

**MINUTES OF ORDINARY COUNCIL MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY 28TH AUGUST, 2007 AT 6:08 P.M.**

PRESENT:

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

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

North Ward	-	Cr M. Woodsmith
South Ward	-	Crs R. Belleli & A. White
East Ward	-	Crs B. Notley-Smith & D. Sullivan (from 6.17 pm)
West Ward	-	Crs B. Hughes & S. Nash (from 6.20 pm)
Central Ward	-	Crs C. Bastic (from 6.58 pm) & 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.
Communications Manager	Ms. D. Brien.
Media Officer	Ms. A. Power.

1. PRAYER & ACKNOWLEDGEMENT OF LOCAL INDIGENOUS PEOPLE.

The Council Prayer was read by Councillor White. The Acknowledgement of Local Indigenous People was read by Councillor Woodsmith.

2. APOLOGIES/GRANTING OF LEAVE OF ABSENCES.

Apologies were received from Crs Daley and Kenny.

RESOLVED: (Seng/White) that the apologies from Crs Daley and Kenny for non-attendance at the Ordinary Council Meeting of the Council held on Tuesday, 28th August, 2007 be received & accepted.

- 213 **RESOLUTION: (Seng/White)** that leave of absence be granted to Councillor Andrews from 24th August, 2007 through to 21st September, 2007.

Leave of absence had previously been granted to Cr Procopiadis. See Minute No: 60/07.

3. CONFIRMATION OF THE MINUTES.

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY, 24TH JULY, 2007.

- 214 **RESOLUTION: (Matson/Woodsmith)** that the Minutes of the Ordinary Council Meeting held on Tuesday, 24th July, 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 Belleli declared a non pecuniary interest in Item 6.3 as his wife's dance school has provided free entertainment at this event previously and may be involved again this year.
- (b) Cr Seng declared a non pecuniary interest in Item 8.3 as one of the objectors is an acquaintance of his.

5. ADDRESSING OF COUNCIL BY MEMBERS OF THE PUBLIC.

Item 6.1 MAYORAL MINUTE 74/2007 – GUINNESS BOOK OF WORLD RECORDS PINK THONG CHALLENGE.

Applicant Mr Barry Watterson

Item 8.1 DIRECTOR, CITY PLANNING REPORT 51/2007 – 417 - 439R BUNNERONG ROAD, MAROUBRA.

Objector Mrs Samantha Coates

Applicant Mr Roy Belcher (on behalf of Randwick Sports Committee)

Item 8.2 DIRECTOR, CITY PLANNING REPORT 52/2007 – 417 - 439R BUNNERONG ROAD, MAROUBRA (HEFFRON PARK NO 2).

Objector Mr Andrew Coates

Applicant Mr Roy Belcher (on behalf of Randwick Sports Committee)

Item 8.3 DIRECTOR, CITY PLANNING REPORT 53/2007 – 55 DENNING STREET, SOUTH COOGEE.

Objector Mr Kerry Nash

Applicant Mr Martin Bednarczyk (on behalf of applicant)

Item 8.4 DIRECTOR, CITY PLANNING REPORT 54/2007 – 28 WALSH AVENUE, MAROUBRA (NAGLE PARK).

Objector Mr Bruce Scott

Item 8.5 DIRECTOR, CITY PLANNING REPORT 55/2007 – SNAPE PARK, 15R SNAPE STREET, KINGSFORD.

Objector Mr David Park

Item 8.6 DIRECTOR, CITY PLANNING REPORT 56/2007 – 343 - 345 CLOVELLY ROAD, CLOVELLY.

Applicant Mr Jim Demetriou

Item 8.7 DIRECTOR, CITY PLANNING REPORT 57/2007 – 93 LITTLE BAY ROAD, LITTLE BAY.

Objector Mr Vito Scandurra

The meeting was adjourned at 7.05 p.m. and was resumed at 7.29 p.m.

6. MAYORAL MINUTES.

6.1 MAYORAL MINUTE 74/2007 – GUINNESS BOOK OF WORLD RECORDS PINK THONG CHALLENGE. (F2004/07076)

215 **RESOLUTION:** *(Mayor, Cr. P. Tracey)* that Council note and acknowledge the official World Record confirmation as well as the outstanding contribution made by Barry Watterson and the Coogee SLSC to the 2006 Australia Day celebrations.

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

6.2 MAYORAL MINUTE 75/2007 - WAIVING OF FEES - SYDNEY SURF LIFESAVING INC. (F2004/07550)

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

- a) *Council vote \$485.90 to cover the fees associated with the usage of Yarra Bay for the Emerging Athlete Program for Junior Lifesavers;*
- b) *The organiser undertakes to appropriately and prominently acknowledge and promote Council's contribution prior to and during the activity; 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.

6.3 MAYORAL MINUTE 76/2007 - WAIVING OF FEES - MAROUBRA CHAMBER OF COMMERCE - MARKET DAY, FUN RUN AND OKTOBERFEST. (F2004/08114)

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

- a) *Council vote \$4,538.00 to cover the costs associated with Council's contribution towards the organising of the Maroubra Fun Run, Oktoberfest and Market Day to be held on Sunday 14th October, 2007, and that these funds be allocated from the 2007/2008 Contingency Fund.*
- b) *Council advise the organisers of the Maroubra Fun Run, Oktoberfest and Market Day, that Council be given adequate and appropriate acknowledgement for its contribution to the running of this event. Such acknowledgement to include Council's logo for inclusion on promotional literature and Council's banner 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).*

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

6.4 MAYORAL MINUTE 77/2007 - MAYOR'S FUTURE CHAMPIONS FUND - REQUEST FOR FINANCIAL ASSISTANCE - MS KARLIE CUNNINGHAM. (F2004/07396)

218 **RESOLUTION:** *(Mayor, Cr. P. Tracey)* that Council donate \$250.00 to help cover the costs involved in allowing Karlie Cunningham to represent Australia at the World Dragon Boating Championships being held in Sydney in September 2007, such funds to come from the Mayor's Future Champions Fund.

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

6.5 MAYORAL MINUTE 78/2007 – CITY / COUNTRY SUSTAINABILITY SCHOOLS EXCHANGE – UPDATE. (F2007/00484)

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

- a) *Council notes the commencement of Randwick's City/Country Sustainability Schools Exchange Program;*
- b) *Council agrees to host the intended visit by students of Tarcutta Public School in its reciprocal visit to St Mary St Josephs Primary School in April 2008, including the opportunity of receiving a joint delegation of students from both schools during the visit; and*
- c) *an invitation be extended to the Mayor of Wagga Wagga City Council to support the schools exchange with a visit to Randwick at the same time as the school visit.*

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

6.6 MAYORAL MINUTE 79/2007 – PROPOSAL FOR RANDWICK COUNCIL TO SIGN THE EARTH CHARTER. (F2004/8350)

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

- a) *Council endorse the Earth Charter;*
- b) *a signing event be organised subject to Council endorsement possibly to coincide with the planned visit to Sydney of Alan AtKisson in October; and*
- c) *pursue opportunities to promote Council's adoption of the Earth Charter in conjunction with Communications staff.*

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

6.7 MAYORAL MINUTE 80/2007 – RANDWICK CITY COUNCIL WINS A DOUGHERTY AWARD FOR THE 2005-06 ANNUAL REPORT. (F2006/00574)

221 **RESOLUTION:** *(Mayor, Cr. P. Tracey) that Council note the achievement of winning a prestigious RH Dougherty award for the Randwick City Council 2005-06 Annual Report.*

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

6.8 MAYORAL MINUTE 81/2007 – PROPOSED LOCATION OF NUCLEAR POWER PLANTS. (F2004/06574)

222 **RESOLUTION:** *(Mayor, Cr. P. Tracey) that Council request Federal funding to conduct a Council poll in Randwick, in conjunction with the next local government elections due in September 2008, about whether Randwick residents and ratepayers would support the construction of a nuclear power plant in Randwick.*

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

6.9 MAYORAL MINUTE 82/2007 – SOUTH COOGEE PRIMARY SCHOOL - REQUEST FOR WAIVING OF DA FEES. (DA/706/2007)

223 **RESOLUTION:** *(Mayor, Cr. P. Tracey) that Council waive Development Application lodgement fees amounting to \$1,941.00, associated with the proposed development at South Coogee Primary School, such funds to come from the Contingency Fund 2007/2008.*

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

6.10 MAYORAL MINUTE 83/2007 – ON-LINE DEVELOPMENT APPLICATION (DA) TRACKING SYSTEM. (F2005/00866)

224 **RESOLUTION:** *(Mayor, Cr. P. Tracey) that Council endorse the introduction of an On-line Development Application (DA) Tracking System.*

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

6.11 MAYORAL MINUTE 84/2007 – OPERATION OF TRAFFIC COMMITTEE. (F2004/07866)

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

- a) *in line with Council's City Plan Outcome 3 relating to an "informed and engaged community," and, as resolved by Council, at its Works Committee of 8 May, 2007, Council again endorse the open nature of its Traffic Committee;*
- b) *Randwick City Council contact the Minister's Office in order to be part of any discussions between the RTA and Councils regarding this matter.*

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

6.12 MAYORAL MINUTE 85/2007 – SUPPORT OF LOCAL COMMUNITY CULTURAL EVENT – "HULA DREAMS" UKULELES ART EVENT. (F2006/00229)

226 **RESOLUTION:** *(Mayor, Cr. P. Tracey) that Council donate funds from the 2007/2008 Contingency Fund to a maximum of \$2,000.00 to the Gallery East in order to assist it with the holding of the "Hula Dreams" ukuleles exhibition and performance.*

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

6.13 MAYORAL MINUTE 86/2007 - PROPOSAL FOR RANDWICK CITY COUNCIL TO INVESTIGATE A COMMUNITY BICYCLE REPAIR AND LENDING SERVICE. (F2004/07234)

227 **RESOLUTION:** *(Mayor, Cr. P. Tracey) that Council approve an investigation of a program that enables old or unwanted bicycles to be repaired and re-used within Randwick City and the results be reported back to Council.*

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

6.14 MAYORAL MINUTE 87/2007 - 2007 BALI CEREMONIES - COOGEE AND MALABAR. (F2007/00125)

228 **RESOLUTION:** *(Mayor, Cr. P. Tracey) that this Mayor's Minute be received and noted.*

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

6.15 MAYORAL MINUTE 88/2007 - WAIVING OF FEES - RUGBY LEAGUE TAG. (F2004/08302)

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

- a) *fees in the amount of \$626.90 associated with the use of Maroubra Beach for Rugby League Tag be waived and funds be charged to the 2007/08 Contingency Fund;*
- b) *the activity organisers undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the activity; and*

- c) *the Mayor of his representative be given the opportunity to address the activity on behalf of Council*

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

7. URGENT BUSINESS.

Nil.

8. DIRECTOR, CITY PLANNING REPORTS.

**8.1 DIRECTOR, CITY PLANNING REPORT 51/2007 – 417 – 439R
BUNNERONG, MAROUBRA. (DA/368/2007 & PROP045982)**

230 **RESOLUTION: (Notley-Smith/White)** *that Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 368/2007 for development comprising minor excavation to create a suitable base for eight (8) light poles, installation of eight (8) 24 metre high light poles; minor excavation to create a base for the poles and minor trench digging to supply electrical infrastructure to the poles; to facilitate the use of the sports field for formal and informal sporting activities, on four (4) evenings per week during the winter at Heffron Park No. 9 & 10.*

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 5377 A-001, revision C and stamped as received by Council on 16 May 2007, the application form and supporting information received with the application including the "Lighting Technical Report" by Light Studio 21 Pty Ltd and associated photomontage.*
2. *A certificate from a suitably qualified person in outdoor lighting systems shall be submitted to the Director City Planning which certifies that the proposed lighting complies with Australian Standards AS/NZS 4282-2997 Control of Obtrusive Lighting prior to the commencement of the use of the sports fields for football activities.*
3. *The light towers must only be operated for four (4) nights of the week during winter up until 9:00pm.*

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

4. *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 satisfy the relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to the locality:

5. *The use and operation of the premises shall not give rise to an environmental health or public nuisance and 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.*
6. *The installation and operation of the light poles is to be in accordance with the requirements of AS/NZS 2560.2.3: Sports lighting-lighting for football (all codes) and AS/NZS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting.*

7. *The recommendations contained in the report titled Lighting Technical Report undertaken by Light Studio 21 Pty Ltd form part of this consent.*

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

8. *All work shall be carried out in accordance with the Asbestos Management Plan for Heffron park prepared by Gary Conaty, ref:060807, dated 9 November 2006. Any variations to any proposed works or Asbestos Management Plan shall be approved by Council's Manager Health and Building services prior to the commencement of such works.*
9. *Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996.*
10. *Asbestos waste must be disposed of at an approved waste disposal depot (refer to the DEC or Waste Service NSW for details of sites). Copies of all receipts detailing method and location of disposal must be maintained on site and be provided to Council officers upon request, as evidence of correct disposal.*
11. *A Certificate or Statement, prepared by an occupational hygienist must be provided to Council upon completion of the works (prior to an Occupation Certificate being issued), which confirms that the relevant requirements contained in the Asbestos Management Plan for Heffron Park and conditions of consent, in relation to the safe removal and disposal of asbestos, have been satisfied.*

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:

12. *The use and operation of the light poles and sports ground shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997.*

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

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

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

14. *All new work must be carried out in accordance with the provisions of the **Building Code of Australia (BCA)**, in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*
15. ***Prior to the commencement of any works***, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.
16. ***Prior to the commencement of any works***, the person having the benefit of the development consent must: -
 - i) *appoint a Principal Certifying Authority for the work, and*
 - ii) *appoint a principal contractor for the 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 works.*
17. *The 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 inspections carried out and details of compliance with Council's consent is to be maintained by the Principal Certifying Authority. Details of critical stage inspections carried out and copies of certification relied upon must also be forwarded to Council with the occupation certificate.

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

18. *A sign must be erected and maintained in a prominent position on the site, which contains the following details:*
- name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours, or owner-builder permit details (as applicable)*
 - name, address and telephone number of the Principal Certifying Authority,*
 - a statement stating that "unauthorised entry to the work site is prohibited".*

19. *An **Occupation Certificate** must be obtained from the Principal Certifying Authority encompassed in this development consent, in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*

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

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

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

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.

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:

22. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be made available to the Council officers and all contractors for assessment.*
23. *All excavations and backfilling associated with the erection of the light towers 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.*
24. *Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all 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 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.

25. *Noise and vibration emissions during the construction of the light towers and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.*
26. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*

The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.

A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or footway for services or the like.

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

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.

28. *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 work 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.

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 site works** and be maintained throughout construction.*

If it is proposed to locate any site fencing, hoardings 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.

29. *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.*

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

30. *A Certificate prepared by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) **prior to the issuing of occupation certificate**, which certifies the structural adequacy of the light towers and that the works complies with the relevant structural design requirements of the Building Code of Australia.*

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

31. *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.*
32. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to*

the commencement of any works.

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

33. Any damage sustained to either Council's nature strip or reserve as a result of the proposed works shall be repaired by excavating to a depth of 150mm, backfilling 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.

Tree Protection Measures

34. In order to ensure the retention of existing mature trees at the site and in proximity to the location of the proposed light poles, the following measures are to be undertaken:
 - a. All documentation submitted for the construction certificate application will be required to detail, to the satisfaction of the certifying authority, the location from which power will be sourced.
 - b. There is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble within the driplines of any existing trees, with all documentation submitted for the construction certificate to demonstrate compliance with this requirement.

Advisory Conditions

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: (Notley-Smith/White) CARRIED – SEE RESOLUTION.

8.2 DIRECTOR, CITY PLANNING REPORT 52/2007 - 417 - 439R BUNNERONG ROAD, MAROUBRA. (DA/369/2007 & PROP045982)

- 231 **RESOLUTION: (Notley-Smith/White)** that Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 369/2007 for development comprising minor excavation to create a suitable base for four (4) light poles, installation of four (4) 20 metre high light poles; minor trench digging as required to supply electrical infrastructure to the light towers; to facilitate the use of the sports field for formal and informal sporting activities until 9.00pm, on four (4) evenings per week during the winter at Heffron Park No. 2.

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 5377 A-002, revision D and stamped as received by Council on 16 May 2007, the application form and supporting information received with the application including the "Lighting Technical Report" by Light Studio 21 Pty Ltd and associated photomontage.
2. A certificate from a suitably qualified person in outdoor lighting systems shall be submitted to the Director City Planning which certifies that the proposed lighting complies with Australian Standards AS/NZS 4282-2997 Control of Obtrusive Lighting prior to the commencement of the use of the sports fields for football

activities.

3. *The light towers must only be operated for four (4) nights of the week during winter up until 9:00pm.*

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

4. *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 satisfy the relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to the locality:

5. *The use and operation of the premises shall not give rise to an environmental health or public nuisance and 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.*
6. *The installation and operation of the light poles is to be in accordance with the requirements of AS/NZS 2560.2.3: Sports lighting-lighting for football (all codes) and AS/NZS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting.*
7. *The recommendations contained in the report titled Lighting Technical Report undertaken by Light Studio 21 Pty Ltd form part of this consent.*

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

8. *All work shall be carried out in accordance with the Asbestos Management Plan for Heffron park prepared by Gary Conaty, ref:060807, dated 9 November 2006. Any variations to any proposed works or Asbestos Management Plan shall be approved by Council's Manager Health and Building services prior to the commencement of such works.*
9. *Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996.*
10. *Asbestos waste must be disposed of at an approved waste disposal depot (refer to the DEC or Waste Service NSW for details of sites). Copies of all receipts detailing method and location of disposal must be maintained on site and be provided to Council officers upon request, as evidence of correct disposal.*
11. *A Certificate or Statement, prepared by an occupational hygienist must be provided to Council upon completion of the works (prior to an Occupation Certificate being issued), which confirms that the relevant requirements contained in the Asbestos Management Plan for Heffron Park and conditions of consent, in relation to the safe removal and disposal of asbestos, have been satisfied.*

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:

12. *The use and operation of the light poles and sports ground shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997.*

The following conditions are applied to ensure that the development satisfies

the provisions of the Environmental Planning and Assessment Act 1979 and Regulations:

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

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

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

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

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

- i) *appoint a Principal Certifying Authority for the work, and*
- ii) *appoint a principal contractor for the 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 works.*

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

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

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

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

19. An **Occupation Certificate** must be obtained from the Principal Certifying Authority encompassed in this development consent, in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.

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

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

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

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.

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:

22. A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be made available to the Council officers and all contractors for assessment.
23. All excavations and backfilling associated with the erection of the light towers 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.
24. Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all 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 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.

25. Noise and vibration emissions during the construction of the light towers and

associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.

26. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*

The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.

A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or footway for services or the like.

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

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.

28. *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 work 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.

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 site works** and be maintained throughout construction.*

If it is proposed to locate any site fencing, hoardings 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.

29. *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.*

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

30. *A Certificate prepared by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) **prior to the issuing of occupation certificate**, which certifies the structural adequacy of the light towers and that the works complies with the relevant structural design requirements of the Building Code of Australia.*

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

31. *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.*
32. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*

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

33. *Any damage sustained to either Council's nature strip or reserve as a result of the proposed works shall be repaired by excavating to a depth of 150mm, backfilling 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.*

Tree Protection Measures

34. *In order to ensure the retention of existing mature trees at the site and in proximity to the location of the proposed light poles, the following measures are to be undertaken:*
- a. *All documentation submitted for the construction certificate application will be required to detail, to the satisfaction of the certifying authority, the location from which power will be sourced.*
 - b. *There is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble within the driplines of any existing trees, with all documentation submitted for the construction certificate to demonstrate compliance with this requirement.*

Advisory Conditions

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: (Notley-Smith/White) CARRIED – SEE RESOLUTION.

8.3 DIRECTOR, CITY PLANNING REPORT 53/2007 - 55 DENNING STREET, SOUTH COOGEE. (DA/695/2005/B & PROP015503)

232 **RESOLUTION: (Matson/Woodsmith)** that Council as the responsible authority grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to modify Development Consent No.695/2005/B for no.55 Denning Street, South Coogee in the following manner:

Amend Condition No. 1 to read:

*The development must be implemented substantially in accordance with the plans numbered 01-b, 02-b, 03-b, dated 16-04-2006 and received by Council on 16 March 2006, the application form and on any supporting information received with the application, as amended by the Section 96 plan numbered 01a, drawn by Archispectrum, dated 2 July 2007 and received by Council on 4 July 2007, **as amended by the Section 96 plans 01-c, 02-c and 03-c, drawn by Archispectrum, dated 2 July 2007, received by Council on 4 July 2007, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application**, except as may be amended by the following conditions and as may be shown in red on the attached plans.*

Amend Condition No. 9 to read:

9. *The roof on the upper level rear terrace to the meals room on the eastern side shall be cantilevered and the steel supporting structure shall be deleted from the plans and the balcony shall remain open. Amended plans shall be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to an amended construction certificate being issued for the development.*

Add the following conditions:

66. *The external stair case located at the lowest level of the rear yard of no.55 Denning Street shall be demolished and deleted from the Section 96 plans and the existing retaining wall is to be continued along this portion of the terrace. Details of compliance are to be shown in the construction certificate plans.*

Add the following advisory conditions:

A6 *An **amended Construction Certificate must** be obtained from the Certifying Authority, encompassing the variations contained in this section 96 determination, prior to carrying out any further work on the variations contained in this application, in accordance with the provisions of the Environmental Planning & Assessment Act 1979.*

A7 *The applicant is advised that a failure to obtain a new construction certificate or an amendment to the existing construction certificate before carrying out the subject variations is an offence and may result in the issuing of notices or orders, issuing of penalty infringements or other regulatory action by Council.*

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

8.4 DIRECTOR, CITY PLANNING REPORT 54/2007 – 28 WALSH AVENUE, MAROUBRA. (NAGLE PARK) (DA/370/2007 & PROP005479)

Note: A rescission motion in relation to this item was handed to the General Manager prior to midday on the following working day and will be considered at the Ordinary Council meeting to be held on Tuesday, 25 September 2007.

233 **RESOLUTION: (Belleli/White)** that Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and

Assessment Act 1979 (as amended) to Development Application No 370/2007 for development comprising minor excavation to create a suitable base for eight (8) light poles, installation of eight (8) 18 metre high light poles; minor trench digging as required to supply electrical infrastructure to the light towers; to facilitate the use of the sports field for organised sports training sessions until 8.00pm, with an additional 30 minutes for clean up, on four (4) evenings per week during the winter football season at Nagle Park, Randwick.

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 5379 A-003, revision D and stamped as received by Council on 16 May 2007, the application form and supporting information received with the application including the "Lighting Technical Report" by Light Studio 21 Pty Ltd and associated photomontage.
2. A certificate from a suitably qualified person in outdoor lighting systems shall be submitted to the Director City Planning which certifies that the proposed lighting complies with Australian Standards AS/NZS 4282-2997 Control of Obtrusive Lighting prior to the commencement of the use of the sports fields for football activities.
3. The light towers must only be operated for four (4) nights of the week during winter up until 8.30 pm.

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

4. 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 satisfy the relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to the locality:

5. The use and operation of the premises shall not give rise to an environmental health or public nuisance and 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.
6. The installation and operation of the light poles is to be in accordance with the requirements of AS/NZS 2560.2.3: Sports lighting-lighting for football (all codes) and AS/NZS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting.
7. The recommendations contained in the report titled Lighting Technical Report undertaken by Light Studio 21 Pty Ltd form part of this consent.

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 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 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.*
11. ***Prior to the commencement of any works**, the person having the benefit of the development consent must:-*
 - i) *appoint a Principal Certifying Authority for the work, and*
 - ii) *appoint a principal contractor for the 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 works.*
12. *The 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 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, 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".*
14. *An **Occupation Certificate** must be obtained from the Principal Certifying Authority encompassed in this development consent, 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 must also be provided to Council with the occupation certificate.

16. 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:

17. 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 contractors for assessment.
18. All excavations and backfilling associated with the erection of the light towers 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.
19. Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all 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 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.

20. Noise and vibration emissions during the construction of the light towers 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.

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. *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 work 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.

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 site works** and be maintained throughout construction.*

If it is proposed to locate any site fencing, hoardings 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.

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

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

25. *A Certificate prepared by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) **prior to the issuing of occupation certificate**, which certifies the structural adequacy of the light towers and that the works complies with the relevant structural design requirements of the Building Code of Australia.*

The following conditions are applied to provide adequate provisions for access,

transport and infrastructure:

26. *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.*
27. *The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*

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

28. *The use and operation of the light poles and sports ground shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997.*
29. *Subject to firstly receiving in principle approval by Sydney Water, the applicant must meet the full cost for the design and construction of suitable pedestrian bridges over the Sydney Water controlled stormwater culvert/channel that is located in Walsh Avenue, adjacent to the common boundary of Walsh Avenue and Nagle Park. The pedestrian bridges must be suitably designed such that it is above the calculated 1 in 100 year ARI flood level for the stormwater culvert/channel and structurally capable of withstand hydrostatic pressure from floodwater during the probable maximum flood (PMF) event as defined in the Floodplain Development Manual (New South Wales Government, April 2005). The location of the pedestrian bridges shall be to Council's and Sydney Water's satisfaction. The pedestrian bridges must meet all current accessibility standards.*

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

30. *Any damage sustained to either Council's nature strip or reserve as a result of the proposed works shall be repaired by excavating to a depth of 150mm, backfilling 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.*

Tree Protection Measures

31. *In order to ensure the retention of existing mature trees at the site and in proximity to the location of the proposal light poles, the following measures are to be undertaken:*
 - a. *All documentation submitted for the construction certificate application will be required to detail, to the satisfaction of the certifying authority, the location from which power will be sourced.*
 - b. *There is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble within the driplines of any existing trees, with all documentation submitted for the construction certificate to demonstrate compliance with this requirement.*

Advisory Conditions

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: (Seng/Hughes) that the proposal for lighting be refused as additional traffic and parking requirements will have a detrimental effect on the amenity of the neighbourhood. **LOST.**

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

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

For	Against
Bastic	Hughes
Belleli	Matson
Nash	Notley-Smith
Sullivan	Seng
Mayor, Cr. P. Tracey	Woodsmith
White	

8.5 DIRECTOR, CITY PLANNING REPORT 55/2007 – 15R SNAPE STREET, KINGSFORD. (SNAPE PARK.) (DA/367/2007 & PROPO28573)

234 **RESOLUTION: (Hughes/Matson)** that this application be deferred for receipt and consideration of the recreational needs assessment.

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

For	Against
Bastic	Belleli
Hughes	Nash
Matson	Sullivan
Notley-Smith	Mayor, Cr. P. Tracey
Seng	White
Woodsmith	

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

8.6 DIRECTOR, CITY PLANNING REPORT 56/2007 - 343 - 345 CLOVELLY ROAD, CLOVELLY. (DA/406/2005/A & PROPO06037)

235 **RESOLUTION: (Notley-Smith/White)** that Council as the responsible authority grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to Modify Development Consent No. 406/2005/A on the property at 343 – 345 Clovelly Road, Clovelly in the following manner:

Delete deferred commencement conditions 1, 2, 3 and 6.

Amend Condition No. 1 to read:

*The development must be implemented substantially in accordance with the plans drawn by Jim Demetriou Group numbered Job No. 2362-C and drawing numbers DA-03, DA-04 dated January 2006 and stamped received by Council on 24 February 2006 and plans numbered Job No. 2362-B and drawing numbers DA-05 to DA-11 dated January 2006 and stamped received by Council on 6 February 2006 the materials and sample board prepared by Jim Demetriou Group numbered Job No. 2632-C and sheet no. DA-14 dated January 2006 and stamped received by Council on 24 February 2006 **as amended by the section 96 plans received 27 July 2007** and the application form and on any supporting information received with the application, except as may be amended by the*

details submitted to satisfy the deferred commencement conditions and the following conditions and as may be shown in red on the attached plans.

Insert the following condition after condition 1

- 1A To preserve views over the site, the roof terrace planter box must be planted with low ground-cover type plants only.

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

8.7 DIRECTOR, CITY PLANNING REPORT 57/2007 - 93 LITTLE BAY ROAD, LITTLE BAY. (DA/245/2007 & PROP026011)

236 **RESOLUTION: (Notley-Smith/White) that:**

- A** Council as the responsible authority grant its development consent as a "Deferred Commencement" under Section 80 (3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/245/2007 for permission to undertake alterations and additions to the dwelling at 93 Little Bay Road, Little Bay subject to the following conditions:

DEFERRED COMMENCEMENT CONDITION

The consent shall not operate until the following amendments have been submitted to and approved by the Director of City Planning:

1. The first floor deck and balustrade constructed over the garage at the front of the dwelling and the portion of gable over the front portion of the garage shall be deleted from the plans. The deck over the garage shall be replaced with a gable roof over the whole of the garage, pitching from the slab roof constructed over the garage to a maximum height of 4.4m above the garage floor level.

Evidence required to satisfy the above conditions must be submitted to Council within 6 months of the date of this consent.

- B** Subject to compliance with the deferred commencement condition, to the satisfaction of the Director of City Planning, Council, development consent is granted under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) 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 plan dated 7 May 2007 and received by Council on 9 May 2007, 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. Development Consent Nos. DA/810/2006 and DA/964/2006 must be surrendered prior to the issue of the construction certificate for DA/245/2007.
3. Windows with a minimum sill height of 1m above floor level shall replace the proposed doors to the deck above the garage. Details are to be provided in the construction certificate plans.
4. The proposed laundry extension must be deleted from the plans with details provided in the construction certificate plans.
5. The attic level "roof lite" window detailed in elevation 3 is not approved

and must be deleted from the plans. Details are to be provided in the construction certificate plans.

6. *Lattice screening on the rear south-eastern boundary with No. 95 Little Bay Road is not approved and must be deleted from the plans. Details are to be provided in the construction certificate plans.*
7. *The window to bedroom two shown in elevation three is not approved and must be deleted from the plans. Details are to be provided in the construction certificate plans.*
8. *The window to the hallway on elevation 3 at first floor level shall be of fixed and obscure glazing with details to be provided in the construction certificate plans.*
9. *The external materials, colours and finishes of the building are required to match, as closely as possible, the existing building.*
10. *This development consent (DA245/2007) does not encompass or approve the unauthorised building works that have been carried out to date.*

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

11. *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.*
12. *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.*

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

14. *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.

15. *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.*
16. *A Certificate of Adequacy supplied by a professional engineer shall be submitted to the certifying authority (and the Council if the council is not*

the certifying authority) prior to a construction certificate being issued for the development, certifying the structural adequacy of all existing structures, including, but not limited to, the garage structure, which states that the, garage slab & reinforcement, have been inspected and are certified that the structural elements are structurally adequate and in accordance with the structural drawings.

17. **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.
18. **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.

19. *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.

20. 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".
21. 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.

22. **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.

23. 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.

24. 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.

25. 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:

26. 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.

27. 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.

28. *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.

29. *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.

30. *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.*

31. *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.

32. *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.

33. *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.

34. *Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.*

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

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

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

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

35. *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.*

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

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

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

37. *The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with Randwick City Council's Asbestos Policy and the relevant requirements of*

WorkCover NSW and the NSW Department of Environment & Conservation (formerly the Environment Protection Authority), including:

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

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

Civil Works Conditions

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

38. *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.*
39. *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.*

Service Authority Conditions

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

40. *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.*
41. *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:

42. *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.

43. *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.*

Advisory Conditions

A1 *The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*

A2 *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.

A3 *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.

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

8.8 DIRECTOR, CITY PLANNING REPORT 58/2007 - COMMUNITY GRANTS PROGRAM: GUIDELINES FOR ASSESSING GRANTS APPLICATIONS & FUNDING PRIORITIES. (F2006/00452)

- 237 **RESOLUTION: (Woodsmith/Matson)** *that Council endorse the Guidelines for Assessing Grants Applications & Funding Priorities, which will be incorporated into Council's new combined grants program procedures developed for the 2008/2009 funding year.*

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

The meeting was adjourned at 8.37 pm and was resumed at 8.42 pm.

8.9 DIRECTOR, CITY PLANNING REPORT 59/2007 - PLANNING ASSESSMENT PANELS. (F2006/00524)

- 238 **RESOLUTION: (Matson/Hughes)** *that the report be received and noted and that Council's delegates to the Local Government and Shires Association Conference be*

instructed to vote in sympathy, in line with Council policy, with any motions put forward critical of the Minister for Planning's rulings and determinations with respect to Assessment Panels.

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

9. GENERAL MANAGERS' REPORTS.

9.1 GENERAL MANAGER'S REPORT 24/2007 - JUNE 2007 QUARTERLY REVIEW - MANAGEMENT PLAN 2006-09. (F2006/00339)

239 **RESOLUTION: (Notley-Smith/White)** *that the information contained in the report of the June 2007 Quarterly Review, 2006-09 Management Plan be received and noted.*

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

9.2 GENERAL MANAGER'S REPORT 25/2007 - PRECINCT COORDINATION COMMITTEE. (F2005/00487)

240 **RESOLUTION: (Notley-Smith/White)** *that the minutes of the Precinct Coordination Committee meeting of 17 May 2007 be noted.*

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

9.3 GENERAL MANAGER'S REPORT 26/2007 - AFFIXING OF THE COUNCIL SEAL. (F2004/07367)

241 **RESOLUTION: (Notley-Smith/White)** *that the Council's Seal be affixed to the signing of agreements between Council and:*

1. *Andrew De Manincor (T/As Cellini's Restaurant) in relation to a licence for the purpose of outdoor dining at 62 Frenchmans Road, Randwick.*
2. *Peter Wadsworth (T/As The Clovelly Hotel) in relation to a licence for the purpose of outdoor dining at 379-4901 Clovelly Road, Clovelly.*
3. *Wassana Wetcharak (T/As Thai Me Up) in relation to a licence for the purpose of outdoor dining at 215 Coogee Bay Road, Coogee.*
4. *Anthony D'Agostiono (T/As Café Bari) in relation to a licence for the purpose of outdoor dining at 26 Clovelly Road, Randwick.*
5. *Angela Bozikis (T/As The Sweet Spot Patisserie Pty Ltd) in relation to a licence for the purpose of outdoor dining at 18 Perouse Road, Randwick.*

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

9.4 GENERAL MANAGER'S REPORT 27/2007 - ELECTRONIC BULLETIN BOARDS. (F2005/00495)

242 **RESOLUTION: (Notley-Smith/White)** *that:*

- a) *Council does not proceed with the electronic bulletin board on Councils' website; and*
- b) *Council continues to explore the opportunities of a community based information only website with a further report to be brought to Council prior to implementation.*

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

9.5 GENERAL MANAGER'S REPORT 28/2007 - LOCAL GOVERNMENT ASSOCIATION OF NSW - 2007 ANNUAL CONFERENCE. (F2004/06564)

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

- a) *that Council nominate two Liberal delegates, two Greens delegates and one Labor delegate to attend the Local Government Association's Conference at Coffs*

Harbour in October 2007;

- b) *the Mayor and Deputy Mayor be authorised to nominate up to five (5) "alternate delegates" to attend the conference; and*
- c) *Other interested Councillors attend the conference in the capacity of "observers."*

MOTION: (Bastic/Sullivan) that Council nominate two Labor delegates, two Liberal delegates and one Greens delegate to attend the Local Government Association's Conference at Coffs Harbour in October 2007. **LOST.**

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

9.6 GENERAL MANAGER'S REPORT 29/2007 - SPORTING FIELDS IN RANDWICK CITY - REQUEST FOR USE BY UNIVERSITY OF NSW. (F2004/06879)

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

- a) *Council agree, in principle, to enter into an agreement with the University for funding for hockey, soccer and baseball sporting field improvements and access in relation to Heffron Park and the Women's Athletics fields, where this would enhance overall community sporting provision and park improvements; and*
- b) *Council note that the requirements for any draft agreement will be reported to Council for endorsement.*

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

10. DIRECTOR, CITY SERVICES' REPORTS.

10.1 DIRECTOR, CITY SERVICES' REPORT 50/2007 - URBAN FOREST POLICY. (F2004/07359)

245 **RESOLUTION: (Matson/Hughes)** that Council adopt the Urban Forest Policy and that:-

- (a) *if possible, in the current financial budget, we find the funding to put into place the Street Tree Inventory/Database and the GIS mapping of Council tree assets; and*
- (b) *Council note that the Local Government and Shires Association have a working party on this issue that is advancing the debate and in the future the Works Committee will be updated on the progress being made by the LGSA working party.*

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

10.2 DIRECTOR, CITY SERVICES' REPORT 51/2007 - SIGNIFICANT TREE REGISTER. (F2004/07359)

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

- (a) *Council adopts the Register of Significant Trees and that all trees listed in that document be included in Council's draft Local Environmental Plan 2007;*
- (b) *trees on the Endeavour House site also be assessed for their possible future inclusion on the register of significant trees; and*
- (c) *volume four in the Register of Significant Trees be deferred until Council notifies all owners of properties listed in volume four, to allow such property owners to have input prior to Council making any decision with respect to Street Trees*

under Private Ownership.

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

10.3 DIRECTOR, CITY SERVICES' REPORT 52/2007 - ADOPTION OF BIKE PLAN UPDATE. (F2004/07424)

247 **RESOLUTION: (Matson/Hughes)** *that the Bike Plan update, with the addition of the Anzac Parade path, be exhibited for a period of 28 days with a report on the community feedback to be submitted to Council.*

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

10.4 DIRECTOR, CITY SERVICES' REPORT 53/2007 - FLOODING IN HAROLD STREET, MATRAVILLE. (F2004/08299)

248 **RESOLUTION: (Belleli/White)** *that Council consider funding an upgrade of the stormwater system in Harold Street and Perry Street, Matraville in the 2008/09 financial year budget, through the implementation of the State Government Stormwater levy.*

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

10.5 DIRECTOR, CITY SERVICES' REPORT 54/2007 - EASTERN BEACHES COAST WALK - SOUTH WARD. (F2004/07523)

249 **RESOLUTION: (Belleli/White)** *that the progress report on the Eastern Beaches coastal walk in South Ward be received and noted.*

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

10.6 DIRECTOR, CITY SERVICES' REPORT 55/2007 - CHANGE OF STREET NAME - PART OF DOWLING STREET, KENSINGTON, BEHIND THE SOUND BARRIER. (F2004/07140)

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

- a) *the Part of Dowling Street, Kensington, located behind the Sound Barrier to be renamed Samuel Terry Avenue, Kensington;*
- b) *the Geographical Names Board and all relevant authorities be advised of the renaming;*
- c) *the renaming be advertised in the "Southern Weekly Courier";*
- d) *arrangements be made for the renaming to be gazetted;*
- e) *appropriate signposting be arranged; and*
- f) *the residents and owners of Dowling Street, Kensington, behind the Sound Barrier be advised of Council's decision.*

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

10.7 DIRECTOR, CITY SERVICES' REPORT 56/2007 - MAJOR BEACH EVENTS SUMMER 2007/08. (F2004/07550)

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

- (a) *the applicants be advised that Council gives its "in principle approval" to the event organisers for the following events subject to each of the applicants complying with any conditions of approval that may be imposed once the event is processed:*

- SFX Beach Footy, Maroubra Beach, 15 and 16 December 2007
- XXXX Beach Cricket, Maroubra Beach, 12 and 13 January 2008
- SLSA Ironman Final Series, Coogee Beach, 1 March 2008; and

(b) the applicant be advised that Council refuses permission to the event organiser for the SLAM Beach Volleyball event on Coogee Beach, 23 February 2008 due to the problems encountered at last year's event with respect to alcohol.

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

10.8 DIRECTOR, CITY SERVICES' REPORT 57/2007 - ENGAGEMENT OF CONSULTANTS TO DEVELOP DESIGN CONCEPTS FOR SKATE PARK AND A REMOTE CONTROL CAR DIRT TRACK IN THE LA PEROUSE AREA. (F2004/07601)

252 **RESOLUTION: (Belleli/Matson) that:**

- a) consultants are engaged to prepare concept proposals and site selection for the design of a skate facility and a remote control racing car dirt track in the La Perouse area and following the successful resolution of site selection and design of the facilities, the plans be further developed for construction purposes;
- b) the consultants be funded from Parks Capital Works 2007/08 financial year budget; and
- c) the outcomes of consultative process be reported back to Council.

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

11. DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORTS.

11.1 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 49/2007 - GENERAL PURPOSE FINANCIAL REPORTS 2006/2007. (UNAUDITED) (F2004/06526)

253 **RESOLUTION: (Sullivan/White) that:**

- a) the General Purpose Financial Reports for the year ended 30 June 2007 be adopted.
- b) the Recurrent and Capital Carryovers be adopted.
- c) in relation to the statements required in accordance with Section 413(2)(c) of the Local Government Act 1993:
 - i) Council resolve that in its opinion the general purpose financial reports and the special purpose financial reports for the year ended 30 June 2007 and special schedules are properly drawn up in accordance with the provisions of the Local Government Act 1993 and the Regulations there under.
 - ii) The statements be approved and signed by the Mayor, another Councillor, the General Manager and the Responsible Accounting Officer.
- d) the financial reports be referred to Council's Auditors for audit.
- e) Council adopt the date of receipt of the Auditor's Report as the appropriate "authorised for issue" date relating to this General Purpose Financial Report.
- f) arrangements be made to place copies of the audited financial reports on public exhibition and the necessary advertisements be published.
- g) copies of the audited financial reports be forwarded to the Department of Local Government.

- h) *the audited financial reports be presented at a meeting of Council to be held on 25 September 2007 in accordance with Section 418 of the Local Government Act, 1993.*

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

12. PETITIONS.

Nil.

13. MOTIONS PURSUANT TO NOTICE.

13.1 MOTION BY COUNCILLORS SENG & BELLELI – UPGRADE OF FOOTPATH IN MAROUBRA ROAD. (F2004/06108 XR F2005/00171)

254 **RESOLUTION: (Seng/Belleli)** *that the following item be considered for funding in the 2008/2009 Budget:*

- the old and uneven footpath along Maroubra Road between Robey Street & Ferguson Street be fully upgraded.

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

13.2 MOTION BY COUNCILLORS BELLELI & SENG – CONSTRUCTION OF FOOTPATH - WESTERN SIDE OF MALABAR ROAD. (F2004/07638 XR F2005/00171)

255 **RESOLUTION: (Belleli/Seng)** *that Council consider funding the construction of a footpath on the western side of Malabar Road, between Beauchamp Road and Russell Court in the 2008/2009 financial year to reduce a number of issues along this nature strip.*

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

13.3 MOTION BY COUNCILLOR MATSON – LACK OF DECORUM IN COUNCIL MEETINGS. (F2004/06570 XR F2005/00171)

256 **RESOLUTION: (Matson/Hughes)** *that the General Manager ensures:*

1) *That during future Council and Committee meetings when the chair rules that an act of disorder has been committed by a Councillor that the details as stated by the chair at the time are recorded in the draft minutes of that meeting;*

2) *That the Code of Meeting Practice be amended to reflect this resolution.*

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

14. CONFIDENTIAL REPORTS (CLOSED SESSION).

14.1 CONFIDENTIAL DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 50/2007 - TENDER REPORT T06/07 - EMERGENCY WARNING & INTERCOMMUNICATION SYSTEM. (F2007/00197)

257 **RESOLUTION: (Notley-Smith/White)** *that Council:*

a) *Accepts NewSound Fire Services Pty Ltd for the supply, installation and first year maintenance of the Emergency Warning and Intercommunication System (EWIS) for the Administrative Centre and Town Hall at a price of \$98,553 (excluding GST); and*

- b) *Delegates the General Manager authority to sign a contract with NewSound Fire Services Pty Ltd for the supply, installation and first year maintenance of the Emergency Warning and Intercommunication System (EWIS) for the Administrative Centre and Town Hall*

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

15. NOTICE OF RESCISSION MOTIONS.

A rescission motion on Item 8.4 (Director City Planning Report - 54/2007 – 28 Walsh Avenue, Maroubra - Nagle Park) was handed to the General Manager prior to midday on the following working day and will be considered at the Ordinary Council meeting to be held on 25 September, 2007.

There being no further business, His Worship the Mayor, Cr P. Tracey, declared the meeting closed at 10.11 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 25TH SEPTEMBER, 2007.

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CHAIRPERSON