



**MINUTES OF ORDINARY COUNCIL MEETING OF THE COUNCIL OF
THE CITY OF RANDWICK HELD ON TUESDAY, 22 SEPTEMBER 2009
AT 6:04PM**

Present:

The Mayor, Councillor B. Notley-Smith (Chairperson) (East Ward)

Councillor M. Woodsmith (Deputy Chairperson) (North Ward)

North Ward	- Councillors K. Smith & P. Tracey
South Ward	- Councillors R. Belleli, C. Matthews & A. White
East Ward	- Councillors T. Bowen & M. Matson
West Ward	- Councillors B. Hughes, S. Nash & J. Procopiadis
Central Ward	- Councillors A. Andrews, T. Seng & G. Stevenson

Officers Present:

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

Prayer & Acknowledgement of Local Indigenous People

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

Apologies/Granting of Leave of Absences

Nil.

Confirmation of the Minutes

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY 25 AUGUST 2009**

260/09

RESOLUTION: (Nash/Matson) that the Minutes of the Ordinary Council Meeting held on Tuesday 25 August 2009 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

Declarations of Pecuniary and Non-Pecuniary Interests

- (a) Cr Belleli declared a pecuniary interest in item MM69/09 as his wife's dance school will be performing at this event free of charge. Cr Belleli will be taking no part in the debate or voting on this matter.
- (b) Cr Belleli declared a pecuniary interest in item CP62/09 as his wife's dance school will be performing at events 7 and 24 free of charge. Cr Belleli will be taking no part in the debate or voting on these matters.
- (c) Cr Procopiadis declared a non significant non pecuniary interest in item CP57/09 as he knows the family involved with this application.
- (d) Cr White declared a non significant non pecuniary interest in item CP62/09 as his children attend one of the schools involved in this matter.
- (e) Cr Matson declared a non significant non pecuniary interest in item CP55/09 as one of the parties involved has children who attend the same school as his daughter.

Address of Council by Members of the Public

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

GF40/09 PRESENTATION OF 2008-09 FINANCIAL REPORTS

For Gary Mottau from Spencer Steer

MM65/09 MANAGEMENT AND OPERATION OF LA PEROUSE MUSEUM

For Dr William Land

CP57/09 686-688 ANZAC PARADE, KINGSFORD

Against Stephen Casimatis - applicant

CP56/09 112 - 124 ANZAC PARADE, KENSINGTON

For Conrad Johnston - architect

CP60/09 59 HOLMES STREET, MAROUBRA

Against Debbie Krigstein - objector

For Michael Berman - applicant

NM64/09 MOTION PURSUANT TO NOTICE FROM COUNCILLOR NASH - HINCKS STREET FOOTPATH

For Ray Broderick

The meeting was adjourned at 6.31pm and was resumed at 6.52pm.

RESOLVED: (PROCEDURAL MOTION) (Woodsmith/Procopiadis) that all items the subject of addresses by the public be dealt with as the first items of business for the benefit of the public in attendance. **CARRIED.**

Mayoral Minutes

MM62/09 Mayoral Minute - Coogee Bay Road Upgrade (F2008/00028)

261/09

RESOLUTION: (Mayor, Cr B Notley-Smith) that:

(a) work immediately proceed to develop a number of design concepts for the Coogee Bay Road streetscape upgrade. One of the options to consider the parameters detailed below:-

- Undergrounding the power
- Installing new footpath paving
- Installing kerb blisters
- Catering for emergency vehicles
- Installing a mid block crossing
- Installing a 40km/h high pedestrian zone
- Minimising the loss of on street parking

Another of the options to consider the parameters detailed below

- Undergrounding the power;
- Installing new footpath paving;
- Installing kerb blisters;
- Catering for emergency vehicles;
- Ensuring no loss of on street parking;
- Not expanding the width of the footpath;

and the works be considered in 2010/11 capital works budget; and

(b) the General Manager to seek funding assistance for this project from Energy Australia.

MOTION: (Mayor, Cr B Notley-Smith) CARRIED - SEE RESOLUTION.

AMENDMENT: (Matson/Woodsmith) that work immediately proceed to develop design concepts limited to:-

- Undergrounding the power;
- Installing new footpath paving;
- Installing kerb blisters;
- Catering for emergency vehicles;
- Ensuring no loss of on street parking;
- Not expanding the width of the footpath;

for the Coogee Bay Road streetscape upgrade and the works be considered in 2010/11 capital works budget. **LOST.**

MM63/09 Mayoral Minute - CCTV at Coogee Beach (F2008/00547)

262/09

RESOLUTION: (Mayor, Cr B Notley-Smith) that the installation of CCTV at Coogee Beach commence in October 2009.

MOTION: (Mayor, Cr B Notley-Smith) CARRIED - SEE RESOLUTION.

MM64/09 Mayoral Minute - Establishment of New Committee of Council to Deal with Economic Development Matters (F2005/00588)

263/09 **RESOLUTION: (Mayor, Cr B Notley-Smith)** that a report be presented to the 29 September 2009 Extraordinary Committee in relation to the establishment of an Economic Development Committee.

MOTION: (Mayor, Cr B Notley-Smith) CARRIED - SEE RESOLUTION.

MM65/09 Mayoral Minute - Management and Operation of La Perouse Museum (F2009/08174)

264/09 **RESOLUTION: (Mayor, Cr B Notley-Smith)** that Council enter into discussions with National Parks and Wildlife Service to investigate options for the future operation and management of the La Perouse Museum.

MOTION: (Mayor, Cr B Notley-Smith) CARRIED - SEE RESOLUTION.

MM66/09 Mayoral Minute - Annual Pere Receveur Historic Mass - Request for Financial Assistance (F2005/00182)

265/09 **RESOLUTION: (Mayor, Cr B Notley-Smith)** that:

- a) Council agree to assist by underwriting the hire charges of the marquee amounting to \$2,678.50 for the Annual Pere Receveur Historic Mass to be held on Sunday 21 February 2010 and the funds be charged to the 2009-10 Contingency Fund;
- b) the organisers undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the celebration; and
- c) the Mayor or his representative be given the opportunity to address the celebration on behalf of Council.

MOTION: (Mayor, Cr B Notley-Smith) CARRIED - SEE RESOLUTION.

MM67/09 Mayoral Minute - LGMA NSW Management Excellence Awards (F2006/00414)

266/09 **RESOLUTION: (Mayor, Cr B Notley-Smith)** that Council congratulate all staff on their awards and their wonderful achievement in being recognised by the LGMA as being best practice in local government.

MOTION: (Mayor, Cr B Notley-Smith) CARRIED - SEE RESOLUTION.

MM68/09 Mayoral Minute - Resource Sharing Arrangements with the City of Botany Bay (F2004/08381)

267/09 **RESOLUTION: (Mayor, Cr B Notley-Smith)** that Council endorse the in-principle agreement between Randwick City Council and the City of Botany Bay to enter into a reciprocal rights arrangement to allow residents of both Councils to be able to use library resources in both Cities.

MOTION: (Mayor, Cr B Notley-Smith) CARRIED - SEE RESOLUTION.

MM69/09 Mayoral Minute - Waiving of Fees - Arthur Byrne Reserve Carols by Candlelight (F2004/08114)

Cr Belleli, having previously declared a pecuniary interest, left the chamber taking no part in the debate or voting on the matter.

268/09 **RESOLUTION: (Mayor, Cr B Notley-Smith)** that:

- a) Council vote \$31,160.00 to cover the fees associated with the event and funds be charged to the 2009-10 Contingency Fund;

- b) the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and
- c) the Mayor, or his representative, be given the opportunity the address the "Carols By Candlelight" and New Years Eve events on behalf of Council.

MOTION: (Mayor, Cr B Notley-Smith) CARRIED - SEE RESOLUTION.

AMENDMENT: (Hughes/Matson) that Council approve the waiving of the fees for the Carols being held at South Maroubra Village Green but not proceed with the commercial arrangement for the Carnival. **LOST.**

AMENDMENT:(Matson/Hughes) that the General Manager be delegated to seek an improved financial arrangement with the proposed commercial operators that will ensure that the Council's objectives and obligations to soundly manage the financial assets of the Council are taken care of and that concerns relating to the regeneration of the area also be satisfied. **LOST.**

MM70/09 Mayoral Minute - Mayor's Charity Ball (F2009/00288)

269/09

RESOLUTION: (Mayor, Cr B Notley-Smith) that the report be received and noted.

MOTION: (Mayor, Cr B Notley-Smith) CARRIED - SEE RESOLUTION.

MM71/09 Mayoral Minute - Waiving of Fees - Second Yarra Bay Fun Run and Walk at Bicentennial Park (F2005/00954)

270/09

RESOLUTION: (Mayor, Cr B Notley-Smith) that:

- a) Council advise the organiser of the Charity Fun Run and Walk that Council gives its "in principle" approval to host the event upon approval being sought from the Randwick Traffic Committee.
- b) Council waive the fee to the value of \$1,445.00 for the use of the reserve, waste removal and associated cleaning costs and these funds be allocated from the 2009-10 Contingency Fund.
- c) the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event.

MOTION: (Mayor, Cr B Notley-Smith) CARRIED - SEE RESOLUTION.

MM72/09 Mayoral Minute - Councillors Invitation to Attend a Youth Fundraising Event (F2006/00216)

271/09

RESOLUTION: (Mayor, Cr B Notley-Smith) that:

- a) Council agrees to fund interested councillors to attend the charity event.
- b) Council receive and note this report.

MOTION: (Mayor, Cr B Notley-Smith) CARRIED - SEE RESOLUTION.

MM73/09 Mayoral Minute - Randwick City Council and Local Services Clubs - Inaugural Committee Meeting (F2009/00406)

272/09

RESOLUTION: (Mayor, Cr B Notley-Smith) that Council implement the initiatives discussed at the inaugural "Local Services Clubs Committee" in order to attract new members to their ranks and in turn assist our local community and economy.

MOTION: (Mayor, Cr B Notley-Smith) CARRIED - SEE RESOLUTION.

MM74/09 Mayoral Minute - Sister City Professional Exchange Program - Hangzhou, China (F2005/00294)

273/09 **RESOLUTION: (Mayor, Cr B Notley-Smith)** that Council endorse the proposal and authorise the Mayor to write to the Mayor/Deputy Mayor of the City of Hangzhou to invite Mr Daoqiao Li to participate in the professional exchange program.

MOTION: (Mayor, Cr B Notley-Smith) CARRIED - SEE RESOLUTION.

NM75/09 Cr Bruce Notley-Smith - Lexington Place Committee (F2009/00217)

274/09 **RESOLUTION: (Mayor, Cr B Notley-Smith)** that Council agrees that Council Officers commence the preparation of a report recommending projects in consultation with the community, young people and services providers.

MOTION: (Mayor, Cr B Notley-Smith) CARRIED - SEE RESOLUTION.

Urgent Business

Nil.

Director City Planning Reports

CP55/09 Director City Planning Report - 65 Melody Street, Coogee (DA/360/2009)

275/09 **RESOLUTION: (Hughes/Nash)** that Council, as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/360/2009 for the demolition of the rear portion of the existing dwelling and construction of a new two storey addition with upper and lower level decks, new screens to the existing outbuilding and new landscaping works at 65 Melody Street, Coogee, subject to the following conditions:

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

1. The development must be implemented substantially in accordance with the following plans:

Plan number	Dated	Received
• 0913/DA01	June 2009	11 June 2009
• 0913/DA02	June 2009	11 June 2009
• 0913/DA04	June 2009	11 June 2009
• 0913/DA06	June 2009	11 June 2009
• 0913/DA07	June 2009	11 June 2009
• 0913/DA08	June 2009	11 June 2009
• 0913/DA09	June 2009	11 June 2009
• 0913/DA10	June 2009	11 June 2009
• 0913/DA11	June 2009	11 June 2009
• 0913/DA12	June 2009	11 June 2009
• 0913/DA13	June 2009	11 June 2009
• 0918/DA04	Sept 2009	9 September 2009
• 0918/DA19A	August 2009	4 August 2009
• 0918/DA05B	Sept 2009	9 September 2009

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. A privacy screen having a height of 1.8m is to be provided to northern edge of the ground level rear deck. The total area of any openings within the privacy screen must not exceed 25% of the area of the screen. Details of compliance with this condition are to be provided on the construction certificate plans.
3. The privacy screen shown in the planter along the southern side of the upper level rear balcony is to be relocated along the planters' northern edge or along the back of the seat. The privacy screen must have an effective height of 1.5m above the floor level of the upper level rear balcony. The total area of any openings within the privacy screen must not exceed 25% of the area of the screen. Details of compliance are to be provided in the construction certificate plans.
4. Only low rise planting must be provided to planter attached to the rear terrace at first floor level, so that it does not significantly overshadow the adjoining property to the south.
5. The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.

Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the relevant building works.

6. Metal roof sheeting is to be pre-painted (e.g. colourbond) and form part of the colour scheme and external finishes for the development.
7. Details are to be provided in the Construction Certificate to demonstrate that the proposed works will not encroach onto the adjoining properties, Council's road reserve or any public place.

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

8. The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.

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

9. 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.
10. The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.

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

11. Stormwater runoff from the redeveloped portion of the site shall be discharged to Melody Lane by gravity (without the use of a charged system).

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

12. That part of the nature-strip 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 installed prior to the issue of a final Occupation Certificate.

Street Tree Management

13. The applicant will be required to ensure retention of the *Angophora costata* (Sydney Red Gum) located on Council's Melody Street nature strip, towards the northern half of the site, and must ensure that:
 - a. Any new services, pipes, stormwater systems or similar that need to be installed over public property along this frontage, will be done so along the southern site boundary; and
 - b. There shall 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 2 metres of its trunk.
14. A refundable deposit in the form of cash, credit card or cheque for an amount of \$500.00 (no GST) shall be paid at the Cashier on the Ground Floor of the Administrative Centre, prior to a construction certificate being issued for the development, in order to ensure compliance with the conditions listed in this consent, and ultimately, preservation of this street tree in the streetscape.

The refundable deposit will be eligible for refund following the issue of a Final Occupation Certificate, subject to completion and submission of Council's 'Security Deposit Refund Application Form', and pending a satisfactory inspection by Council's Landscape Development Officer (9399-0613).

Any contravention of Council's conditions relating to the tree at any time during the course of the works, or prior to the issue of a final occupation certificate, may result in Council claiming all or part of the lodged security in order to perform any rectification works necessary, as per the requirements of 80A (6) of the Environmental Planning and Assessment Act 1979.

Tree Management

15. Approval is granted for removal of the following trees, subject to the planting of 1 x 25 litre/300mm (pot size at the time of planting) replacement tree (not a palm) within the rear yard of the site, selecting a species which will attain a minimum height at maturity of between 4-7 metres:
 - a) One *Plumeria acutifolia* (Frangipani) in the front yard, should the applicant wish, as it is exempt from the provisions of Council's Tree Preservation Order (TPO) due to being located inappropriately close to the southwest corner of the existing dwelling;
 - b) One *Jacaranda mimosifolia* (Jacaranda) in the rear yard, fronting Melody Lane (as has been shown), as it was observed to also be exempt from the

- TPO due to its inappropriate location close to the northeast corner of the garage/studio, as evidenced by the excessive pruning that has been performed to its southern aspect;
- c) One small *Mangifera indica* (Mango Tree) in the rear yard, along the southern boundary, in a small garden area within the landing of the studio's stairs, for the same reasons as outlined above;
 - d) One *Plumeria acutifolia* (Frangipani) in the rear yard (should the applicant wish), as it too is exempt from the TPO due to growing so close to the eastern edge of the existing dwelling, and may also be damaged during the course of demolition.

Tree Pruning

16. Permission is granted for the selective pruning of only those lower growing, lower order branches that overhang the common boundary into the subject site and need to be specifically pruned in order to either avoid damage to the trees during the course of the works; or; to avoid future maintenance/nuisance issues upon completion, and includes:
 - a) The northern aspect of the *Brachychiton acerifolius* (Illawarra Flame Tree), which is located in the rear yard of the adjoining property to the south, 67 Melody Street; and
 - b) The southwest aspect of the *Jacaranda mimosifolia* (Jacaranda), which is located in the rear yard of the adjoining property to the north, 63 Melody Street.
17. This approval does not imply any right of entry onto either neighbouring property, nor does it allow pruning beyond a common boundary; however, where such measures are desirable in the best interests of correct pruning procedures, and ultimately, the ongoing health of these trees, the applicant must negotiate with the neighbours/tree owners for access to perform this work.
18. All pruning must be undertaken by an Arborist who holds a minimum of AQF Level III in Arboriculture, and who is also a registered member of a nationally recognised organisation/association, with all pruning to be performed to Australian Standard AS 4373-1996 'Pruning of Amenity Trees.'

The following condition is imposed to satisfy relevant requirements of the Sydney Water Corporation.

19. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

The approved Construction Certificate plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to commencing any building or excavation works, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

If suitable, the plans will be appropriately stamped. For Quick Check agent details please refer to Sydney Water's web site at www.sydneywater.com.au and go to the Building, Developing and Plumbing, then Quick Check or Building and Renovating or telephone 13 20 92.

The principal certifying authority must ensure that a Quick Check Agent/Sydney Water has appropriately stamped the plans before commencing any works.

The following condition is applied to meet additional demands for public facilities;

20. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, based on a development cost of \$500,000 the following monetary levy (1% of cost of works) must be paid to Council: \$5,000.00.

The levy must be paid in cash, bank cheque or by credit card prior to a construction certificate being issued for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment.

Council's Section 94A Development Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick or at www.randwick.nsw.gov.au.

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

21. In accordance with Section 80A (11) of the Environmental Planning and Assessment Act 1979 and Clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition that all of the required commitments listed in the relevant BASIX Certificate for this development are fulfilled.
22. In accordance with the provisions of the Environmental Planning & Assessment Regulation 2000, a relevant BASIX Certificate and associated documentation must be submitted to the Certifying Authority with the Construction Certificate application for this development.

The required commitments listed and identified in the BASIX Certificate are to be included on the plans, specifications and associated documentation for the proposed development, to the satisfaction of the Certifying Authority.

The design of the building must not be inconsistent with the development consent and any proposed variations to the building to achieve the BASIX commitments may necessitate a new development consent or amendment to the existing consent to be obtained, prior to a construction certificate being issued.

23. The following provisions are to be implemented in accordance with the relevant BASIX Certificate and details are to be included in the Construction Certificate documentation (as applicable), to the satisfaction of the Certifying Authority:
- Stormwater management (i.e. rainwater tanks)
 - Water efficiency (i.e. triple A rated taps and showers, dual flush toilets and water re-use)
 - Landscaping provisions
 - Thermal comfort (i.e. construction materials, glazing and insulation)
 - Energy efficiency (i.e. cooling & heating provisions and hot water systems)
24. 23. In accordance with Clause 154B of the Environmental Planning & Assessment Regulation 2000, a Certifying Authority must not issue an Occupation Certificate for this development, unless it is satisfied that each of the required BASIX commitments have been fulfilled.

Relevant documentary evidence of compliance with the BASIX commitments is

to be forwarded to the Council upon issuing an Occupation Certificate.

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

25. External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the building, or cause a nuisance or damage to the adjoining premises.

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

26. 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.

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

A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.

28. In accordance with section 80 A (11) of the Environmental Planning & Assessment Act 1979 and clause 98 of the Environmental Planning & Assessment Regulation 2000, it is a prescribed condition that all building work must be carried out in accordance with the provisions of the Building Code of Australia (Building Code of Australia).

29. 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.

30. 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 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).

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. Details of critical stage inspections carried out and copies of certification relied upon must also be forwarded to Council with the occupation certificate.

31. A sign must be erected and maintained in a prominent position on the site for the duration of the works, which contains the following details:
- name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours, or owner-builder permit details (as applicable);
 - name, address and telephone number of the Principal Certifying Authority; and
 - a statement stating that "unauthorised entry to the work site is prohibited".
32. In accordance with section 80 A (11) of the Environmental Planning & Assessment Act 1979 and clause 98 of the Environmental Planning & Assessment Regulation 2000, the requirements of the Home Building Act 1989 must be complied with.

Details of the Licensed Building Contractor (and a copy of the relevant Certificate of Insurance) or a copy of the Owner-Builder Permit (as applicable) must be provided to the Principal Certifying Authority and Council, in writing, prior to commencement of works.

33. 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.

34. 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.

35. 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.

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:

36. Certificate of Adequacy supplied by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) prior to a construction certificate being issued for the development, certifying the structural adequacy of the existing structure to support the additional storey/upper floor addition.

37. Demolition works and the removal, storage, handling and disposal of building materials must be carried out in accordance with the relevant requirements of WorkCover NSW, the NSW Department of Environment & Climate Change (formerly EPA) and Randwick City Council policies, including:

- Occupational Health and Safety Act 2000 & Regulations
- WorkCover NSW Guidelines & Codes of Practice
- Australian Standard 2601 (2001) – Demolition of Structures
- The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 2005
- Relevant DECC/EPA 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.

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

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

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

The Demolition Work Plan must be submitted to the Principal Certifying Authority (PCA), not less than two (2) working days before commencing any demolition work. A copy of the Demolition Work Plan must be maintained on site and be made available to Council officers upon request.

If the work involves asbestos products or materials, a copy of the Demolition Work Plan must be provided to Council, not less than 2 days before commencing such works.

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

39. Any work involving the demolition, storage or disposal of asbestos products and materials must be carried out in accordance with the following requirements:

- Relevant Occupational Health & Safety legislation and WorkCover NSW requirements
- Randwick City Council's Asbestos Policy (adopted 13 September 2005)
- A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
- On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.
- 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 2005.
- A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the principal certifying authority immediately upon completion of the asbestos related works, which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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.

40. 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.

41. In accordance with section 80 A (11) of the Environmental Planning & Assessment Act 1979 and clause 98 E of the Environmental Planning & Assessment Regulation 2000, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.
- 1) If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development must, at the person's own expense:
 - a) protect and support the adjoining premises from possible damage from the excavation, and
 - b) where necessary, underpin the adjoining premises to prevent any such damage.
 - 2) The condition referred to in subclause 1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.
42. A dilapidation report prepared by a professional engineer, building surveyor or other suitably qualified independent person must be submitted to the satisfaction of the Principal Certifying Authority prior to commencement of any demolition, excavation or building works, in the following cases:
- new dwellings or additions to dwellings sited up to the property boundaries (including additions to a semi-detached dwelling),
 - excavations for new dwellings, additions to dwellings, swimming pools or the like which are proposed to be located within the zone of influence of the footings of any dwelling, associated garage or other substantial structure located upon an adjoining premises,
 - excavations for new dwellings, additions to dwellings, swimming pools or the like which are within rock and may result in vibration and or potential damage to any dwelling, associated garage or other substantial structure located upon an adjoining premises,
 - as otherwise required by the Principal Certifying Authority.

The report (including photographs) are required to detail the current condition and status of any dwelling, associated garage or other substantial structure located upon the adjoining premises, which may be affected by the subject works. A copy of the dilapidation report is to be given to the owners of the premises encompassed in the report/s before commencing any works.

43. 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.

44. 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.

Noise and vibration from any rock excavation machinery, pile drivers and all plant and equipment must be minimised, by using appropriate plant and equipment, silencers and the implementation of noise management strategies.

A construction noise and vibration minimisation strategy, prepared by a suitably qualified person is to be implemented throughout the works, to the satisfaction of the Council. A copy of the strategy must be provided to the Principal Certifying Authority and Council prior to the commencement of site works.

45. 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, to the satisfaction of Council.

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.

If it is proposed to locate any site fencing, hoardings or amenities upon any part of the footpath, nature strip 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.

46. A Construction Site Management Plan is to be developed and implemented prior to the commencement of any works. The site management plan must include the following measures, as applicable to the type of development:

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

The site management measures are to be implemented prior to the commencement of any site works and be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity to the satisfaction of Council. A copy of the Construction Site Management Plan must be provided to the Principal Certifying Authority and Council. A copy must also be maintained on site and be made available to Council officers upon request.

47. 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 Landcom, to the satisfaction of Council.

Details of the proposed sediment control measures are to be detailed in the Construction Site Management Plan which must be submitted to and approved by the Principal Certifying Authority or Council prior to the commencement of any site works.

48. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:
- a. Building materials, sand, soil, waste materials, construction equipment or other activities 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.
 - b. 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.
 - c. 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. Applications to place a waste container in a public place can be made to Council's Health Building and Regulatory Services section.
 - d. Any part of Council's road, footway or nature strip which is damaged as a result of the work must be repaired or replaced to Council's satisfaction.

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:

49. The installation of rainwater tanks shall comply with the following noise control requirements:-
- a) The operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

In this regard, the operation of the plant and equipment shall not give rise to an LAeq, 15 min sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Department of Environment & Conservation Noise Control Guidelines.
 - b) Plant and equipment associated with rainwater tank(s) are to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.
 - c) The operation of plant and equipment associated with the rainwater tank(s) are to be restricted to the following hours if the noise emitted can be heard within a habitable room in any other residential premises:
 - before 8.00am or after 8.00pm on weekends or public holiday; or
 - before 7.00am or after 8.00pm on weekdays.

ADVISORY MATTERS:

- A1 Demolition, building or excavation work must not be commenced until;
- A Construction Certificate has been obtained from Council or an Accredited Certifier
 - Council or an Accredited Certifier has been appointed as the Principal Certifying Authority for the development
 - Council and the Principal Certifying Authority have been given at least 2 days notice (in writing) prior to commencing any works.
- Failure to comply with these important requirements is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million under the Environmental Planning & Assessment Act 1979. Alternatively, Council may issue a penalty infringement notice (for up to \$1,500) for each offence.
- A2 A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:-
- Install or erect any site fencing, hoardings or site structures
 - Operate a crane or hoist goods or materials over a footpath or road
 - Placement of a waste skip (greater than 3m in length) or any container or other article.
- A3 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place, to the satisfaction of the certifying authority.
- A4 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: (Hughes/Nash) CARRIED UNANIMOUSLY - SEE RESOLUTION.

**CP56/09 Director City Planning Report - 112-124 Anzac Parade, Kensington
(DA/736/2008/A)**

276/09

RESOLUTION: (Andrews/Nash)

That Council as the responsible Consent Authority grant consent under Section 96(2) of the Environmental Planning and Assessment Act 1979 to modify Development Consent No DA/736/2008 by reconfiguring retail and residential units, altering unit mix, increasing the total number of residential units from 59 to 62 in the following manner:

Amend Condition No 1 to read:

1. The development must be implemented substantially in accordance with the plans numbered DA08B to DA24B, received by Council on 27 January 2009, 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 **and as modified by plans numbered DA08C to DA10C and DA19C received by Council 22 June 2009, and DA20C to DA22C received by Council 2 July 2009 and DA11D to DA13D received by Council 28 August 2009, and DA16, DA17, DA23 and DA24 received by Council 3 September 2009 only to the extent outlined on the plans and described in the application, except;**

- **re-allocation of the car wash bays and visitor parking for residential use is not permitted by the section 96A approval. The Construction Certificate plans must show the previously approved parking allocation, as modified by the amendments to condition 59 specified in the section 96'A' approval.**

Amend Condition No. 59 to read:

59. One covered car wash bay shall be provided for this development.

The car wash bay must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to a construction certificate being issued for the proposed development.

The car wash bay must be located outside any required/approved stormwater detention system.

The car wash bay must be signposted with 'Exclusive Carwash Bay Use Sat 2:00pm – 5:00pm and Sunday 10:00am – 2:00pm, Visitor parking at other times'

The car wash bay must be constructed with a minimum 20mm bund around the perimeter of the car washing bays (or equivalent)

A water tap shall be located adjacent to the car wash bay.

Insert the following Conditions after Condition No. 132:

133. The entry door to the garbage room on basement level 1 must be relocated so that it does not open directly onto the adjacent parking space (car space no. 36). Design details must be shown on the Construction Certificate plans.
134. Design details for the new metal entry gates on the ground floor must be submitted to Council for approval before a Construction Certificate is issued. The design must incorporate evenly spaced openings for at least 50% of the surface area of the gates (with some allowance for style). The design must also allow the gates to open the full width of the entry-way. The approved design must be shown on the Construction Certificate plans.
135. The entry gates on the ground floor must be locked fully open between 7am and sunset every day.
136. Design details for privacy screens between units 28a/29a and 35a/36a, and sun-shading screens for units 29a and 31a must be submitted to Council's Director of City Planning for approval before a Construction Certificate is issued. The approved design must be shown on the Construction Certificate plans.
137. Plans submitted for the construction certificate must reflect the following parking allocation for the development.
 - 66 spaces for the residential component of the development including a minimum of 11 spaces for visitor parking.
 - 10 spaces for the commercial component of the development.

MOTION: (Andrews/Nash) CARRIED UNANIMOUSLY - SEE RESOLUTION.

**CP57/09 Director City Planning Report - 686-688 Anzac Parade, Kingsford
(DA/1103/2007/A)**

277/09

RESOLUTION: (Nash/Andrews) that Council as the consent authority **modify** development consent No. 1103/07/A under Section 96 of the Environmental Planning and Assessment Act 1979 **by deleting** condition 4:

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

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Andrews	Councillor Woodsmith
Councillor Belleli	
Councillor Bowen	
Councillor Hughes	
Councillor Matson	
Councillor Matthews	
Councillor Nash	
Councillor Notley-Smith	
Councillor Procopiadis	
Councillor Seng	
Councillor Smith	
Councillor Stevenson	
Councillor Tracey	
Councillor White	
Total (14)	Total (1)

**CP58/09 Director City Planning Report - 162 Brook Street, Coogee
(DA/496/2009)**

278/09

RESOLUTION: (Nash/Andrews)

- A That Council support the objections under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with Clause 32(1) of the Randwick Local Environmental Plan 1988, relating to Floor Space Ratio, on the grounds that the proposed development is consistent with the objective of the clause and will not adversely affect the amenity of the surrounding locality and that the Department of Planning be advised accordingly.
- B That Council, as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/496/2009 Alterations and Additions to existing multi-unit residential building including glazed enclosure over entrance landings on 2nd, 3rd and 4th floors and over courtyard and entrance to unit 3 for at 162 Brook Street, Coogee subject to the schedule of conditions outlined in this report:
1. The development must be implemented substantially in accordance with the plans numbered S-96 03, S-96 04, S-96 05, S-96 09, S-96 10; all received by Council on 22 July 2009, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:

the following conditions are recommended to be applied to satisfy relevant legislative requirements and to provide reasonable levels of health, safety and amenity:

2. The colours, materials and finishes of the external surfaces to the building are to

be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.

Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the *Environmental Planning & Assessment Act 1979* prior to a construction certificate being issued for the relevant building works.

3. 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.

4. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
5. **Prior to the commencement of any building or 'fit-out' works, a construction certificate must be obtained from the Council or an accredited certifier**, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.

A copy of the construction certificate, the approved plans 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

6. **Prior to the commencement of any building or 'fit-out' 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.
7. 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.
8. An Occupation Certificate must be obtained from the Principal Certifying Authority **prior to any occupation or use of the development** encompassed in this development consent (including alterations, additions and 'fit-out' work to

existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.

9. Any 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.

10. Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all building, demolition and associated site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and (except as detailed below) between 8.00am to 5.00pm on Saturdays.

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

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

11. Public health, safety and convenience must be maintained at all times during demolition and building works and the following requirements must be complied with at all times:

- a) A sign must be provided and maintained in a prominent position, 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".
- b) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, trip hazards, 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.
- c) Building materials, sand, soil, waste materials, construction equipment or other materials or articles 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.
- d) Bulk bins, waste containers or other articles must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container or other articles in a public place can be made to Council's Building Services section.
- e) During demolition and construction, 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 Landcom, to the satisfaction of Council.

- f) Public safety must be maintained at all times and public access to any demolition and building works, materials and equipment on the site is to be restricted. If necessary, a temporary safety fence or hoarding is to be provided to protect the public. 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.

If it is proposed to locate any site fencing, hoardings or items upon any part of the footpath, nature strip or any public place, a Local Approval application must be submitted to and approved by Council's Health, Building & Regulatory Services department beforehand. Details and plans are to be submitted with the application, together with payment of the weekly charge in accordance with Council's adopted Pricing Policy.

- g) 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.

The requirements and practices contained in the Protection of the Environment Operations Act 1997 and relevant DECC Construction Noise and Vibration Guidelines are to be satisfied and a Construction Noise and Vibration Management Plan is to be developed and implemented throughout the works to the satisfaction of Council.

ADVISORY

- A1 The assessment of this development application does not include an assessment of the proposed building work under the Building Code of Australia (BCA).

All new building work must comply with the BCA and relevant Australian Standards and details of compliance must be provided in the Construction Certificate application.

Building owners, applicants and builders are advised to speak to the appointed Certifying Authority prior to lodgement of the Construction Certificate.

MOTION: (Nash/Andrews) CARRIED UNANIMOUSLY - SEE RESOLUTION.

CP59/09 Director City Planning Report - 24 Stephen Street, Randwick (DA/485/2005/E)

279/09

RESOLUTION: (Hughes/Nash)

That Council, as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No DA/485/2005 to replace the screening on the deck of the eastern side of the dwelling from timber to opaque glazing and to delete condition 10 relating to privacy for 24 Stephen Street, Randwick in the following manner:

A Amend Condition No. 1 to read:

The development must be implemented substantially in accordance with the plans numbered 01, 02, 03, 04 & 05, dated 6th of September 2005 and

received by council on the 5th of September 2005, the application form and on any supporting information received with the application, as amended by the:

- Section 96 'A' plans dated 25th October 2005 and received by Council on the 26th October 2005, and,
- Section 96 'B' plans dated 17th July 2006 and received by Council on the 21st of July 2006, and,
- Section 96 'C' plans dated 17th of July 2006 and received by Council on the 29th of January 2007, and,
- Section 96D plans numbered Drawing 1, dated 28th of July 2008 and received by Council on the 31st of July 2008, and,
- **Section 96E plans numbered Drawing 1 and Drawing 2, dated 22nd of July 2009 and received by Council on the 23rd of July 2009**

Only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application, except as may be amended by the following conditions and as may be shown in red on the attached plans:

B Delete Condition No. 10

MOTION: (Hughes/Nash) CARRIED UNANIMOUSLY - SEE RESOLUTION.

CP60/09 Director City Planning Report - 59 Holmes Street, Maroubra (DA/795/2008/A)

280/09

RESOLUTION: (Andrews/Matson)

That Council, as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No DA/795/2008 for permission to modify the approved development consent by modifying the front and side boundary fencing and providing a gate to the front carport at 59 Holmes Street, Maroubra in the following manner:

1. The development must be implemented substantially in accordance with the amended plan numbered 4913.1 (Issue B), dated 1/12/08 and received by Council on 3 December 2008, the application form and on any supporting information received with the application, as amended by the ***Section 96 "A" plan numbered 4913.1, Issue F, dated 21/7/09 and received by Council on 22 July 2009, only in so far as it relates 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:

Add the following conditions:

46. The proposed amendments to the front carport (excluding the provision of front entry gates) shall be deleted from the approved plans. This condition has been included as the proposed modifications to the carport are inconsistent with the aims of the Randwick Local Environmental Plan 1998 and do not satisfy the relevant objectives, performance requirements and preferred solutions of Part 4.7 Garages, Carports and Driveways of the Development Control Plan for Dwellings and Attached Dual Occupancies. The increased profile of the carport roof and posts would exacerbate the siting of the carport forward of the building line, dominate the dwelling behind and adversely impact the streetscape.
47. The proposed carport gates shall be constructed from vertical slats which are

at least 50% open. Details of the proposed gates (including materials and colours) shall be submitted to and approved by Councils Director of City Planning prior to the gates being installed.

48. The proposed fencing located on the front and side boundaries forward of the building line shall be constructed in accordance with the following requirements:

- The fence shall be a maximum height of 1.55 metres, excluding the brick piers shown on the submitted plans which may be up to 1.65m high as proposed; and
- The horizontal timber slats shall be replaced with vertical slats which are at least 50% open. (Note: The solid brick portion of the fence must not exceed the bottom 800mm).

Amended plans demonstrating compliance with this condition and providing the colours and materials of the proposed fence shall be submitted to and approved by Councils Director of City Planning prior to construction of the fence.

MOTION: (Andrews/Matson) CARRIED UNANIMOUSLY - SEE RESOLUTION.

CP61/09 Director City Planning Report - Reporting variations to Development Standard under State Environment Planning Policy No. 1 (SEPP1) from 1 August to 31 August, 2009 (F2004/06768)

281/09

RESOLUTION: (Hughes/Nash) that the report be received and noted.

MOTION: (Hughes/Nash) CARRIED UNANIMOUSLY - SEE RESOLUTION.

CP62/09 Director City Planning Report - Cultural Community Grants Program September 2009 Assessment Round - Recommended Allocations (F2009/00182)

Cr Belleli, having previously declared a pecuniary interest, left the chamber taking no part in the debate or voting on the matter.

282/09

RESOLUTION: (Nash/Andrews) that Council:

- a) approve funds totalling \$67,993 to be allocated to the organisations listed in the table in attachment 1 to this report;
- b) include the late application from the organisers of the Matraville Carols for \$8,000.00;
- c) the Mayor write and ask the Member for Kingsford Smith and Minister for the Arts to contribute the \$8,000.00 balance of the amount required for the Sir Charles Kingsford Smith mural on the Kingsford Commonwealth Bank building; and
- d) endorse the transitional arrangement described in this report to take effect immediately until 31 December 2009; that delegated authority be given to the Mayor and General Manager to grant approval to requests that meet the following circumstances;
 - i) Applies only to in-kind contribution (waiver of council fees) not exceeding the value of \$500.00
 - ii) Proposed activities would otherwise meet the program's guidelines.
 - iii) Activities must take place before the end of March 2010, and
 - iv) Requests for assistance must be in writing.

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

CP63/09 Director City Planning Report - Options for Council's Australia Day Events 2010 and Options to Curb Alcohol Related Anti-Social Behaviour at Australia Day Celebrations (F2009/00255)

Note: A rescission motion on this matter was submitted to the General Manager in accordance with Council's Code of Meeting Practice and will be considered at the ordinary Council meeting to be held on 20th October, 2009.

283/09

RESOLUTION: (Nash/Andrews) that:

- a) Randwick City Council conduct its 2010 Australia Day Citizenship Ceremony and Community Service Awards at the Prince Henry Community Centre followed by an alcohol free community event at Coogee from 11.00am – 3.00pm;
- b) that temporary notices be erected at Goldstein Reserve, Dunningham Reserve and Grant Reserve at Coogee which prohibits the carrying in and consumption of alcohol, at these Reserves from midnight on the 25 January 2010 to midnight on the 26 January 2010; and
- c) that the Brook Street, Coogee Senior Citizens Hall is to be made available to Police for their December 2009 and January 2010 operations.

MOTION: (Woodsmith/Procopiadis) that:

- a) Randwick City Council conduct its 2010 Australia Day Citizenship Ceremony and Community Service Awards at the Randwick Town Hall followed by a community event in Alison Park, and
- b) that temporary notices be erected at Goldstein Reserve, Dunningham Reserve and Grant Reserve at Coogee which prohibits the carrying in and consumption of alcohol, at these Reserves from midnight on the 25 January 2010 to midnight on the 26 January 2010, and
- c) that the Brook Street, Coogee Senior Citizens Hall is to be made available to Police for their December 2009 and January 2010 operations.

**AMENDMENT: (Nash/Andrews). CARRIED AND BECAME THE MOTION.
MOTION CARRIED – SEE RESOLUTION**

General Manager's Reports

GM39/09 General Manager's Report - Affixing of the Council Seal (F2004/07593)

284/09

RESOLUTION: (Hughes/Nash)

That the Council's Seal be affixed to the signing of agreements between Council and:

1. Randwick District of the Sydney Branch of SLSA of Australia Inc. in relation to a licence for the boat storage shed located within Cromwell Park, Malabar.
2. Ray Suchat Trakoon (T/As Chat Thai Pty Ltd) in relation to a licence for the purpose of outdoor dining at 222A Carrington Road, Randwick.
3. The Benevolent Society in relation to a surrender of lease over the property at 23-27 Adina Avenue, Phillip Bay.

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

**GM40/09 General Manager's Report - FECCA 2009 Conference
(Strengthening Multiculturalism & Building Social Inclusion)
(F2005/00646)**

285/09 **RESOLUTION: (Hughes/Nash)** that interested Councillors be authorised to attend the FECCA 2009 Conference in Shepparton on 29/30 October 2009.

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

**GM41/09 General Manager's Report - Randwick Award for Literature
(F2007/00057)**

286/09 **RESOLUTION: (Hughes/Nash)** that the report and details on the Randwick Award for Literature be received and noted.

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

**GM42/09 General Manager's Report - Code of Conduct Complaints
(F2004/06569)**

287/09 **RESOLUTION: (Hughes/Nash)** that the annual report on Code of Conduct complaints be received and noted.

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

**GM43/09 General Manager's Report - Staff Performance Review Outcomes
2008-2009 (F2009/00402)**

288/09 **RESOLUTION: (Hughes/Nash)** that the report on the 2008/09 staff performance reviews be received and noted.

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

**GM45/09 General Manager's Report - Section 96 Application Relating to
Undergrounding of Power Cables and Removal of Power Poles
Around the New College Student Accommodation Building at 215A
Anzac Parade, Kensington. (DA/241/2007/C)**

289/09 **RESOLUTION: (Hughes/Nash)** that the Planning Assessment Commission be advised of Council's agreement to the draft recommended condition No. 81.

MOTION: (Hughes/Nash) CARRIED UNANIMOUSLY - SEE RESOLUTION.

Director City Services Reports

**CS22/09 Director City Services Report - Des Renford Aquatic Centre
Filtration Upgrade (F2009/00325)**

290/09 **RESOLUTION: (Andrews/Belleli)** that the General Manager be authorised to negotiate with suppliers of the equipment and installation contractors for the filtration upgrade at Des Renford Aquatic Centre.

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

Director Governance & Financial Services Reports

**GF39/09 Director Governance & Financial Services Report - Long Term
Financial Plan - 2009-10 to 2028-29 (F2006/00588)**

291/09 **RESOLUTION: (Hughes/Nash)** that the Long Term Financial Plan as amended be adopted.

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

GF40/09 Director Governance & Financial Services Report - Presentation of 2008-09 Financial Reports (F2008/00651)

292/09 **RESOLUTION: (Nash/Matson)** that the Financial Reports for the year ended 30 June, 2009 be adopted.

MOTION: (Nash/Matson) CARRIED - SEE RESOLUTION.

GF41/09 Director Governance & Financial Services Report - Investment Report - August 2009 (F2004/06527)

293/09 **RESOLUTION: (Hughes/Nash)** that the investment report for August 2009 be received and noted.

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

GF42/09 Director Governance & Financial Services Report - Prince Henry Heritage Values - Rating Adjustments (F2004/07069)

294/09 **RESOLUTION: (White/Andrews)** that the report on this matter be received and noted.

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

GF43/09 Director Governance & Financial Services Report - Inaugural Randwick City Economic Leaders' Forum (F2005/00588)

295/09 **RESOLUTION: (Smith/Andrews)** that Council continues to hold an Economic Leaders' Forum on a bi-annual basis and continues to implement the strategies and actions detailed in the Randwick Economic Development Strategy.

MOTION: (Smith/Andrews) CARRIED - SEE RESOLUTION.

Petitions

Nil.

Motion Pursuant to Notice

NM53/09 Motion Pursuant to Notice from Councillor Seng - Investigating the Suitability of Replacing Natural Grass with Synthetic Grass (F2004/07515)

296/09 **RESOLUTION: (Seng/ Andrews)** that Council investigate the suitability of replacing natural grass with synthetic grass on some of the City's median strips, taking into account the potential improvements/advantages in terms of costs, aesthetics and the environment. (Note: this has been successfully implemented at Loxton Waikerie Council, South Australia, as reported in the 'Focus' newsletter).

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

NM54/09 Motion Pursuant to Notice from Councillor Seng - Public Awareness Campaign to Discourage Cyclists from Riding on Footpaths (F2004/06171)

297/09 **RESOLUTION: (Seng/Andrews)** that Council, in conjunction with the relevant authorities, consider the introduction of a public awareness campaign in Town Centres to discourage cyclists and skateboarders from riding on footpaths as their actions run the risk of causing injury to pedestrians, particularly toddlers and the elderly, with separate reports on skateboards and bicycles to be brought back to Council.

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

NM55/09 Motion Pursuant to Notice from Councillor Smith - Proposed Art, Craft and Fashion Show (F2009/00312)

298/09 **RESOLUTION: (Smith/Woodsmith)** that Council:

- a) give consideration in future budgets to holding an annual art, craft and fashion show at the Prince Henry Community Centre; and
- b) establish a working party to explore the costs, benefits and operability of such a show. The working party, consisting of Councillors Smith, Woodsmith and Stevenson and appropriate Council officers, shall report back to Council by 23 March, 2010.

MOTION: (Smith/Woodsmith) CARRIED - SEE RESOLUTION.

NM56/09 Motion Pursuant to Notice from Councillor Smith - Proposed Footpath on the Southern Side of King Street (F2006/00575)

299/09 **RESOLUTION: (Smith/Nash)** that Council give consideration in future budgets to the construction of a footpath on the southern side of King Street between number 37 King Street and Mulwarree Avenue.

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

NM57/09 Motion Pursuant to Notice from Councillor Matson - Clarifying Definition of Restaurants in LEP 1998 (F2007/00569)

300/09 **RESOLUTION: (Matson/Belleli)** that Council endorse the preparation of a planning proposal in accordance with the new plan-making process of the EP&A Act, to be forwarded to the Minister for Planning for determination, in relation to amending the definition of restaurants in the Randwick LEP 1998 to read as follows:-

"Restaurant means a building or place concerned with the primary role of providing food whether or not for consumption on the premises or for takeaway, and with the auxiliary role of the provision of alcohol with a meal."

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

NM58/09 Motion Pursuant to Notice from Councillor Belleli - Future Eco Living Fairs at Prince Henry Community Centre (F2009/00312)

301/09 **RESOLUTION: (Belleli/Andrews)** that Council considers the possibility in 2010 or future years, of holding the Eco Living Fair at the Prince Henry Community Centre should the Randwick Community Centre not be available.

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

NM59/09 Motion Pursuant to Notice from Councillor Belleli - Free Film Festival at Prince Henry Community Centre (F2009/00312)

302/09

RESOLUTION: (Belleli/Smith) that Council considers holding a free film festival (day or night) at the Prince Henry Community Centre and a report come back on how this may be achieved. If the film festival is successful then Council could consider making this an ongoing event.

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

NM60/09 Motion Pursuant to Notice from Councillor Belleli - Multicultural (International) Event (F2009/00312)

303/09

RESOLUTION: (Belleli/Matthews) that:

- a) Council considers holding a Multicultural (International) Event (which should also welcome Australian and indigenous representation) at the Prince Henry Community Centre; and
- b) guidance and approval be sought from the RCC Multicultural Committee and a report be brought back to Council on the matter.

MOTION: (Belleli/Matthews) CARRIED - SEE RESOLUTION.

NM61/09 Motion Pursuant to Notice from Councillor Belleli - History of Randwick (F2008/00398)

304/09

RESOLUTION: (Belleli/Matthews) that:

- a) a report be prepared in relation to Council holding an event at the new Prince Henry Community Centre on the history of Randwick City Council and its suburbs;
- b) the event include photo displays and stories, video/film of the 150+ years of Randwick City Council and its suburb; and
- c) local schools and community groups be invited to attend.

MOTION: (Belleli/Matthews) CARRIED - SEE RESOLUTION.

NM62/09 Motion Pursuant to Notice - Motion Pursuant to Notice from Councillor Belleli - History Walk (F2008/00398)

305/09

RESOLUTION: (Belleli/Matthews) that Council considers an "Evolution in Time Walk" or "Council History Walk" or both for educational purposes at the new Chifley Reserve (previous Women's Athletics Field) along future pathways (or alternatively, as a second choice at Bicentennial Park) and that a report come back to Council on the matter.

MOTION: (Belleli/Matthews) CARRIED - SEE RESOLUTION.

NM63/09 Motion Pursuant to Notice - Motion Pursuant to Notice from Councillor Nash - Chinese New Year Celebrations (F2008/00044)

306/09

RESOLUTION: (Nash/Hughes) that Council:

- a) Note the Chinese New Year in 2010 falls on Sunday, 14 February;
- b) Constitute a "Chinese New Year Festival Organising Committee" consisting of the

Director City Planning, Council's events staff and interested Councillors; and

- c) Commence preparations under the direction of the Committee, to hold a festival around Sunday 14 February, celebrating the Chinese New Year in 2010 (the Year of the Tiger).

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

NM64/09 Motion Pursuant to Notice - Motion Pursuant to Notice from Councillor Nash - Hincks Street Footpath (F2006/00575)

307/09

RESOLUTION: (Nash/Andrews) that a report be brought back to Council concerning any engineering issues associated with the construction of a footpath on the northern side of Hincks Street, Kingsford, between Botany Street and Irvine Street.

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

Note: At this point in the meeting the council extended its appreciation to Kerrie Walshaw for her tremendous efforts over the years and wished her well in her impending retirement.

Confidential Reports

MM60/09 Confidential - General Manager's Performance Review (F2006/00304)

This matter is considered to be confidential under Section 10A(2) (a) Of the Local Government Act, as it deals with personnel matters concerning particular individuals.

308/09

RESOLUTION: (Nash/Matthews) that:

- (a) Council receive and note the General Manager's Performance Review; and
- (b) In accordance with section 8.5 of the General Manager's performance based employment contract, the General Manager's total remuneration package be increased by the amount determined by the Remuneration Tribunal for the State Executive Service 2009, effective on the 6 October 2009.

MOTION: (Nash/Matthews) CARRIED - SEE RESOLUTION.

Notices of Rescission Motions

Note: A rescission motion was submitted in relation to Item CP63/09 – Options for Council's Australia Day Events 2010 and Options to Curb Alcohol Related Anti-Social Behaviour at Australia Day Celebrations and will be considered at the ordinary Council meeting to be held on 20 October 2009.

There being no further business, His Worship the Mayor, Cr B Notley-Smith, declared the meeting closed at 9.55 pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 20 October 2009.

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CHAIRPERSON