

**MINUTES OF ORDINARY COUNCIL MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 26TH SEPTEMBER 2006 AT 6:07 P.M.**

PRESENT:

His Worship the Mayor, Cr. P Tracey (North Ward) (Chairperson)

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

North Ward	-	Crs J. Kenny & M. Woodsmith
South Ward	-	Crs R. Belleli & A. White
East Ward	-	Cr D. Sullivan
West Ward	-	Crs B. Hughes & S. Nash
Central Ward	-	Crs A. Andrews, C. Bastic & T. Seng

OFFICERS PRESENT:

General Manager	Mr. R. Brownlee.
Director, City Services	Mr. J. Frangoples.
Director, City Planning	Ms. S. Truuvvert.
Director, Governance & Financial Services	Mr. G. Banting.
Manager, Administrative Services	Mr. D. Kelly.
Manager, Development Assessment	Mr. K. Kyriacou.
Manager, Corporate & Financial Accounting	Ms. A. Singh.
Manager, Organisational Policy & Performance	Ms. K. Walshaw.

1. PRAYER & ACKNOWLEDGEMENT OF LOCAL INDIGENOUS PEOPLE.

The Council Prayer was read by Councillor Bastic.

The acknowledgement of local indigenous people was read by the Mayor.

2. APOLOGIES/GRANTING OF LEAVE OF ABSENCES.

Apologies were received from Crs Daley, Notley-Smith & Procopiadis.

RESOLVED: (Sullivan/Bastic) that the apologies from Crs Daley, Notley-Smith & Procopiadis for non-attendance at the Ordinary Council Meeting of the Council held on Tuesday, 26th September 2006 be received & accepted.

3. CONFIRMATION OF THE MINUTES.

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY, 22ND AUGUST, 2006.**

260 **RESOLUTION:** (*Andrews/Hughes*) that the Minutes of the Ordinary Council Meeting held on Tuesday, 22nd August, 2006 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

CONFIRMATION OF THE MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON TUESDAY, 22ND AUGUST, 2006.

261 **RESOLUTION:** (*Andrews/Hughes*) that the Minutes of the Extraordinary Council Meeting held on Tuesday, 22nd August, 2006 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

CONFIRMATION OF THE MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON TUESDAY, 31ST AUGUST, 2006.

262 **RESOLUTION:** (*Andrews/Hughes*) that the Minutes of the Extraordinary Council Meeting held on Tuesday, 31st August, 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) Councillor Belleli declared non pecuniary interests in Items 6.1, 6.2 and 6.3 as he and his wife provide free entertainment at these events.
- (b) Councillor Sullivan declared a pecuniary interest in Item 10.5 as his sister owns the subject property.

At this point in the meeting the Mayor formally acknowledged Councillor Bastic for nineteen (19) years' service as a Councillor on Randwick City Council.

5. ADDRESSING OF COUNCIL BY MEMBERS OF THE PUBLIC.

Item 7.2 GENERAL MANAGER'S REPORT 32/2006 - PROPOSED PUBLIC CARPARKING IN THE DEPARTMENT OF HOUSING DEVELOPMENT AT 57-63 ST PAULS ST RANDWICK AND THE BRIGIDINE COLLEGE SITE.

Against Mr Andrew Tosti 24 Daintrey Crescent, Randwick

Item 9.1 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 62/2006 - PRESENTATION - FINANCIAL REPORTS - YEAR ENDED 30 JUNE 2006.

For Mr Norm Mah Chat Spencer Steer Auditors

Item 9.2 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 63/2006 - COOGEE SURF LIFE SAVING CLUB RENOVATIONS.

For Mr Roy Yealdon – President c/- Coogee Surf Life Saving Club

Item 10.2 DIRECTOR, CITY PLANNING REPORT 81/2006 - CONSTRUCTION TRAFFIC MANAGEMENT PLAN FOR THE PRINCE HENRY SITE UNDER THE APPROVED NO. 763/2004.

For

Mr Roy Ng

67 Dwyer Street, Little Bay

Item 10.4 DIRECTOR, CITY PLANNING REPORT 83/2006 - 45 PINE STREET, RANDWICK.

Applicant

Mr Trevor Blanch

397 Box Road, Kareela

The meeting was adjourned at 6.43 p.m. and was resumed at 7.03 p.m.

6. MAYORAL MINUTES.

6.1 MAYOR'S MINUTE 64/2006 - COOGEE FAMILY FUN DAY - GOLDSTEIN RESERVE - WAIVING OF FEES. (F2004/08145)

263 **RESOLUTION:** *(Mayor, Cr. P. Tracey) that:*

- (a) *Council vote \$10,031.18 to cover the fees associated with the Coogee Family Fun Day and that these funds be allocated from the 2006/07 Contingency Fund budget;*
- (b) *Council advise the organisers of the Coogee Family Fun Day, that Council be given adequate and appropriate acknowledgement for its contribution to the running of this event generally in accordance with the Coogee Chamber of Commerce's letter dated 11th September, 2006. Such acknowledgement is to include Council's logo for inclusion on promotional literature and Council's banner is to be displayed at the event;*
- (c) *the organisers be advised that Council requires an acceptance in writing that should Council property be damaged in any way the organisers of the event will compensate Council for the repair or replacement of the damaged item(s);*
- (d) *the Mayor or his representative be given the opportunity to address the event on behalf of Council; and*
- e) *following the event, a report on the event go to a meeting of the Administration & Finance Committee, this report to look at the social benefit gained from the event in terms of monies raised and monies spent by both Council, the organisers and the various sponsors.*

MOTION: (Mayor, Cr. P. Tracey) CARRIED – SEE RESOLUTION.

6.2 MAYOR'S MINUTE 65/2006 - WAIVING OF FEES - ST MARKS ANGLICAN CHURCH, MALABAR - CAROLS BY CANDELIGHT. (F2004/08135)

264 **RESOLUTION:** *(Mayor, Cr. P. Tracey) that:*

- (a) *Council vote \$7,516.59 to cover the fees associated with the "Carols By Candlelight" to be held on 9th December, 2006, and that these funds be allocated from the 2006/07 Contingency Fund;*
- (b) *the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event;*

- (c) *the Mayor or his representative be given the opportunity to address the event on behalf of Council; and*
- (d) *provide Council with information following the event on the number of attendees.*

MOTION: (Mayor, Cr. P. Tracey) CARRIED – SEE RESOLUTION.

6.3 MAYOR'S MINUTE 66/2006 - USE OF KOKODA PARK, KENSINGTON FOR CAROLS BY CANDELIGHT - REQUEST FOR WAIVING OF FEES. (F2004/07794)

265 **RESOLUTION: (Mayor, Cr. P. Tracey) that:**

- (a) *Council vote \$3,035.40 to cover the fees associated with the event and funds be allocated from the Contingency Fund 2006/07;*
- (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: (Mayor, Cr. P. Tracey) CARRIED – SEE RESOLUTION.

6.4 MAYOR'S MINUTE 67/2006 - WAIVING OF FEES - SURF LIFE SAVING NEW SOUTH WALES - CARNIVAL AT MAROUBRA BEACH. (F2004/08302)

266 **RESOLUTION: (Mayor, Cr. P. Tracey) that:**

- (a) *Council vote \$3,221.95 to cover the fees associated with holding Round 3 of the Surf Premiership Series on Saturday, 2nd December, 2006, and that the funds be allocated from the 2006/2007 Contingency Fund budget.*
- (b) *the organiser of the Carnival undertake to appropriately and prominently acknowledge and promote Council's contribution to the Carnival; and*
- (c) *the Mayor or his representative shall be given the opportunity to address the event on behalf of Council.*

MOTION: (Mayor, Cr. P. Tracey) CARRIED – SEE RESOLUTION.

6.5 MAYOR'S MINUTE 68/2006 - RELOCATION OF HISTORICAL SOCIETY TO BOWEN LIBRARY. (F2004/07744)

267 **RESOLUTION: (Mayor, Cr. P. Tracey) that:**

- (a) *Council agrees to meet the costs of relocating the Historical Society to Bowen Library and the costs to convert the existing area into a meeting room from the current Building Services budget; and*

- (b) *the historical significance of the room be investigated and, if possible, it be refurbished in a manner that reflects its former use.*

MOTION: (Mayor, Cr. P. Tracey) CARRIED – SEE RESOLUTION.

6.6 MAYOR'S MINUTE 69/2006 - MAROUBRA SURF LIFESAVING CLUB 100TH ANNIVERSARY. (F2004/07550)

268 **RESOLUTION: (Mayor, Cr. P. Tracey) that:**

- a) *the fees associated with the installation and dismantling of two banners at Arden Street and Malabar Road, South Coogee and Beauchamp Road and Anzac Parade, Maroubra, be waived and \$1,287.66 be allocated from the Contingency Fund 2006/07;*
- b) *the wording of the banner being presented to Council for approval prior to being ordered;*
- c) *Maroubra Surf Life Saving Club undertakes to appropriately and prominently acknowledge and promote Council's contribution; and*
- d) *Council undertake to plant some native shrubs along the northern side of the Maroubra Surf Life Saving Club.*

MOTION: (Mayor, Cr. P. Tracey) CARRIED – SEE RESOLUTION.

6.7 MAYOR'S MINUTE 70/2006 – CHANGE OF DATE FOR NOVEMBER COMMITTEE MEETINGS. (F2004/06565)

269 **RESOLUTION: (Mayor, Cr. P. Tracey) that in order to facilitate the attendance of Council's delegation at this year's LIVCOM conference, the Committee Meetings scheduled for 14th November, 2006 be rescheduled to the 21st November, 2006.**

MOTION: (Mayor, Cr. P. Tracey) CARRIED – SEE RESOLUTION.

6.8 MAYOR'S MINUTE 71/2006 – WAIVING OF FEES – EAST COAST OCEAN CHALLENGE. (F2004/08286)

270 **RESOLUTION: (Mayor, Cr. P. Tracey) that:**

- a) *Council vote \$861.12 to cover the fees associated with holding the East Coast Ocean Challenge on Saturday, 30th September, 2006 at Coogee Beach and that the funds be allocated from the 2006/07 Contingency Fund budget;*
- b) *The organiser of the event undertaken to appropriately and prominently acknowledge and promote Council's contribution to the event; and*
- c) *The Mayor or his representative shall be given the opportunity to address the event on behalf of Council.*

MOTION: (Mayor, Cr. P. Tracey) CARRIED – SEE RESOLUTION.

7. GENERAL MANAGERS' REPORTS.

7.1 GENERAL MANAGER'S REPORT 31/2006 - AFFIXING OF THE COUNCIL SEAL. (F2004/07367)

271 **RESOLUTION:** *(Andrews/Nash)* that authority be granted for the Council's Common Seal to be affixed to the agreements between Council and:

1. *Mr Samiran & Miss Sharmila Barau (T/As Curry Beans) in relation to a licence for the purpose of outdoor dining at 130 Anzac Parade, Kensington.*
2. *Clive Hammerson (T/As Hub Café) in relation to a licence for outdoor dining at 17 Clovelly Road, Clovelly.*
3. *Katrina Rimer (T/As Finks) in relation to a licence for the purpose of outdoor dining at 48 Burnie Street, Clovelly.*
4. *Selvey Sangha (T/As Pollo Rico) in relation to a licence for the purpose of outdoor dining at 236 Coogee Bay Road, Coogee.*
5. *John & Vivian Panigiris (T/As Cozzi Café) in relation to a licence for the purpose of outdoor dining at 233 Coogee Bay Road, Coogee.*
6. *Tracy McKeown (T/As Salt & Lemon) in relation to a licence for the purpose of outdoor dining at 76 Clovelly Road, Clovelly.*
7. *Anthony & Pamela Carrenti (T/As DeNero's Café) in relation to a licence for the purpose of outdoor dining at 3/333 Anzac Parade, Kingsford.*
8. *The Estate of the Late Mrs Camillos in relation to a withdrawal of caveat for the property located at 64 Broome Street, Maroubra.*
9. *Mrs Mary Guiver in relation to a withdrawal of caveat for the property located at 6/79 Broome Street, Maroubra.*
10. *Multiplex Constructions Pty Ltd in relation to a licence agreement for an area of roadway, between the road carriageways, being part of Anzac Parade public road reserve for use as a temporary carpark.*
11. *Mr Richard Peters & Ms Heidi Doukulil in relation to a contract for the sale of land known as Lot 10 in DP 1097236, land adjoining 13A Soudan Street, Randwick.*
12. *Kindaburra Children's Centre in relation to a licence agreement for the purpose of open space for use as an extension play area at 1 Jersey Lane, Matraville.*
13. *Mr Nicholas Vicari for Eden Food Group Pty Ltd (T/As Randwicks Boncaffé) in relation to a licence for the purpose of outdoor dining at 46 Frenchmans Road, Randwick.*
14. *Chi-Ming Leung & Yuk Yin Leung in relation to a withdrawal of caveat for the property located at 132 Broome Street, Maroubra.*
15. *A residential tenant over the premises at 129 Boyce Road, Maroubra.*

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

AMENDMENT: (Belleli/Matson) that the agreement with Multiplex Constructions Pty Ltd be put to the local La Perouse Precinct Committee for consultation & feedback and brought back to the next Council meeting for further discussion. **LOST.**

Councillor Belleli requested that his name be recorded as opposed to the resolution of the agreement with Multiplex Constructions Pty Ltd.

7.2 GENERAL MANAGER'S REPORT 32/2006 - PROPOSED PUBLIC CARPARKING IN THE DEPARTMENT OF HOUSING DEVELOPMENT AT 57-63 ST PAULS ST RANDWICK AND THE BRIGIDINE COLLEGE SITE. (DA/293/2000)

272 **RESOLUTION:** *(Bastic/Nash) that:*

- a) *Council agree to negotiations with the Department of Housing and the Brigidine Convent in regards to carparking for the proposed development; and*
- b) *Council require the Department of Housing to consider the potential traffic generation and impact of the proposal within the local area;*
- c) *in parallel with council negotiation process, a comm. Consult process be undertaken in form of letterbox drop & consult with precinct committee*

MOTION: (Matson/Woodsmith) that this matter be deferred to the next council meeting to allow for appropriate consultation with residents of 'The Spot', through a letterbox drop, and 'The Spot' Precinct Committee. Council also hire an independent consultant to prepare a traffic impact statement for this proposal. **LOST**

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

8. DIRECTOR, CITY SERVICES' REPORTS.

8.1 DIRECTOR, CITY SERVICES' REPORT 70/2006 - SFX BEACH FOOTY. (F2004/07550)

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

- a) *the applicant be advised that Council does not support the use of Coogee Beach for this event but will support the holding of the inaugural Beach Footy event at Maroubra Beach in 2006 subject to the applicant complying with any conditions of approval that may be imposed once the event is processed; and*
- b) *Council seek a donation from the applicant in favour of both the Maroubra Surf Living Saving Club and the South Maroubra Surf Life Saving Club.*

MOTION: (Bastic/Andrews) CARRIED – SEE RESOLUTION.

8.2 DIRECTOR, CITY SERVICES' REPORT 71/2006 - PROPOSED DECORATIVE LIGHTING FOR THE RANDWICK LITERARY INSTITUTE. (F2004/06192 XR F2005/00171)

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

- a) *the heritage lighting of the Randwick Literary Institute be listed for Council consideration in the 2007/2008 Capital Works Budget submissions, in the amount of \$35,000.00 for the capital works and \$1,500.00 for recurrent costs; and*
- b) *Council ask the State Government for financial assistance to help fund the installation of the heritage lighting.*

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

9. DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORTS.

9.1 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 62/2006 - PRESENTATION - FINANCIAL REPORTS - YEAR ENDED 30 JUNE 2006. (F2004/06524)

275 **RESOLUTION:** *(Belleli/Andrews) that the Director Governance & Financial Services Report on the presentation of Financial Reports for the year ended 30 June 2006 be received and noted.*

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

9.2 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 63/2006 - COOGEE SURF LIFE SAVING CLUB RENOVATIONS. (F2006/00344)

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

- (a) *Council agree to an interest free loan to the Coogee Life Saving Club in the amount of \$89,000.00 to cover the additional expenses incurred by Coogee Surf Life Saving Club in the downstairs renovation of the Club building (as detailed in the Club's letter of 28 August 2006) subject to the Club entering into a Deed of Agreement with Council with respect to the repayment of the loan;*
- (b) *the interest foregone for the loan (being approximately \$4,500.00 per annum) be funded from the Contingency Fund over the seven (7) year period; and*
- (c) *the loan be repaid over seven (7) years in fixed monthly instalments.*

MOTION: (Bastic/Andrews) CARRIED – SEE RESOLUTION.

AMENDMENT: (Matson/Hughes) that the interest foregone for the loan be accounted for in the surf club's finances each year as a donation from Council. **LOST.**

10. DIRECTOR, CITY PLANNING REPORTS.

10.1 DIRECTOR, CITY PLANNING REPORT 80/2006 - AFFIXING OF THE COUNCIL SEAL. (F2004/07715)

277 **RESOLUTION:** *(Andrews/Kenny) that is recommended that authority be granted for the Council's Common Seal to be affixed to the service specifications for the period 2006 – 2007 between Council and the Department of Community Services.*

MOTION: (Andrews/Kenny) CARRIED – SEE RESOLUTION.

10.2 DIRECTOR, CITY PLANNING REPORT 81/2006 - CONSTRUCTION TRAFFIC MANAGEMENT PLAN FOR THE PRINCE HENRY SITE UNDER THE APPROVED NO. 763/2004. (DA/763/2004)

278 **RESOLUTION:** *(Belleli/Hughes) that:*

- A. Council approve the Construction Traffic Management Plan (CTMP) dated 26 May 2006 subject to the following amendments and that a revised CTMP be provided to the Director of City Planning prior to the commencement of construction works:
1. The CTMP shall be revised to include details of the construction program and access arrangements proposed by Landcom in its letter to Council dated 7 September 2006 as contained in the following plans:

Staging Plan No. 1 - September 2006 to December 2006:

To undertake the construction of Jennifer Street and Harvey Street intersection with all construction traffic associated with these works to access through Pine Avenue.

Staging Plan No. 2 – December 2006 to June 2007:

To remediate and construct the new Pine Avenue with all construction vehicles to access through Pine Avenue. The Pine Avenue works will result in Pine Avenue being closed for public use for a period of 5 months. During this period, existing community groups in the Prince Henry site (namely the Coast Centre for Seniors, Sydney Surf Lifesaving Club and Trained Nurses Museum) will have temporary use of the Jennifer Street and Harvey Street intersection to access their respective premises in the Prince Henry site. The Coast Golf Club and beach traffic will not access the site via the Jennifer Street/Harvey Street intersection but rather via a northern route through Jenner Street passing along Mayo Street, Lister Street and then along Coast Hospital Road to the beach or the golf-course.

- B. that council write to LANDCOM asking them to implement the cul-de-sac at Jennifer/Harvey Streets.

MOTION: (Sullivan/Andrews) that Council approve the Construction Traffic Management Plan (CTMP) dated 26 May 2006 subject to the listed amendments and that a revised CTMP be provided to the Director of City Planning prior to the commencement of construction works.

**AMENDMENT: (Belleli/Hughes) CARRIED AND BECAME THE MOTION.
MOTION CARRIED – SEE RESOLUTION.**

**10.3 DIRECTOR, CITY PLANNING REPORT 82/2006 - RANDWICK CITY
RECREATIONAL NEEDS STUDY. (F2006/00266)**

279 **RESOLUTION: (Andrews/Kenny)** that:

- (a) the report be received and noted, and
- (b) Councillors advise the Director, City Planning if they would like to be involved in a Councillor's Forum as part of the study.

MOTION: (Andrews/Kenny) CARRIED – SEE RESOLUTION.

**10.4 DIRECTOR, CITY PLANNING REPORT 83/2006 - 45 PINE STREET,
RANDWICK. (DA/549/06 & PROP 036955)**

280 **RESOLUTION:** (*Andrews/Sullivan*) that Council's 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. DA/549/2006 which proposes alterations including new garage and new hardstand courtyard area including new terrace above the garage and associated planter box and balustrade at 45 Pine Street, RANDWICK NSW 2031 subject to the following conditions: -

1. *The development must be implemented substantially in accordance with the plans numbered "site Plan Drawing 1, Drawing 2, Garage Details Drawing 3" undated and received by Council on 10th July 2006, and must be implemented along with the application form and any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

The following conditions are applied to satisfy the provisions of section 79C of the Environmental Planning and Assessment Act 1979 and to maintain reasonable levels of environmental amenity:

2. *The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.*
3. *There must be no encroachment of the structure/s onto any adjoining premises or onto Council's road reserve, footway or public place, unless permission has been obtained from the owner/s of the adjoining land accordingly.*

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:

4. *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.

5. *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:

6. *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.

7. *All new building work must be carried out in accordance with the provisions of the **Building Code of Australia** (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*
8. ***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.***
9. ***Prior to the commencement of any building works, the person having the benefit of the development consent must: -***
- i) *Appoint a Principal Certifying Authority for the building work; and*
 - ii) *appoint a principal contractor for the building work, or in relation to residential building work, obtain an owner-builder permit in accordance with the requirements of the Home Building Act 1989, and notify the Principal Certifying Authority and Council accordingly in writing; and*
 - iii) *Unless the person having the benefit of the consent is the principal contractor (i.e. owner-builder), notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority; and*
 - iv) *Give at least two days notice to the Council, in writing, of the persons intention to commence building works.*

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

10. *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.

11. *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".*

12. *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.

13. ***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.

14. *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.*

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:

15. *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 in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.

16. *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.*
17. *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.

18. *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.*

In addition, the use of any rock excavation machinery or any mechanical pile drivers or the like, is restricted to the hours of 8.00am to 5.00pm (maximum) on Monday to Friday only, to minimise the noise levels during construction and loss of amenity to nearby residents.

19. *Noise and vibration emissions during the construction of the proposal 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.*
20. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*

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.

21. *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.

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

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.

23. *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 (greater than 3m in length) or any container or other article.*

Civil Works Conditions

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

1. *Prior to the issuing of an Occupation Certificate the applicant must meet the full cost for Council or a Council approved contractor to:*
 - a) *Construct concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.*
2. *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.*
3. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*

Alignment Level Conditions

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

4. *The Council's Development Engineer has inspected the above site and have determined*

that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage.

5. *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. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.*
6. *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 to Council prior to a construction certificate being issued for the development.*

Service Authority Conditions

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

7. *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.*
8. *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*

Landscape Conditions

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

9. *That part of the naturestrip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicants expense prior to the issue of a final Occupation Certificate.*
10. *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.*
11. *Permission is granted for the contractor constructing the vehicular access to remove the Council street tree located opposite the above site.*

ADVISORY MATTERS:

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

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

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

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

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

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

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

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

AMENDMENT: (Woodsmith/Hughes) that the proposed car space situated adjacent to the proposed garage shall be deleted from the proposal. **LOST.**

10.5 DIRECTOR, CITY PLANNING REPORT 84/2006 - 38 HELENA STREET, RANDWICK. (DA/612/2006 & P043052)

- 281 **RESOLUTION: (Andrews/Kenny)** 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.612/06 for permission to carryout alterations and additions to the dwelling at 38 Helena 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 0613, D.01 (A), D.02 (B), DA1.03(A), dated July 2006 and received by Council on the 2nd August 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.*

3. *The design, materials and colour of the roofing to the proposed building are required to match, as closely as possible, the existing roof.*
4. *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.*
5. *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.*
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.*

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 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.*

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.

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.*

In addition, the use of any rock excavation machinery or any mechanical pile drivers or the like, is restricted to the hours of 8.00am to 5.00pm (maximum) on Monday to

Friday only, to minimise the noise levels during construction and loss of amenity to nearby residents.

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.

31. *Public safety must be maintained at all times and public access to the site and*

building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.

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

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

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

32. *Any part of Council's nature strip which is damaged as a result of the work must be back-filled, top-soiled and re-turfed with kikuyu turf prior to occupation or finalisation of the development, to Council's satisfaction.*
33. *A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:-*

*Install or erect any site fencing, hoardings or site structures
Operate a crane or hoist goods or materials over a footpath or road
Placement of a waste skip (greater 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:

34. *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 in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.

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

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

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

36. *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:

37. *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.*
38. *The naturestrip upon Council's footway shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but not be limited to, watering, mowing, fertilising, and the removal of weeds.*

Tree Management

39. *The following trees shall be removed from the site to accommodate the proposed works as shown, subject to the planting of 1 x 25 litre (pot size at the time of planting) broad canopied replacement tree (not a palm) within the rear yard, using a native species which will attain a minimum height of 6 metres at maturity. The nominated species and proposed location shall be clearly shown on all plans, to the satisfaction of the certifying authority, prior to the issue of a construction certificate:*
 - a) *All vegetation within the front yard of the site.*
 - b) *One Cupaniopsis anacardioides (Tuckeroo) in the rear yard, virtually hard up against the western wall of the existing garage.*
 - c) *One Grevillea robusta (Silky Oak) in the rear yard, in the northwest corner of the site due to structural defects.*

- d) *One tree (species undetermined) hard up against the western wall of the proposed relocated garage.*

ADVISORY MATTERS:

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

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

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

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

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

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

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

MOTION: (Andrews/Kenny) CARRIED – SEE RESOLUTION.

10.6 DIRECTOR, CITY PLANNING REPORT 85/2006 - 212 ARDEN STREET, COOGEE. (DA/533/2006 & PROP028786)

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

- A. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No DA/533/2006 for the Internal refurbishment of the Sports Bar/TAB within the Coogee Bay Hotel (ground floor) which is adjacent to the Sports Bar located off Coogee Bay Road. (Heritage Item) at 212 Arden Street, 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 DA03 and DA04, dated 30 June 2006 and received by Council on 3 July 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. *There must be no encroachment of the structure/s onto any adjoining premises or onto Council's road reserve, footway or public place, unless permission has been obtained from the owner/s of the adjoining land accordingly.*

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

3. *The L10 noise level emitted from the licensed premises shall not exceed the background noise level (L90) in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 7.00am and 12.00 midnight at the boundary of any affected residence. The background noise level shall be measured in the absence of noise emitted from the licensed premises.*

The LA10 noise level emitted from the licensed premises shall not exceed the background noise level (LA90) in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) between 12.00 midnight and 7.00am at the boundary of any affected residence. The background noise level shall be measured in the absence of noise emitted from the licensed premises.

Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am.

4. *The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises.*
5. *The hours of the operation of the Sports bar, pool table area, and pub TAB are restricted to:*

*Monday – Saturday: 24 Hours a day, and
Sunday: 7am to midnight.*

6. *The maximum number of patrons (when there is no public entertainment in the areas specified in this condition) in the pub TAB, Sports Bar, pool table area and gaming room area shall not exceed 321 at any one time. The maximum number of patrons permitted in the abovementioned areas of the Hotel during public entertainment shall not exceed the POPE licence conditions.*
7. *As amended Local Approval application must be submitted to and approved by Council prior to occupation of the area encompassed on this application in accordance with Section 68 of the Local Government Act 1993.*
8. *Security guards or a specially appointed members of staff must be provided at all*

times, identified as such by uniform (or the like), to take all reasonable steps to prevent noisy and unruly behaviour of patrons attending or departing the premises. The security guards are to patrol the locality until half an hour after close or until the last patron leaves the vicinity of the Hotel, whichever is the later. The number of security guards and patrol locations must be in accordance with the current Liquor License.

9. *The licensee must establish and maintain a formal and documented system for the recording and resolution of complaints made to the licensed premises by residents. All complaints are to be attended to in a courteous and efficient manner and referred promptly to the licensee or duty manager. The appropriate remedial action, where possible, is to be implemented immediately and the licensee or duty Manager is to contact the complainant within 48 hours to confirm details of action taken.*
10. *A Plan of Management for ground floor areas west of the Beach Bar must be submitted to and approved by the Director of City Planning prior to the issuing of an Occupation Certificate. The Plan of Management must be consistent with the Plan of Management required under DA 36/04 and the details provided with DA/423/05.*

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

11. *The use and operation of the premises shall not give rise to an environmental health nuisance to the adjoining/nearby premises or environment.*
12. *There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.*

The following conditions are applied to ensure compliance with the Food Act 2003 and to ensure public health and safety:

13. *The premises is to be designed, constructed and operated in accordance with the Food Act 2003, Food Regulation 2004, Australia & New Zealand Food Standards Code and Australian Standard AS 4674-2004, Design, construction and fit-out of food premises and details of compliance are to be included in the documentation for the **construction certificate** to the satisfaction of the certifying authority.*
14. *Food safety practices and operation of the food premises must be in accordance with the Food Act 2003, Food Regulation 2004, Food Standards Code and Food Safety Standards at all times, including the requirements and provisions relating to:*
 - Food handling – skills, knowledge and controls.*
 - Health and hygiene requirements.*
 - Requirements for food handlers and businesses.*
 - Cleaning, sanitising and maintenance.*
 - Design and construction of food premises, fixtures, fitting and equipment.*
15. *A failure to comply with the relevant food safety requirements is an offence and may result in legal proceedings, service of notices and/or the issuing of on-the-spot penalty infringement notices.*
16. *Upon completion of the work and **prior to the issuing of an occupation certificate,***

the premises must be inspected by Council's Environmental Health Officer to ascertain compliance with relevant Food Safety Standards and the written approval of Council (being the relevant Food Authority for this food business) must be obtained prior to the operation of the food business.

17. *The Proprietor of the food business and all staff carrying out food handling and food storage activities must have appropriate skills and knowledge in food safety and food hygiene matters, as required by the Food Safety Standards.*
18. *The design and construction of food premises (the bar area) must comply with the following requirements, as applicable:-*

The floors of bar area, food preparation areas and the like are to be constructed of materials which are impervious, non slip and non abrasive. The floor is to be finished to a smooth even surface, graded and drained to a floor waste connected to the sewer.

The intersection of walls with floor and plinths is to be coved, to facilitate cleaning.

Walls of the bar areas and the like are to be of suitable construction finished in a light colour with glazed tiles, stainless steel, laminated plastics or similar approved material adhered directly to the wall adjacent to cooking and food preparation facilities or areas, to provide a smooth even surface.

The glazed tiling or other approved material is to extend up to the a minimum of 450mm above bench tops or other facilities and equipment.

Walls where not tiled are to be cement rendered or be of rigid smooth faced non-absorbent material (i.e. fibrous cement sheeting, plasterboard or other approved material) and finished to a smooth even surface, painted with a washable paint of a light colour or sealed with other approved materials.

The ceilings of bar areas, storerooms and the like are to be of rigid smooth-faced, non absorbent material i.e., fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material.

All stoves, refrigerators, bain-maries, stock pots, washing machines, hot water heaters, large scales, food mixers, food warmers, cupboards, counters, bars etc. to be supported on wheels, concrete plinths a minimum 75mm in height, metal legs minimum 150mm in height, brackets or approved metal framework of the like.

Cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particleboard or similar material is not permitted unless laminated on all surfaces.

Wash hand basins must be provided in convenient positions, with hot and cold water, together with a sufficient supply of soap and clean towels. Such hot and cold water shall be supplied to the wash hand basins through an approved mixing device.

Sanitary facilities shall be provided for patrons and staff in accordance with the

provisions of the Building Code of Australia.

Ceramic tiles being provided to a height of 450mm above bench tops, wash hand basins and similar fittings.

A numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius being provided to refrigerators, cool rooms, other cooling appliances and bain-maries or other heated food storage/display appliances. The thermometer is to be located so as to be read easily from the outside of the appliance.

All food that is to be kept hot should be heated within one (1) hour from the time when it was prepared or was last kept cold, to a temperature of not less than 60C and keep this food hot at or above the temperature. Food that is to be kept cold should be cooled, within four (4) hours from the time when it was prepared or was last kept hot, to a temperature of not more than 5C and keep this food cold at or below that temperature.

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

19. *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.

20. *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.*
21. ***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.***
22. ***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 and notify the Principal Certifying Authority and Council accordingly in writing, and*
 - iii) 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.*
23. *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.

24. *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,*
 - *a statement stating that "unauthorised entry to the work site is prohibited".*
25. *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.

26. ***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 must also be provided to Council with the occupation certificate.

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 0.35% of the cost of the works.

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

28. *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 in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.

29. *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.*

30. *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 (except as detailed below) between 8.00am to 5.00pm on Saturdays.*

All building, demolition and associated site works are strictly prohibited on Sundays, Public Holidays and also on Saturdays adjacent to a Public Holiday.

In addition, the use of any rock excavation machinery or any mechanical pile drivers or the like is restricted to the hours of 8.00am to 5.00pm (maximum) on Monday to Friday only, to minimise the noise levels during construction and loss of amenity to nearby residents.

31. *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.

32. *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.

33. *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.

34. *A Construction Site Management Plan is to be submitted to and approved by the principal certifying authority prior to the commencement of demolition, excavation or building works. The site management plan must include the following measures, as applicable to the type of development:*

location and construction of protective fencing / hoardings to the perimeter of the site;
location of site storage areas/sheds/equipment;
location of building materials for construction;
provisions for public safety;
dust control measures;
site access location and construction
details of methods of disposal of demolition materials;
protective measures for tree preservation;
provisions for temporary sanitary facilities;
location and size of waste containers/bulk bins;
details of proposed sediment and erosion control measures;
construction noise and vibration management.

The site management measures are to be implemented prior to the commencement of any site works and be maintained throughout the works, to maintain adequate levels of public health and safety. A copy of the approved Construction Site Management Plan must be maintained on site and be made available to Council officers upon

request.

35. *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.*
36. *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.*
37. *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 or 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.*

ADVISORY MATTERS:

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

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

- p) *Part E1 - Fire fighting equipment*
- s) *Part E4 - Emergency lighting, exit signs & warning systems*

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

2. *The applicant/owner is advised that this approval does not guarantee compliance with the provisions of the Disability Discrimination Act 1992 and the applicant should therefore consider their liability under the Act. In this regard, the applicant is advised that compliance with the requirements of the Building Code of Australia and Australian Standard 1428.1 - Design for Access and Mobility does not necessarily satisfy the objectives of the Disability Discrimination Act 1992.*

The applicant/owner is requested to give consideration to providing access and facilities for people with disabilities in accordance with Australian Standard 1428 Parts 1, 2, 3 and 4 - Design for Access and Mobility, which may be necessary to satisfy the objectives of the Disability Discrimination Act 1992.

MOTION: (Bastic/Andrews) CARRIED – SEE RESOLUTION.

Councillor Matson requested that his name be recorded as opposed to the resolution.

11. PETITIONS.

11.1 PETITION SUBMITTED BY THE MAYOR, CR P. TRACEY ON BEHALF OF RESIDENTS IN SOUTH COOGEE OBJECTING TO THE FENCE DESIGN ON THE COASTAL WALKWAY IN SOUTH COOGEE. (F2005/00172 xr F2004/07523)

283 *RESOLUTION: (Sullivan/White) that the petition tabled be received and noted.*

MOTION: (Sullivan/White) CARRIED - SEE RESOLUTION.

11.2 PETITION SUBMITTED BY THE MAYOR, CR P. TRACEY ON BEHALF OF RESIDENTS SUPPORTING THE DEVELOPMENT OF BLENHEIM PARK. (F2005/00172 xr F2005/00098)

284 *RESOLUTION: (Sullivan/White) that the petition tabled be received and noted.*

MOTION: (Sullivan/White) CARRIED - SEE RESOLUTION.

11.3 PETITION SUBMITTED BY THE MAYOR, CR P. TRACEY ON BEHALF OF RESIDENTS OBJECTING TO THE STOCKLAND DEVELOPMENTS IN PINE AVENUE LITTLE BAY. (F2005/00172 xr DA/615/2006 xr DA/616/2006)

285 *RESOLUTION: (Sullivan/White) that the petition tabled be received and noted.*

MOTION: (Sullivan/White) CARRIED - SEE RESOLUTION.

11.4 PETITION SUBMITTED BY THE MAYOR, CR P. TRACEY ON BEHALF OF RESIDENTS OBJECTING TO THE HARVEY STREET OPENING AT THE PRINCE HENRY SITE. (F2005/00172 xr F2006/00312)

286 *RESOLUTION: (Sullivan/White) that the petition tabled be received and noted.*

MOTION: (Sullivan/White) CARRIED - SEE RESOLUTION.

12. MOTIONS PURSUANT TO NOTICE.

12.1 MOTION BY COUNCILLOR NASH – REQUEST FOR A FOOTPATH IN HINCKS STREET, KINGSFORD. (PROP030299 xr F2005/00434 xr F2005/00171)

287 *RESOLUTION: (Andrews/Kenny) that in accordance with requests from Hincks Street residents, Council consider funding the construction of a footpath in Hincks Street, Kingsford as part of the 2007/08 Budget.*

MOTION: (Andrews/Kenny) CARRIED – SEE RESOLUTION.

13. CONFIDENTIAL ITEM.

**13.1 CONFIDENTIAL DIRECTOR, CITY SERVICES' REPORT 72/2006 -
CONCRETE FOOTPATH WORKS - VARIOUS LOCATIONS TENDER NO
T018/06. (F2006/00420)**

288 **RESOLUTION:** *(Andrews/Kenny) that:*

- (a) the tender from K K Civil Engineering Pty Ltd be accepted and the General Manger be permitted to enter into a contract with KK Civil Engineering Pty Ltd to undertake the 2006/2007 Footpath Construction Programme;*
- (b) authority is granted for the General Manager in conjunction with the Mayor, to sign and affix Councils Common Seal to the contract with the recommended tenderer for Concrete Footpath Works Various Streets T018/06; and*
- (c) the unsuccessful tenderers be notified of the Tender result.*

MOTION: (Andrews/Kenny) CARRIED – SEE RESOLUTION.

14. NOTICE OF RESCISSION MOTIONS.

Nil.

There being no further business, His Worship the Mayor, Cr P. Tracey, 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, 24TH OCTOBER, 2006.

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CHAIRPERSON