

**MINUTES OF ORDINARY MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 27TH MARCH 2007 AT 6:02 P.M.**

PRESENT:

The Mayor, Cr P. Tracey (Chairperson) (North Ward)

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

North Ward	-	Crs J. Kenny & M. Woodsmith
South Ward	-	Crs R. Belleli & A. White
East Ward	-	Crs B. Notley-Smith & D. Sullivan (arrived 7.06pm)
West Ward	-	Crs B. Hughes, S. Nash (arrived 6.20pm) & J. Procopiadis
Central Ward	-	Crs A. Andrews (arrived 6.21pm), C. Bastic (arrived 6.10pm) & T. Seng

OFFICERS PRESENT:

General Manager	Mr. R. Brownlee.
Director, City Planning	Ms. S. Truuvert.
Director, Governance & Financial Services	Mr. G. Banting.
Director, City Services	Mr. J. Frangoples.
Acting Manager, Administrative Services	Mr. J. Hartshorn.
Manager, Development Assessment	Mr. K. Kyriacou.
Manager Technical Services	Mr. M. Shaw
Manager Policy and Performance	Ms. K. Walshaw

1. PRAYER & ACKNOWLEDGEMENT OF LOCAL INDIGENOUS PEOPLE.

The Council Prayer was read by Cr Seng.

The Acknowledgement of Local Indigenous People was read by Cr Woodsmith.

2. APOLOGIES/GRANTING OF LEAVE OF ABSENCES.

Apologies were received from Crs Andrews, Bastic, Nash and Sullivan (for lateness) and from Cr Daley (for non-attendance).

RESOLVED: (Notley-Smith/Kenny) that the apologies from Crs Andrews, Bastic, Nash and Sullivan (for lateness) and from Cr Daley (for non-attendance) at the Ordinary Council Meeting held on Tuesday, 27th March, 2007 be received & accepted.

3. CONFIRMATION OF THE MINUTES.

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY, 27TH FEBRUARY 2007.

- 36 **RESOLUTION: (Belleli/Matson)** that the Minutes of the Ordinary Council Meeting held on Tuesday, 27th February 2007 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

4. DECLARATION OF PECUNIARY & NON-PECUNIARY INTERESTS.

- (a) Cr Hughes declared a non-pecuniary interest in Item 6.1 as he may be assisting as a volunteer for the Red Shield Appeal.
- (b) Cr Tracey declared a non-pecuniary interest in Item 9.1 as he is an Ordinary Member of the Randwick Labour Club and also the Ritz Cinema may have contributed to the Labor Party's election campaign.
- (c) Crs Procopiadis and White declared non-pecuniary interests in Item 9.1 as Ordinary Members of the Randwick Labour Club.
- (d) Later in the meeting Cr Sullivan declared a pecuniary interest in Item 9.1 as a Director of the Randwick Labour Club – see page 3 of these Minutes.
- (e) Later in the meeting Crs Andrews and Bastic declared non-pecuniary interests in Item 9.1 as Ordinary Members of the Randwick Labour Club – see page 3 of these Minutes.
- (f) Later in the meeting Cr Seng declared a pecuniary interest in Item 9.1 as his partner has had a business dealing with the owner of the Ritz Cinema, Mr J Ziade - see page 3 of these Minutes.

5. ADDRESSING OF COUNCIL BY MEMBERS OF THE PUBLIC.

Item 8.1 - Director, City Planning Report 8/2007 - 17 Church Street, Randwick. (Deferred)

Against	Mr Paddy Morahan	8/19 Church Street, Randwick
For	Mr Anthony Gilsenan	17 Church Street, Randwick

Item 8.2 - Director, City Planning Report 9/2007 - 10 Frenchmans Road, Randwick.

Against	Mr John Carter	8 Frenchmans Road, Randwick
For	Ms Margaret Palisi	5 Higgs Street, Coogee

Item 8.3 – Director, City Planning Report 10/2007 - 169-181 Dolphin Street, Coogee.

Against	Ms Rona Wade	138 Beach Street, Coogee
For	Mr Chris Walhurst	169-181 Dolphin Street, Coogee

Cr Bastic left the meeting (6.25pm).

Item 8.4 - Director, City Planning Report 11/2007 - Draft Development Control Plan UNSW Kensington Campus Public Exhibition.

Against	Mr John Shiell	Kensington/West Kingsford Precinct Committee
For	Ms Marjorie Whitehead Ms Silvija Smits	10 Inglethorpe Ave, Kensington Planning Matters

Item 9.2 – General Manager's Report 4/2007 – Goldstein Reserve Public Toilets

For	Ms Rona Wade	138 Beach Street, Coogee
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Item 11.1 – Director, Governance & Financial Services’ Report 15/2007 - In House Management of the Burnie Park Community Centre.

Against Ms Rae Morgan 19 Pacific Street, Clovelly
For Ms Tracey Ellis 3 Keith Street, Clovelly

The meeting was adjourned at 6.48 p.m. and was resumed at 7.06 p.m.

Cr Bastic returned to the meeting (7.06pm).

Cr Sullivan declared a pecuniary interest in Item 9.1 as a Director of the Randwick Labour Club and Crs Andrews and Bastic declared non-pecuniary interests in Item 9.1 as Ordinary Members of the Randwick Labour Club

Cr Seng declared a pecuniary interest in Item 9.1 as his partner has had a business dealing with the owner of the Ritz Cinema, Mr J Ziade.

6. MAYORAL MINUTES.

6.1 MAYOR'S MINUTE 13/2007 - SALVATION ARMY'S RED SHIELD APPEAL - REQUEST FOR WAIVING OF ASSOCIATED FEES. (F2004/06050)

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

- a) *Council vote to waive the fees associated with the installation and dismantling of a banner on the corner of Arden Street and Malabar Road and also with the use of the Randwick Town Hall and funds be allocated from the Contingency Fund 2006/07;*
- b) *the Appeal's organisers undertake to appropriately and prominently acknowledge and promote Council's contribution during the Red Shield Appeal; and*
- c) *the Mayor or his representative be given the opportunity to address the Appeal on behalf of Council.*

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

6.2 MAYOR'S MINUTE 14/2007 - GOBI DESERT CHALLENGE - FUNDRAISER FOR SYDNEY CHILDREN'S HOSPITAL. (F2004/06574)

38 **RESOLUTION: (Mayor, Cr. P. Tracey) that a donation of \$200.00 be made to the Sydney Children's Hospital as a gesture of support for Mr Peter Wilson undertaking the Gobi Desert Challenge in June 2007.**

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

6.3 MAYOR'S MINUTE 15/2007 - RENEWABLE ENERGY CONFERENCE BENDIGO. (F2004/06674)

39 **RESOLUTION: (Mayor, Cr. P. Tracey) that all interested Councillors contact the General Manager as soon as possible to register their interest in attending this year's Renewable Energy Conference in Bendigo, to be held from 17 to 18 September, 2007.**

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

6.4 MAYOR'S MINUTE 16/2007 - INVITATION TO ATTEND 2007 SISTER CITIES CONFERENCE. (F2005/00294)

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

- (a) *the invitation from the Acting Lord Mayor of Darwin for any interested Councillors to attend the Australian Sister Cities Association National Conference be accepted; and*
- (b) *any interested councillors advise the General Manager as soon as possible for registration purposes.*

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

6.5 MAYOR'S MINUTE 17/2007 - WAIVING OF FEES - MALABAR OCEAN SWIM. (F2005/00145)

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

- (a) *fees in the amount of \$1,048.44 associated with Malabar Classic Ocean Swim be waived and funds be charged to the 2006/07 Contingency Fund;*
- (b) *the event organisers undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and*
- (c) *the Mayor or his representative be given the opportunity to address the event on behalf of Council.*

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

6.6 MAYOR'S MINUTE 18/2007 - WAIVING OF FEES - MULTI UNIT ILLEGAL DUMPING - GRANT APPLICATION. (F2004/06574 xr F2004/07628)

42 **RESOLUTION: (Mayor, Cr. P. Tracey) that Council's successful application for grant funding to address multi-unit illegal dumping be received and noted.**

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

6.7 MAYOR'S MINUTE 19/2007 – LA PEROUSE SWIMMING PROGRAM. (F2006/00216)

43 **RESOLUTION: (Mayor, Cr. P. Tracey) that Council fund the La Perouse Swimming Program.**

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

7. URGENT BUSINESS.

Nil.

8. DIRECTOR, CITY PLANNING REPORTS.

8.1 DIRECTOR, CITY PLANNING REPORT 8/2007 - 17 CHURCH STREET RANDWICK. (DEFERRED) (DA/1007/2006)

44 **RESOLUTION: (Hughes/Matson) that Council as the consent authority, refuse development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/1007/2006 for permission to carryout alterations to the existing attached dual occupancy to include an attic within the roof space and alter windows to the rear ground level of the building and install windows to the en suite bathroom to the upper level at 17 Church Street, RANDWICK, for the following reasons:**

1. *The proposal has a floor space ratio (FSR) of 0.87:1 which exceeds the maximum permissible FSR of 0.65:1 pursuant to clause 32 of Randwick Local Environmental Plan 1998.*

2. *The proposal is inconsistent with the stated purpose of Clauses 32 of Randwick Local Environmental Plan 1998 (maximum permissible floor space ratio), and the State Environmental Planning Policy No.1 objection in relation to the proposal's departure from Clauses 32 of Randwick Local Environmental Plan 1998 is not well founded.*
3. *The proposed dormers and roof form are excessive in bulk and scale and result in adverse overshadowing impacts on the adjoining property at No. 19 Church St, Randwick.*

MOTION: (Andrews/Bastic) - 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. DA/1007/2006 for permission to carryout alterations to the existing attached dual occupancy to include an attic within the roof space and alter windows to the rear ground level of the building and install windows to the en suite bathroom to the upper level at 17 Church 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 04.116A, dated April 2004 and received by Council on the 22nd November 2006, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:
- 2 The external materials, colours and finishes of the building are required to match, as closely as possible, the existing building.
- 3 Metal roof sheeting is to be painted or colour bonded to minimise reflection and to be sympathetic and compatible with the building and surrounding environment.
- 4 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.
- 5 To maintain a reasonable level of privacy to the adjoining properties the dormer windows shall have a minimum sill height of 1500mm as measured from floor level. Details shall be provided on the plans accompanying the Construction Certificate application.

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

- 6 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.

The following group of conditions have been applied to ensure that adequate drainage is provided from the premises and to maintain adequate levels of health and amenity in the locality:

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

Absorption pits must be located not less than 3m from any adjoining premises and the stormwater must not be directed or flow onto any adjoining premises or cause a nuisance.

Details of any works proposed to be carried out in or on a public road/footway are to be submitted to and approved by Council prior to commencement of works.

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

- 8 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.

- 9 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.

- 10 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.

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.

- 11 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.

- 12 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.

- 13 A sign must be erected and maintained in a prominent position on the site for the duration of the works, 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".

- 14 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.

- 15 **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.

- 16 In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the 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.

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

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.

- 18 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:

19 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.

20 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.

21 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.

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.

22 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.

23 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.

- 24 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.

- 25 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.

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 detail 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. **LOST.**

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

A division was called for by Crs Andrews and Bastic. Voting was as follows:

FOR	AGAINST
Cr Belleli	Cr Andrews
Cr Hughes	Cr Bastic
Cr Kenny	Cr Procopiadis
Cr Matson	Cr Sullivan
Cr Nash	Cr Tracey (Mayor)
Cr Notley-Smith	Cr White
Cr Seng	-
Cr Woodsmith	-

8.2 DIRECTOR, CITY PLANNING REPORT 9/2007 – 10 FRENCHMANS ROAD, RANDWICK. (DA/740/2006 xr PROPO33299)

45 **RESOLUTION: (Seng/Andrews) that:**

- A. Council assume the concurrence of the Director of Planning to vary the provisions of Clause 31 and 32 of the Randwick Local Environmental Plan 1998 (as amended) relating to alterations and additions to the existing boarding house under State Environmental Planning Policy No. 1 and, 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/740/2006 for alterations and additions to the existing boarding house at 10 Frenchmans Road, Randwick subject to the following conditions: -

Referenced plans:

1. The development must be implemented substantially in accordance with the architectural plans numbered A03, A04, A05 and A09 dated December 2006 and received by Council on 19 December 2006, and Landscape Plan numbered 06.111 dated 26 July 2006 and received by Council 12 September 2006, the application form and on any supporting information received with the application, except as may be amended by the following conditions.

Environmental amenity

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. Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.
3. 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.
4. Internal or external clothes drying facilities are to be provided in accordance with the provisions of the Building Code of Australia.

5. *Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.*
6. *The premises must be operated as a 'boarding house' within the meaning of the Randwick Local Environmental Plan 1998.*
7. *The premises must be operated in accordance with the plan of management submitted as Appendix E in the Statement of Environmental Effects. Failure to operate the premises in accordance with the plan of management shall constitute a breach of the Environmental Planning and Assessment Act 1979.*

Ecologically sustainable development & energy efficiency:

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

8. *The consumption of water within the building shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be noted in the construction certificate plans or specifications.*
9. *Hot water service pipes are to be provided with insulation and must also satisfy any relevant requirements of Building Code of Australia and AS 3500.*
10. *Appliances provided within the development must as a minimum satisfy the following energy ratings:*
 - a. *Clothes dryers minimum 2.5 star*
 - b. *Dishwashers minimum 3 star*
 - c. *Air conditioners minimum 4 star*
 - d. *Clothes washers minimum 4 star*
 - e. *Fridge minimum 4 star*

Noise emission conditions:

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

11. *The operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.*
12. *In this regard, the operation of the plant and equipment shall not give rise to an LAeq, 15 min sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Department of Environment & Conservation Noise Control Guidelines.*
13. *The applicant must establish and maintain a formal and documented system for the recording and resolution of complaints made to the premises by residents. All complaints are to be attended to in a courteous and efficient manner and referred promptly to the managing agent. The appropriate remedial action, where possible, is to be implemented immediately and managing agent is to contact the complainant within 48 hours to confirm details of action taken.*
14. *Upon reasonable prior notice, the managing agent must make available the incident book to the police and Council officers.*

Traffic conditions/Civil Works Conditions

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

15. *Prior to the issuing of an Occupation Certificate the applicant must meet the full cost for Council or a Council approved contractor to:
 - a. *Reconstruct any damaged sections of concrete footpath along the full Frenchmans Road site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.*
 - b. *Reconstruct any damaged sections of kerb and gutter along the full Frenchmans Road site frontage.**
16. *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.*
17. *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:

18. *The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage.*
19. *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.*
20. *The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$121.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.*

Service Authority Conditions

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

21. *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.*
22. *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.*

23. *Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied, must be submitted to the certifying authority prior to a construction certificate being issued for the development.*

Drainage Conditions

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

24. *Stormwater drainage plans have not been approved as part of this development consent. Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:*
- a. *A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.*
 - b. *A layout of the proposed drainage system including pipe sizes, type, grade, length, and invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.*
 - c. *Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (ie. above the 1 in 20 year storm) to the proposed drainage system.*
 - d. *The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:*
 - i. *Roof areas*
 - ii. *Paved areas*
 - iii. *Grassed areas*
 - iv. *Garden areas*
 - e. *Where buildings abut higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.*
 - f. *Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.*
 - g. *The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.*
25. *All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.*
26. *All site stormwater from the redeveloped portion of the site must be discharged (by gravity) to either:*

- a. *The kerb and gutter or drainage system at the front of the property; OR*
 - b. *A suitably sized infiltration system (subject to geotechnical investigation confirming that the ground conditions are suitable for an infiltration system).*
27. *Should stormwater from the redeveloped portion of the site be discharged to Council's street drainage system, on-site detention must be provided to ensure that the maximum discharge from the above site is not to exceed that which would occur during a 1 in 5 year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the above site for all storms up to the 1 in 20 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by Council. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.*
- Should no formal overland escape route be provided for storms greater than the design storm, the on-site detention system shall be sized for the 1 in 100 year storm event.*
- For small areas up to 0.5 hectares, determination of the required cumulative storage must be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1, 1987 Edition.*
- Where possible the detention tank must have an open base to infiltrate stormwater to the groundwater. Note that the ground water and any rock stratum has to be a minimum of 2.0 metres below the base of the tank.*
28. *Should stormwater from the redeveloped portion of the site be discharged to an infiltration system, the infiltration area shall be sized for all storm events up to the 1 in 20 year storm event with provision for a formal overland flow path to Council's Street drainage system.*
- Should no formal overland escape route be provided for storms greater than the design storm, the infiltration system shall be sized for the 1 in 100 year storm event.*
29. *Any Infiltration systems/Absorption Trenches must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.*
30. *The detention area/infiltration system must be regularly cleaned and maintained to ensure it functions as required by the design.*
31. *The maximum depth of ponding in above ground detention areas (and/or infiltration systems with above ground storage) shall be as follows:*
- a. *150mm in uncovered carparking areas (with an isolated maximum depth of 200mm permissible at the low point pit within the detention area)*
 - b. *300mm in landscaped areas (where child proof fencing is not provided around the outside of the detention area and sides slopes are steeper than 1 in 10)*
 - c. *600mm in landscaped areas where the side slopes of the detention area have a maximum grade of 1 in 10.*
 - d. *1200mm in landscaped areas where a childproof fence is provided around the outside of the detention area*

Notes:

- a. *It is noted that above ground storage will not be permitted in basement carparks or in any area which may be used for storage of goods.*
 - b. *Mulch/bark must not be used in onsite detention areas*
32. *Any above ground stormwater detention areas (and/or infiltration systems with above ground storage) must be suitably signposted where required, warning people of the maximum flood level.*
33. *The floor level of all habitable and storage areas adjacent to the detention area (and/or infiltration systems with above ground storage) must be a minimum of 300mm above the maximum water level in the detention area for the design storm or alternately a permanent 300mm high water proof barrier is to be constructed.*

(In this regard, it must be noted that this condition must not result in any increase in the heights or levels of the building. Any variations to the heights or levels of the building will require a new or amended development consent from the Council prior to a construction certificate being issued for the development).

34. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
35. *A 'V' drain is to be constructed along the perimeter of the property, where required, to direct all stormwater to the detention/infiltration area.*
36. *Should a pump system be required to drain any portion of the site the system must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.*

The pump system must also be designed and installed strictly in accordance with "Section 8.4 PUMP SYSTEMS" as stipulated in Randwick City Council's Private Stormwater Code.

37. *A sediment/silt arrester pit must be provided:-*
- a. *within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system; and*
 - b. *prior to stormwater discharging into any absorption/infiltration system.*

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

- c. *The base of the pit located a minimum 300mm under the invert level of the outlet pipe.*
- d. *The pit constructed from cast in-situ concrete, precast concrete or double brick.*
- e. *A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.*
- f. *A galvanised heavy-duty screen located over the outlet pipe/s (Mascot GMS multipurpose filter screen or equivalent).*

- g. *The grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system.*
- h. *A child proof and corrosion resistant fastening system provided for the access grate (e.g. spring loaded j-bolts or similar).*
- i. *A sign adjacent to the pit stating:*
- j. *"This sediment/silt arrester pit shall be regularly inspected and cleaned."*

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

38. *Prior to occupation of the development, a "restriction on the use of land" and "positive covenant" (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property to ensure that the onsite detention/infiltration system is maintained and that no works which could affect the design function of the detention/infiltration system are undertaken without the prior consent (in writing) from Council. Such restriction and positive covenant shall not be released, varied or modified without the consent of the Council.*

Notes:

- a. *The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.*
 - b. *If new linen plans are being prepared for the site, the plans shall indicate the location and dimensions of the detention/infiltration areas.*
 - c. *The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.*
39. *Prior to the issuing of an occupation certificate, the applicant shall submit to Council, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:*
- a. *The location of the detention basin with finished surface levels;*
 - b. *Finished site contours at 0.2 metre intervals;*
 - c. *Volume of storage available in the detention areas;*
 - d. *The location, diameter, gradient and material (i.e PVC, RC etc) of all stormwater pipes;*
 - e. *The orifice size(s) (if applicable);*
 - f. *Details of any infiltration/absorption systems; and*
 - g. *Details of any pumping systems installed (including wet well volumes).*
40. *Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with the conditions of development consent. The certification must be provided following inspection/s of the site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the PCA.*

Waste Management Conditions

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

41. *The waste storage areas shall be sized to contain a total of 4 x 240 litre bins (2 garbage bins & 2 recycle bins) whilst providing satisfactory access to these bins. Details showing compliance with this requirement are to be shown on the plans submitted to the certifying authority for the construction certificate.*
42. *The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.*
43. *The waste storage areas shall be clearly signposted.*

Landscape Conditions

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

44. *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.*
45. *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.*

The following conditions are applied to ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulations and to provide for reasonable levels of fire safety:

46. *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.

47. *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.*
48. **Prior to the commencement of any building works** (including necessary upgrading works specified in the conditions of this consent), 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.
49. **Prior to the commencement of any building works**, the person having the benefit of the development consent must: -
 - a. *appoint a Principal Certifying Authority for the building work, and*
 - b. *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*
 - c. *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*

- d. *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.

50. *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.

51. *A sign must be erected and maintained in a prominent position on the site, which contains the following details:*
- a. *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)*
 - b. *name, address and telephone number of the Principal Certifying Authority,*
 - c. *a statement stating that "unauthorised entry to the work site is prohibited".*

52. *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.

53. ***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.

54. *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):

- a. has been informed in writing of the licensee's name and contractor number; and*
- b. 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:

- a. has been informed of the person's name and owner-builder permit number, or*
- b. 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.*

55. *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 building is required to be provided with a smoke alarm system complying with Clause 3 of Specification E2.2a of the Building Code of Australia or a smoke detection system complying with Clause 4 of Specification E2.2a of the Building Code of Australia or a combination of a smoke alarm system within the sole-occupancy units. A smoke alarm system complying with Clause 3 of Specification E2.2a of the Building Code of Australia is required to be installed in accordance with the following requirements:

- a. smoke alarms are required to comply with AS 3786 - Smoke Alarms, and be powered from the mains electric power source, and provided with a battery back-up.*

- b. *in kitchens and other areas where the use of the area is likely to result in smoke alarms causing spurious signals, heat alarms may be installed in lieu of smoke alarms.*
- c. *smoke alarms must be installed within each sole-occupancy unit, located on or near the ceiling in:*
 - i. *any storey containing bedrooms, located between each part of the sole-occupancy unit containing bedrooms and the remainder of the sole-occupancy unit; and where bedrooms are served by a hallway, located in that hallway; and*
 - ii. *any storey not containing any bedrooms, located in egress paths; and*
- d. *in a building not protected with a sprinkler system, smoke alarms are to be provided in public corridors and other internal public spaces, located in accordance with the requirements for smoke detectors in AS 1670.1 and the smoke alarms must be interconnected to activate a building occupant warning system in accordance with Clause 6 of Specification E2.2.a.*
- e. *[Clause 6 requires that the system to comply with Clause 8.7 of AS 1670.1 to sound throughout all occupied areas, except that the sound pressure level need not be measured within a sole-occupancy unit if a level of not less than 85dB(A) is provided at the door providing access to the sole-occupancy unit and the inbuilt sounders of the smoke alarms may be used wholly or partially to meet the requirements].*

Additional requirements regarding the design and installation of the smoke detection and alarm system may be specified in the construction certificate for the development.

- f. *Provide emergency lighting to the stairways and corridors, in accordance with the provisions of Clauses E4.2 and E4.4 of the Building Code of Australia and AS/NZS 2293.1 (1998).*
 - g. *Provide exit signs to the Building, to satisfy the provisions of Clause E4.5 and E4.7 of the Building Code of Australia and AS/NZS 2293.1 (1998). Exit signs must be visible at all times to indicate the way to a position of egress from the building to the satisfaction of Council.*
 - h. *Provide portable fire extinguishers to the building, to satisfy the provisions of Clause E1.6 of the Building Code of Australia of Australia and AS 2444 (1995).*
 - i. *Provide a self-closing, solid-core timber door to the front entry doorway of each sole-occupancy unit, in accordance with Clause C3.11 of the Building Code of Australia.*
 - j. *Prior to commencing the abovementioned fire safety works, a Construction Certificate must be obtained from Council's Building Certification Services or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
56. *A Certificate of Adequacy prepared by a professional engineer, shall be submitted to the Council **prior to the issuing of an occupation certificate [or strata subdivision certificate]**, certifying the structural adequacy of the,*
- a. *building*
57. *Upon completion of the fire safety upgrading works and **prior to the issuing of an occupation certificate**, a final fire safety certificate is to be submitted to*

Council and a copy of the fire safety certificate and fire safety schedule are to be displayed in a prominent position within the building (ie entrance area), in accordance with the provisions of the Environmental Planning and Assessment Act 1979.

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

58. *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:*
- a. *Occupational Health and Safety Act 2000*
 - b. *Occupational Health and Safety (Hazardous Substances) Regulation 2001*
 - c. *Occupational Health and Safety (Asbestos Removal Work) Regulation 2001*
 - d. *WorkCover NSW Code of Practice for the Safe Removal of Asbestos*
 - e. *Australian Standard 2601 (2001) – Demolition of Structures*
 - f. *The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.*
 - g. *Relevant Department of Environment & Conservation (DEC) / Environment Protection Authority (EPA) and WorkCover NSW Guidelines.*
 - h. *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.

59. *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.*
60. *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.

61. *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.*
62. *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.

63. *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.

64. *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.*

Details of the proposed sediment control measures are to be detailed in a site management plan and must be submitted to and approved by the principal certifying authority prior to the commencement of any site works. The sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction. A copy of the approved details must be forwarded to the Council and a copy is to be maintained on-site and be made available to Council officers upon request.

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.

65. *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. 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.

If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient or the building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected sufficiently to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises.

Temporary fences or hoardings 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 hoardings, site fencing or amenities upon any part of the footpath, nature strip or any 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.

The following conditions are applied to provide access and facilities for people with disabilities:

66. *Access and facilities for people with disabilities must be provided in accordance with the relevant provisions of the Building Code of Australia.*

The following conditions have been applied to ensure compliance with Local Government Legislation and Policies of Council:

67. *Places of shared Accommodation must comply with the Local Government (General) Regulation 2005 and the premises must be registered with the Council prior to occupation and on an annual basis, and the approved registration/inspection fee is to be forwarded to Council prior to occupation.*

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:

- | | | | |
|-----------|------------------------------|----------|-------------------------------------------------------------|
| <i>a.</i> | <i>Part B1</i> | <i>-</i> | <i>Structural provisions</i> |
| <i>b.</i> | <i>Part C1</i> | <i>-</i> | <i>Fire resistance and stability</i> |
| <i>c.</i> | <i>Part C2</i> | <i>-</i> | <i>Compartmentation and separation</i> |
| <i>d.</i> | <i>Part C3</i> | <i>-</i> | <i>Protection of openings</i> |
| <i>e.</i> | <i>Clause C3.2&C3.4-</i> | | <i>Protection of openings in external walls</i> |
| <i>f.</i> | <i>Part D3</i> | <i>-</i> | <i>Access for people with disabilities</i> |
| <i>g.</i> | <i>Part E1</i> | <i>-</i> | <i>Fire fighting equipment</i> |
| <i>h.</i> | <i>Part E2</i> | <i>-</i> | <i>Smoke Hazard Management</i> |
| <i>i.</i> | <i>Part E4</i> | <i>-</i> | <i>Emergency lighting, exit signs & warning systems</i> |
| <i>j.</i> | <i>Part F1-</i> | | <i>Damp and weatherproofing</i> |
| <i>k.</i> | <i>Part F2-</i> | | <i>Sanitary and other facilities</i> |
| <i>l.</i> | <i>Part F5-</i> | | <i>Sound Transmission and Insulation</i> |

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: (Woodsmith/Matson) that the application be deferred to allow mediation between the applicant and the objectors with a view to ascertaining whether an alternative plan could be developed which would allow a similar level of boarding house accommodation but limit the impact on the surrounding neighbours. **LOST.**

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

Cr Matson requested that his name be recorded as voting against the above resolution.

8.3 DIRECTOR, CITY PLANNING REPORT 10/2007 - 169-181 DOLPHIN STREET, COOGEE. (DA/1140/2003 & PROP017163)

46 **RESOLUTION: (Belleli/Bastic)** that the application be deferred to clarify the position with respect to a 2004 development application (or any previous approval) in relation to the consumption of alcohol in the bottom (sports) bar of the hotel.

MOTION: (Woodsmith/Matson) that Council as the responsible authority refuse its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to Modify Development Consent No. DA/1140/2003/A on property 169-181 Dolphin Street, Coogee for the following reasons:

1. The proposed intensification of the existing hotel use is inconsistent with part C of the 3A zone objectives in that it will adversely affect the amenity of persons residing in the adjoining residential zone.
2. The proposal is likely to result in increased patronage to the hotel and adversely impact on the amenity of neighbouring residents, in terms of noise generated by patrons on and off the site, and the anti-social behaviour of patrons off the site including violence, street drinking, vandalism, graffiti and litter.
3. The proposal is not in the public interest having regard to the objections received and the circumstances of the case. **LOST**

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

FOR	AGAINST
Cr Hughes	Cr Andrews
Cr Matson	Cr Bastic
Cr Nash	Cr Belleli
Cr Notley-Smith	Cr Kenny
Cr Seng	Cr Sullivan
Cr Woodsmith	Cr Tracey (Mayor)
-	Cr White

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

Cr Procopiadis was not present at the meeting during the vote on the above item.

8.4 DIRECTOR, CITY PLANNING REPORT 11/2007 - DRAFT DEVELOPMENT CONTROL PLAN UNSW KENSINGTON CAMPUS PUBLIC EXHIBITION. (F2006/00681)

47 **RESOLUTION: (Matson/Hughes)** that Council:

1. *Adopt the draft Development Control Plan University of NSW, Kensington Campus in accordance with the requirements of the Environmental Planning and Assessment Act, 1979 and Regulation 2000, subject to the following changes:*
 - a) *removal of all references (in text and figures) to 'international standard hotel' or 'hotel' and replace with 'accommodation for visiting students, academics and staff of educational institutions and their families';*
 - b) *landscape provisions (section 5.5) to include in c. replacement (including advanced trees) or compensation strategies only if the trees are non viable (due to age or disease) and, thus, require replacement;*
 - c) *building provisions (section 5.6) amended to read "Areas above the wall height may include plant and equipment only, which is not to occupy more than 50% of the building footprint";*
 - d) *changes to the colouring of the legend in figure 5.8 (building height) to more clearly differentiate between 18m and 24m wall height; and*
 - e) *a minor wording change in Part 3(c) (Local Street Parking Plan) of the UNSW Transportation Strategy replacement of 'Council to prepare' with 'The University and Council to reach agreement on.'*
2. *Agree that the Director, City Planning may make minor modifications to the draft DCP to rectify numerical, typographical, interpretive and formatting errors if required, in the completion and printing of the draft DCP.*

MOTION: (Andrews/Bastic) that Council:

1. Adopt the draft Development Control Plan University of NSW, Kensington Campus in accordance with the requirements of the Environmental Planning and Assessment Act, 1979 and Regulation 2000, subject to the following changes:
 - a) removal of all references (in text and figures) to 'international standard hotel' or 'hotel' and replace with 'accommodation for visitors including academic staff and students';
 - b) landscape provisions (section 5.5) to include in c. replacement (including advanced trees) or compensation strategies;
 - c) building provisions (section 5.6) to remove 'internal' and replace 'outdoor recreation spaces' with 'roof space';
 - d) changes to the colouring of the legend in figure 5.8 (building height) to more clearly differentiate between 18m and 24m wall height; and
 - e) a minor wording change in Part 3(c) (Local Street Parking Plan) of the UNSW Transportation Strategy replacement of 'Council to prepare' with 'The University and Council to reach agreement on'.
2. Agree that the Director, City Planning may make minor modifications to the draft DCP to rectify numerical, typographical, interpretive and formatting errors if required, in the completion and printing of the draft DCP.

AMENDMENT: (Matson/Hughes) - CARRIED.

The AMENDMENT became the MOTION and was again CARRIED – SEE RESOLUTION.

Cr Andrews requested that his name be recorded as voting against the above resolution.

Crs Bastic, Notley-Smith and Procopiadis were not present at the meeting during the vote on the above item.

9. GENERAL MANAGERS' REPORTS.

9.1 GENERAL MANAGER'S REPORT 3/2007 - AFFIXING OF THE COUNCIL SEAL. (F2004/07367)

Having declared a pecuniary interest in this item earlier in the meeting (as a Director of the Randwick Labour Club) Cr Sullivan left the meeting during the debate and the vote on the matter.

Having declared a pecuniary interest in this item earlier in the meeting (as his partner had a business dealing with the owner of the Ritz Cinema) Cr Seng left the meeting during the debate and the vote on the matter.

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

a) *authority be granted for the Council's Common Seal to be affixed to the agreements between Council and:*

1. *Randwick Labour Club in relation to an agreement to lease, deed of lease and positive covenant over 3 balconies and an extension of staircase adjoining 135-139 Alison Road, Randwick.*
2. *Jack Ziade & Jean Ziade in relation to an agreement to lease, deed of lease and positive covenant over a balcony adjoining 39-47 St Pauls Street, Randwick.*
3. *A residential tenant for a lease over 127 Boyce Road, Maroubra.*
4. *The Department of Lands for a request for title creation over a drainage reserve known as Lot Z DP 401609.*

b) *the agreement between Council and Jack Ziade & Jean Ziade in relation to an agreement to lease, deed of lease and positive covenant over a balcony adjoining 39-47 St Pauls Street, Randwick (the Ritz Cinema) is to generate an annual income of \$1,000 plus GST.*

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

Cr Procopiadis was also not present at the meeting during the vote on the above item.

9.2 GENERAL MANAGER'S REPORT 4/2007 - GOLDSTEIN RESERVE PUBLIC TOILETS. (F2004/07501)

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

(a) *the report be received and noted, and*

(b) *the General Manager liaise/negotiate with the Eastern Beaches Liquor Accord to secure funding through its members for the 2007/2008 summer period for the Pumpkin Bus service, Arden Street Secure Taxi Rank and provision of security personnel at the Goldstein Reserve public toilets, and*

(c) *Council endorse Council's Road Safety Officer's application to the RTA to provide funding for marketing and promotion of the Pumpkin Bus Service.*

AMENDMENT: (Matson/Hughes) that:

(a) *the report be received and noted, and*

(b) *the General Manager liaise/negotiate with the Eastern Beaches Liquor Accord to*

secure funding through its members for the 2007/2008 summer period for the Pumpkin Bus service, Arden Street Secure Taxi Rank and provision of security personnel at the Goldstein Reserve public toilets, and

- (c) Council endorse Council's Road Safety Officer's application to the RTA to provide funding for marketing and promotion of the Pumpkin Bus Service.
- (d) the procedures under which the Pumpkin bus is operating (including the points raised by the speaker on this matter) be reviewed and reported back to Council.
- (e) a report be brought back to Council on the outcomes of the liaison referred to in part (b) and, if the liaison/negotiations are unsuccessful, the report include options for imposing conditions on local hotels to secure the funding for the Pumpkin Bus service, Arden Street Secure Taxi Rank and provision of security personnel at the Goldstein Reserve public toilets. **LOST.**

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

Crs Bastic, Procopiadis and Notley-Smith were not present at the meeting during the vote on the above item.

10 DIRECTOR, CITY SERVICES' REPORTS.

10.1 DIRECTOR, CITY SERVICES' REPORT 12/2007 - DECLARATION OF CELTIS AS A NOXIOUS WEED IN RANDWICK CITY COUNCIL. (F2005/00113)

50 **RESOLUTION: (Matson/Andrews) that:**

- a) *Council support the aims and objectives of the Sydney Central Regional Celtis Management Plan 2006; and*
- b) *Council endorse the declaration of Celtis occidentalis and sinensis as class 4 noxious weeds under the Noxious Weeds Act 1993.*
- c) *a report on the Sydney Central Regional Celtis Management Plan be presented to the next meeting of the Greening Randwick Committee.*

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

Cr Procopiadis was not present at the meeting during the vote on the above item.

11. DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORTS.

11.1 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 15/2007 - IN HOUSE MANAGEMENT OF THE BURNIE PARK COMMUNITY CENTRE. (F2004/07674)

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

- (a) *Council issues the required notice to terminate the expired licence agreement with Ms Tracey Ellis and commences the in-house management of the Burnie Park Community Centre at the expiry of the notice period; and*
- (b) *a report be brought back to Council indicating the improvements that will be made to the Burnie Park Community Centre building under Council's management.*

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

Cr Procopiadis was not present at the meeting during the vote on the above item.

**11.2 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 16/2007 -
INTERNAL REPORTING SYSTEM - PROTECTED DISCLOSURES ACT.
(F2005/00303)**

52 **RESOLUTION: (Andrews/Procopiadis)** that the annual report on Council's Internal Reporting System and Policy in relation to the Protected Disclosures Act be received and noted.

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

**11.3 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 17/2007 -
APPLICATION FOR SPECIAL VARIATION TO GENERAL INCOME.
(F2004/07049)**

53 **RESOLUTION: (Andrews/Procopiadis)** that Council resolve to apply for a special variation to general income making permanent the special variation that was granted in 2002 for a five year period.

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

12. PETITIONS.

**12.1 PETITION SUBMITTED BY THE MAYOR CR P TRACEY ON BEHALF OF
COOGEE BEACH DOLPHINS SPORTS CLUB (PLAYERS, SUPPORTERS,
SPONSORS & ASSOCIATES) SUPPORTING DA/148/2007 (LIGHTING FOR
BARDON PARK IN COOGEE). (DA/148/2007)**

54 **RESOLUTION: (Andrews/Bastic)** that the petition tabled be received and noted.

**12.2 PETITION SUBMITTED BY THE MAYOR CR P TRACEY ON BEHALF OF
RESIDENTS AND RATEPAYERS OBJECTING TO DA/980/2006 (MOUNT
SINAI CHILD CARE CENTRE) (DA/980/2006)**

55 **RESOLUTION: (Andrews/Bastic)** that the petition tabled be received and noted.

**12.3 PETITION SUBMITTED BY THE MAYOR CR P TRACEY ON BEHALF OF
RESIDENTS OF PACIFIC STREET, CLOVELLY REQUESTING THAT PACIFIC
STREET BE RESURFACED (F2004/07368)**

56 **RESOLUTION: (Andrews/Bastic)** that the petition tabled be received and noted.

**12.4 PETITION SUBMITTED BY THE MAYOR CR P TRACEY ON BEHALF OF
RESIDENTS AND RATEPAYERS OBJECTING TO DA/1097/2006 - 66A
DONCASTER AVENUE, RANDWICK. (DA/1097/2006)**

57 **RESOLUTION: (Andrews/Bastic)** that the petition tabled be received and noted.

13. MOTIONS PURSUANT TO NOTICE.

**13.1 MOTION BY COUNCILLOR HUGHES – CODE OF CONDUCT – MONETARY
LIMIT FOR DONATIONS. (F2004/06569 XR F2005/00171)**

(This Motion was deferred from the Ordinary Council Meeting held on Tuesday, 27th February 2007.)

Councillor Hughes withdrew his motion at the meeting.

**13.2 MOTION BY COUNCILLOR WHITE – CAROLS BY CANDLELIGHT IN
MATRAVILLE. (F2004/07079 XR F2005/00171)**

58 **RESOLUTION: (White/Belleli)** that Council endorse and seek funding by local

business to stage a Carols By Candlelight in the park at Matraville bounded by Franklin Street, Clarence Street, Awydir Avenue and Barwon Crescent.

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

Cr Procopiadis was not present at the meeting during the vote on the above item.

14. CONFIDENTIAL REPORTS (CLOSED SESSION).

14.1 CONFIDENTIAL DIRECTOR, CITY SERVICES' REPORT 13/2007 - RECONSTRUCTION OF MILITARY ROAD BETWEEN BUMBORAH POINT ROAD AND BUNNERONG ROAD, MATRAVILLE - TENDER NO. 01/07. (F2007/00036)

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

- (a) *Council enter into a contract with Statewide Civil to undertake the construction of Military Road between Bumborah Point Road and Bunnerong Road, Matraville Tender No. 01/07;*
- (b) *authority is granted for the General Manager to sign and affix Council's Common Seal on the contract documents on behalf of Council; and*
- (c) *the unsuccessful tenderers are notified of the tender result.*

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

15. NOTICE OF RESCISSION MOTIONS.

Nil.

There being no further business, His Worship the Mayor, Cr P. Tracey, declared the meeting closed at 8.32 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 APRIL, 2007.

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CHAIRPERSON