the Director bring a report before the Health, Building and Planning Committee to enable debate and planning for this proposal to commence; this report be restricted to possible ESD provisions covering transport, stormwater management, building materials, waste and recycling.*

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

**12.5 MOTION BY COUNCILLOR NOTLEY-SMITH – USE OF SOFT-FALL AROUND TREE BASES. (F2004/06143 XR F2005/00171)**

211 *RESOLUTION: (Notley-Smith/Nash) that Council use soft-fall around the base of trees in all commercial precincts and high pedestrian traffic areas.*

**MOTION: (Notley-Smith/Nash) CARRIED – SEE RESOLUTION.**

**12.6 MOTION BY COUNCILLOR NOTLEY-SMITH – CLEANING OF FOOTPATHS ON COOGEE BAY ROAD AND ARDEN STREET, COOGEE. (F2005/00685 XR F2005/00171)**

212 *RESOLUTION: (Notley-Smith/Nash) that Council immediately undertake high pressure cleaning of the footpaths of Coogee Bay Road and Arden Street and continue such activity when and where required.*

**MOTION: (Notley-Smith/Nash) CARRIED – SEE RESOLUTION.**

**12.7 MOTION BY COUNCILLOR NOTLEY-SMITH – EARTHWATCH SCHOLARSHIPS. (F2004/08357 XR F2005/00171)**

213 *RESOLUTION: (Notley-Smith/Belleli) that a report be brought back to Council on options and financial implications for Council to sponsor two Earthwatch Scholarships on an ongoing yearly basis.*

**MOTION: (Notley-Smith/Belleli) CARRIED – SEE RESOLUTION.**

**12.8 MOTION BY COUNCILLOR NOTLEY-SMITH – CUSTOMS WATCH TOWER, LA PEROUSE. (F2004/06278 XR F2005/00171)**

- 214 *RESOLUTION: (Notley-Smith/Belleli) that Council obtain from the National Parks & Wildlife Service, the status of the Customs Watch Tower at La Perouse, requesting information such as its internal condition and if and when it will be opened regularly for public inspection.*

**MOTION: (Notley-Smith/Belleli) CARRIED – SEE RESOLUTION.**

**12.9 MOTION BY COUNCILLOR NOTLEY-SMITH – MAINTENANCE, ST JUDE’S CEMETERY FENCE. (DA/764/2004-02 XR F2005/00171)**

- 215 *RESOLUTION: (Notley-Smith/Nash) that the General Manager meets with the rector and representatives of St Jude’s Anglican Church, Randwick, regarding the condition of the cemetery fence offering to research local, state and/or federal heritage funding options for the fences replacement, with a report to come back to Council.*

**MOTION: (Notley-Smith/Nash) CARRIED – SEE RESOLUTION.**

**12.10 MOTION BY COUNCILLOR BELLELI – OPERATION OF ILLEGAL BROTHELS. (F2004/00755 XR F2005/00171)**

- 216 *RESOLUTION: (Belleli/Nash) that Council writes to the State Government calling on it to review its policy and to support a Bill to give State and Local Governments more powers to investigate the alleged use of premises as illegal brothels and grant powers to immediately shut down illegal operations and revoke the development consent under which they operate.*

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

**12.11 MOTION BY COUNCILLOR BELLELI – DEMOLITION/REPLACEMENT OF TOILET BLOCK AT LA PEROUSE (SNAKE PIT.) (F2004/07005 XR F2005/00171)**

- 217 *RESOLUTION: (Belleli/Notley-Smith) that Council immediately write to the NSW National Parks & Wildlife Service requesting the immediate demolition and replacement of the toilet block near the snake pit at La Perouse.*

**MOTION: (Belleli/Notley-Smith) CARRIED – SEE RESOLUTION.**

**12.12 MOTION BY COUNCILLOR BELLELI –RESURFACING DRIVEWAYS ON BUNNERONG ROAD, MATRAVILLE BETWEEN KEMP AND SHIRLEY STREETS. (F2004/07568 XR F2005/00171)**

- 218 *RESOLUTION: (Belleli/Andrews) that Council include in the 2007/08 Budget, the resurfacing of the un-made section of drive way in Bunnerong Road, Matraville between Kemp and Shirley Streets.*

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



**13. URGENT BUSINESS.**

Nil.

**14. CONFIDENTIAL REPORT.**

**14.1 CONFIDENTIAL DIRECTOR, CITY SERVICES' REPORT 55/2006 - RANDWICK COASTAL WALKWAY UPGRADE TENDER NO T11/06 - COMPLETION OF SECTION 2 & 3. (T11/06)**

219 **RESOLUTION:** *(Nash/Notley-Smith)* that the tender from *KK CONSULTANTS PTY LTD (ACN 096 363 254)* to undertake the construction of Sections 2 & 3 as described in *COASTAL WALKWAY UPGRADE TENDER NO.: T11/06* be accepted for the lump sum price of \$570,185.00 (ex GST).

**MOTION: (Nash/Notley-Smith) CARRIED – SEE RESOLUTION.**

**15. COMMITTEE-OF-THE-WHOLE.**

Nil.

**16. REPORT OF COMMITTEE-OF-THE-WHOLE.**

Nil.

**17. NOTICE OF RESCISSION MOTIONS.**

Nil.

There being no further business, His Worship the Mayor, Cr T. Seng, declared the meeting closed at 8.10 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> AUGUST, 2006.

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CHAIRPERSON