

THESE MINUTES ARE DRAFT UNTIL CONFIRMED AT THE NEXT MEETING OF THIS COUNCIL AND/OR COMMITTEE

**MINUTES OF ORDINARY COUNCIL MEETING OF THE
COUNCIL OF THE CITY OF RANDWICK HELD ON
TUESDAY, 27 MARCH 2012 AT 6.07PM**

Present:

The Mayor, Councillor S Nash (Chairperson) (West Ward)

Councillor B Hughes (Deputy Mayor) (West Ward)

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| North Ward | - Councillors K Smith, P Tracey & M Woodsmith |
| South Ward | - Councillors R Belleli, C Matthews & A White |
| East Ward | - Councillors T Bowen, M Matson |
| West Ward | - Councillor 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	Mr J Hay
Manager Organisational Staff Services	Ms F Calabrese
Manager Corporate Improvement	Ms A Warner

Prayer & Acknowledgement of Local Indigenous People

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

Apologies/Granting of Leave of Absences

An apology was received from Cr Notley-Smith

RESOLVED: (Seng/Belleli) that the apology received from Cr Notley-Smith be accepted and leave of absences from the meeting be granted.

Confirmation of the Minutes

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY 28 FEBRUARY 2012

62/12

RESOLUTION: (Andrews/Woodsmith) that the Minutes of the Ordinary Council Meeting held on Tuesday 28 February 2012 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting, subject to it being noted that Cr Procopiadis left the meeting prior to the addresses by the public.

PROCEDURAL MOTION: (Belleli/Nil) that item CP16/12 – 45 Victoria Street, Malabar be deferred for mediation. **LAPSED FOR WANT OF A SECONDER.**

Declarations of Pecuniary and Non-Pecuniary Interests

- (a) Cr Smith declared a pecuniary interest in items CS6/12 and NR2/12 as his employer has business relationships with the applicants. Cr Smith will not be taking part in the debate or voting on these matters.
- (b) Cr Bowen declared a significant non pecuniary interest in item NR2/12 as he is involved with the Randwick Labor Club who have held preliminary meetings with the Randwick Rugby Club. Cr Bowen will not be taking part in the debate or voting on this matter.
- (c) Cr Andrews declared a non significant non pecuniary interest in item NR2/12 as he knows the speaker representing the applicant and is a member of the Club in question.
- (d) Cr White declared a non significant non pecuniary interest in item CP16/12 as he knows the applicant and some of the objectors.
- (e) Cr Matson declared a significant non pecuniary interest in item MM22/12 as his daughter attends the school. Cr Matson indicated that he would not take part in the debate of the vote on the matter.
- (f) Cr Procopiadis declared a non significant non pecuniary interest in item MM22/12 as his grandson attends one of the subject schools.

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:

CP13/12 80 ALISON ROAD, RANDWICK (DA/611/2011)

Against Chris Jordan - Architect for the Applicant

For Neil Workman - Objector

CP15/12 135 CARRINGTON ROAD, COOGEE (DA/885/2009/A)

For Brian Welch - Architect for the Applicant

CP16/12 45 VICTORIA STREET, MALABAR (DA/666/2011)

Against Scott Brady - Objector

For Con Hairis - Architect for the Applicant

CP18/12 133 CARRINGTON ROAD, COOGEE (DA/884/2009/A)

For Brian Welch - Architect for the Applicant

NM11/12 MOTION PURSUANT TO NOTICE FROM CR ANDREWS - PROPOSED PEDESTRIAN CROSSING AT FITZGERALD AVENUE.

For Chris Hafer

The meeting was adjourned at 6.39pm and was resumed at 6.51pm.

RESOLVED: (PROCEDURAL MOTION) (Andrews/Hughes) that all matters that were the subject of addresses by the public be brought forward and dealt with as the first items of business. **CARRIED.**

Mayoral Minutes

MM17/12 Mayoral Minute - 100th Year Anniversary of Anzac Day (F2004/08326)

63/12 **RESOLUTION: (Mayor, Cr S Nash)** that Council:

- a) note the Federal Government-commissioned research into the commemoration of the 100th anniversary of Anzac Day which the Prime Minister has rejected;
- b) completely reject the notion that "commemorating our military history in a multicultural society is something of a double-edged sword";
- c) completely reject the notion that the commemoration of the 100th anniversary of Anzac Day is a "potential area of divisiveness";
- d) commit to supporting the commemoration of the 100th anniversary of Anzac Day in April 2015 as this Council has proudly supported Anzac Day over the past decades;
- e) write to all RSL clubs in Randwick City and the Federal Government informing them of Council's resolution.

MOTION: (Mayor, Cr S Nash) CARRIED - SEE RESOLUTION.

MM18/12 Mayoral Minute - Waiving of Fees for Banner - Royal Hospital for Women Foundation (F2004/06257)

64/12 **RESOLUTION: (Mayor, Cr S Nash)** that:

- a) the fees associated with the installation and dismantling of one banner at the intersection of Malabar Road and Arden Street, South Coogee for the Royal Hospital for Women Foundation be waived and \$1,880.00 be allocated from the 2011-12 Contingency Fund; and
- b) the organisers undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during their annual fundraising event.

MOTION: (Mayor, Cr S Nash) CARRIED - SEE RESOLUTION.

MM19/12 Mayoral Minute - 2012 Aurora Annual Dinner (F2010/00038)

65/12 **RESOLUTION: (Mayor, Cr S Nash)** that Council purchase a corporate table for the Aurora Dinner and that interested Councillors and their partners be invited to attend.

MOTION: (Mayor, Cr S Nash) CARRIED - SEE RESOLUTION.

MM20/12 Mayoral Minute - 2012 Civic Reception for Rotary (F2010/00038)

66/12

RESOLUTION: (Mayor, Cr S Nash) that Council host a Civic Reception for the Rotary Club in the Lodge Room, Randwick Town Hall on 21 August, 2012 to be funded from the 2011-12 Events Budget.

MOTION: (Mayor, Cr S Nash) CARRIED - SEE RESOLUTION.

MM21/12 Mayoral Minute - Proposed Donation to Moree Flood Appeal (F2004/07396)

67/12

RESOLUTION: (Mayor, Cr S Nash) that Council approve a donation of \$4,000.00 to the Australian Local Government Women's Association of NSW to pass on to the Moree Flood Appeal on our behalf, such funds to come from the Contingency Fund 2011-12.

MOTION: (Mayor, Cr S Nash) CARRIED - SEE RESOLUTION.

MM22/12 Mayoral Minute - Randwick Boys and Girls High Schools - Request for Financial Assistance (F2012/06574)

Note: Having previously declared an interest in this item, Cr Matson left the Chamber during the debate and the vote on the matter.

68/12

RESOLUTION: (Mayor, Cr S Nash) that:

- a) Council donate \$4,000.00 to the Randwick Girls and Boys High Schools for the combined production to be held at NIDA in September 2012, such funds to come from the 2012-13 Contingency Fund budget; and
- b) the Schools undertake to appropriately and prominently promote Council's sponsorship of the event.

MOTION: (Mayor, Cr S Nash) CARRIED - SEE RESOLUTION.

Cr Matson returned to the meeting.

MM23/12 Mayoral Minute - Implications of the Carbon Tax for Randwick City Residents and Ratepayers (F2005/00230)

69/12

RESOLUTION: (Mayor, Cr S Nash) that Council:

1. note the adverse impact of the Federal Labor Government's Carbon Tax on the Council's budget as outlined in this Mayoral Minute, being in summary:
 - a. Electricity – an extra \$206,253 hit to our budget;
 - b. Street lighting – an extra \$140,237 hit to our budget; and
 - c. Garbage disposal – an extra \$1,154,337 hit to be passed on to our residents via the domestic waste management charge;
2. note the wide range of fantastic initiatives of the Council aimed at addressing climate change and sustainability issues; and
3. in its preparations of the 2012-13 Budget, reaffirm its commitment to remaining financially sustainable, debt-free and maintaining our service levels, notwithstanding the adverse impact of the Federal Labor Government's Carbon

Tax.

MOTION: (Mayor, Cr S Nash) CARRIED ON CASTING VOTE OF MAYOR - SEE RESOLUTION.

Councillors Matson and Hughes called for a **DIVISION**.

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

FOR	AGAINST
Councillor Andrews	Councillor Bowen
Councillor Belleli	Councillor Hughes
Councillor Matthews	Councillor Matson
Councillor Nash	Councillor Stevenson
Councillor Procopiadis	Councillor Tracey
Councillor Seng	Councillor White
Councillor Smith	Councillor Woodsmith
Total (7)	Total (7)

MM24/12 Mayoral Minute - La Perouse Museum Community Committee (F2004/06882)

70/12

RESOLUTION: (Mayor, Cr S Nash) that Council endorse this Mayoral Minute and support the Mayor to sit on the La Perouse Museum Community Committee.

MOTION: (Mayor, Cr S Nash) CARRIED - SEE RESOLUTION.

MM25/12 Mayoral Minute - Kensington/West Kingsford Local Area Traffic Management Study and Implementation Funding (F2004/07231)

71/12

RESOLUTION: (Mayor, Cr S Nash) that:

- a) it be confirmed that funding has been set aside, within the Council's reserves, for the implementation of projects arising from the Kensington/West Kingsford Local Area Traffic Management Scheme study process, and
- b) it be noted that, once agreed projects are determined, the Council will be making application to Roads and Maritime Services for funding assistance to implement the endorsed projects.

MOTION: (Mayor, Cr S Nash) CARRIED - SEE RESOLUTION.

MM26/12 Mayoral Minute - Waiving of Fees - Australian Handball Federation (F2010/00096)

72/12

RESOLUTION: (Mayor, Cr S Nash) that:

- a) the Beach Hire Fee in the amount of \$3,962.40 be waived and funds be allocated from the 2011-12 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 or his representative be given the opportunity to address the activity on behalf of Council.

MOTION: (Mayor, Cr S Nash) CARRIED - SEE RESOLUTION.

MM27/12 Mayoral Minute - Salvation Army Red Shield Appeal - Request to Waive Fees for use of Coogee Eastward Seniors Hall (F2004/06050)

73/12

RESOLUTION: (Mayor, Cr S Nash) that:

- a) Council vote to waive the fees associated with the use of the Coogee Eastward Seniors Hall and funds be allocated from the 2011-12 Contingency Fund.
- b) the Appeal's organisers undertake to appropriately and prominently acknowledge and promote Council's contribution during the Red Shield Appeal.

MOTION: (Mayor, Cr S Nash) CARRIED - SEE RESOLUTION.

Urgent Business

Nil.

Director City Planning Reports

CP12/12 Director City Planning Report - 16 Walenore Avenue, Kingsford (DA/641/2011)

74/12

RESOLUTION: (Andrews/Hughes)

That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/641/2011 for Addition of a 1st floor level to the previously approved garage at the rear of the site to accommodate a study/hobby room at 16 Walenore Avenue, Kingsford NSW 2032, subject to the following conditions:

GENERAL CONDITIONS

The development must be carried out in accordance with the following conditions of consent.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of environmental amenity.

Approved Plans & Supporting Documentation

1. The development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council's approved stamp, except where amended by Council in red and/or by other conditions of this consent:

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>
29/11 Sheet 1 of 3 to Sheet 3 of 3	Classic Plans	2 March 2012

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a. The bottom sash of the first floor south facing windows must be fixed and be provided with translucent, obscured, frosted or sandblasted glazing below this specified height. The top window shall be operable and be of translucent, obscured, frosted or sandblasted glazing.

REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

The following conditions of consent must be complied with before a 'Construction Certificate' is issued by either Randwick City Council or an Accredited Certifier. All necessary information to demonstrate compliance with the following conditions of consent must be included in the documentation for the construction certificate.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent conditions and to achieve reasonable levels of environmental amenity.

Consent Requirements

3. The requirements and amendments detailed in the 'General Conditions' must be complied with and be included in the construction certificate plans and associated documentation.

External Colours, Materials & Finishes

4. The colours, materials and finishes of the external surfaces are to be compatible with the existing building and adjacent development to maintain the integrity and amenity of the building and the streetscape.

External materials, finishes and colours of the building are required to match, as closely as possible, the existing building and any metal roof sheeting is to be pre-painted (e.g. Colourbond) to limit the level of reflection and glare.

Long Service Levy Payments

5. The required Long Service Levy payment, under the *Building and Construction Industry Long Service Payments Act 1986*, must be forwarded to the Long Service Levy Corporation or the Council, 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.

REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE

The requirements contained in the following conditions of consent must be complied with and details of compliance must be included in the construction certificate for the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Councils development consent conditions and to achieve reasonable levels of environmental amenity.

Compliance with the Building Code of Australia

6. 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). Details of compliance with the BCA are to be included in the construction certificate application.

Structural Adequacy

7. 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*), certifying the structural adequacy of the existing structure to support the additional storey/upper floor addition.

Smoke Alarms

8. Smoke alarms are required to be installed in accordance with the relevant provisions of the Building Code of Australia (volume 2) smoke alarms must comply with AS3786. Smoke alarms must be connected to the consumer mains electric power supply and provided with a battery back-up. Details of compliance are to be included in the construction certificate.

Energy & Water Efficiency

9. The following energy efficiency and water saving measures are to be implemented in all new and upgraded building work and details included in the construction certificate:
- a) The consumption of water shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets.
 - b) 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.
 - c) 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.

Stormwater Drainage

10. A surface water/stormwater drainage system must be provided in accordance with the following requirements, to the satisfaction of the Certifying Authority and details are to be included in the construction certificate:-
- a) Surface water/stormwater drainage systems must be provided in accordance with the relevant requirements of the Building Code of Australia (Volume 2);
 - b) The surface water/stormwater must be drained and discharged to the street gutter or, subject to site suitability, the stormwater may be drained to a suitably designed absorption pit;
 - c) Any absorption pits or soaker wells should be located not less than 3m from any adjoining premises and the stormwater must not be directed to any adjoining premises or cause a nuisance;
 - d) 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;
 - e) Details of any proposed drainage systems or works to be carried out in the road, footpath or nature strip must be submitted to and approved by Council before commencing these works.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

The following conditions of consent must be complied with prior to the commencement of any works on the site. The necessary documentation and information must be provided to the Council or the *'Principal Certifying Authority'*, as applicable.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity.

Construction Certificate, Principal Certifying Authority & Commencement of Works

11. Prior to the commencement of any building works, the following requirements must be complied with:

- a) 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*.

A copy of the construction certificate, the approved development consent plans and 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.

- b) a *Principal Certifying Authority* (PCA) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and
- c) a *principal contractor* must be appointed for the building work, or in relation to residential building work, an *owner-builder* permit may be obtained in accordance with the requirements of the *Home Building Act 1989*, and the PCA and Council are to be notified accordingly; and
- d) the *principal contractor* must be advised of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*; and
- e) at least two days notice must be given to the Council, in writing, prior to commencing any 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*.

Home Building Act 1989

12. 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 Home Warranty Insurance or a copy of the Owner-Builder Permit (as applicable) must be provided to the Principal Certifying Authority and Council.

Dilapidation Reports

13. 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:

- 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,

- new dwellings or additions to dwellings sited up to shared property boundaries (e.g. additions to a semi-detached dwelling or terraced dwellings),
- 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 may be 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.

Construction Noise & Vibration Management Plan

14. 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 requirements of the *Protection of the Environment Operations Act 1997* and NSW DECC Guidelines 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 Management Plan*, prepared in accordance with the NSW DECC Construction Noise Guideline by a suitably qualified person, is to be implemented throughout the works. A copy of the strategy must be provided to the Principal Certifying Authority and Council prior to the commencement of works on site.

Temporary Site Fencing

15. Temporary site safety fencing must be provided 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 site 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.

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 any part of the footpath, nature strip or public place, a Local Approval application must be submitted to and approved by Council's Health, Building & Regulatory Services before placing any item or article on the road, footpath or nature strip.

Construction Site Management Plan

16. A *Construction Site Management Plan* must be developed and implemented prior to the commencement of any works. The construction 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;
- provisions for temporary stormwater drainage;
- construction noise and vibration management;
- construction traffic management details.

The site management measures must be implemented prior to the commencement of any site works and be maintained throughout the works, to the satisfaction of Council.

A copy of the Construction Site Management Plan must be provided to the Principal Certifying Authority and Council prior to commencing site works. A copy must also be maintained on site and be made available to Council officers upon request.

Demolition Work Plan

17. A Demolition Work Plan must be prepared for the development in accordance with Australian Standard AS2601-2001, Demolition of Structures and relevant environmental/occupational health and safety requirements.

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 (including asbestos)
- Other relevant details, measures and requirements to be implemented
- Details of re-use, recycling and disposal of waste demolition/building materials
- 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 also be provided to Council not less than 2 days before commencing those works.

Notes

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

- Refer to the conditions within the "Requirements During Construction & Site Work", for further details and requirements relating to demolition work, removal of any asbestos and public safety.

Sydney Water

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

Prior to the commencement of excavation or building works, the approved Construction Certificate plans must be submitted to a Sydney Water Quick Check agent or Customer Centre, 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 works.

Public Utilities

19. A *Public Utility Impact Assessment* must be carried out to identify all public utility services located on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the building works.

Documentary evidence from the relevant public utility authorities confirming that their requirements have been or are able to be satisfied, must be submitted to the Principal Certifying Authority prior to the commencement of any works.

The owner/builder must make the necessary arrangements and meet the full cost for telecommunication companies, gas providers, Energy Australia, Sydney Water and other authorities to adjust, repair or relocate their services as required.

REQUIREMENTS DURING CONSTRUCTION & SITE WORK

The following conditions of consent must be complied with during the demolition, excavation and construction of the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity during construction.

Inspections During Construction

20. The building works must be inspected by the *Principal Certifying Authority*, 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).

Site Signage

21. 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*,
- a statement stating that "unauthorised entry to the work site is prohibited".

Restriction on Working Hours

22. Building, demolition and associated site works must be carried out in accordance with the following requirements:

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> • Monday to Friday - 7.00am to 5.00pm • Saturday - 8.00am to 5.00pm • Sunday & public holidays - No work permitted
Excavating of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like	<ul style="list-style-type: none"> • Monday to Friday - 8.00am to 5.00pm • Saturday - No work permitted • Sunday & public holidays - No work permitted

An application to vary the abovementioned hours may be submitted to Council's Manager Health, Building & Regulatory Services for consideration and approval to vary the specified hours may be granted in exceptional circumstances and for limited occasions (e.g. for public safety, traffic management or road safety reasons). Any applications are to be made on the standard application form and include payment of the relevant fees and supporting information. Applications must be made at least 10 days prior to the date of the proposed work and the prior written approval of Council must be obtained to vary the standard permitted working hours.

Demolition Work Requirements

23. The demolition of buildings 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 & Water and Randwick City Council policies, including:

- Occupational Health & Safety Act 2000 & Regulations
- WorkCover NSW Code of Practice for the Safe Removal of Asbestos
- WorkCover NSW Guidelines and 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 DECCW/EPA Guidelines
- Randwick City Council Asbestos Policy

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.

Removal of Asbestos Materials

24. 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
- 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. A copy of the relevant licence must be provided to the Principal Certifying Authority.
- 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*. Details of the landfill site (which must be lawfully able to receive asbestos materials) must be provided to the Principal Certifying Authority.
- A Clearance Certificate or Statement, prepared by a suitably qualified person (ie 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 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.

Sediment & Erosion Control

25. Sediment and erosion control measures must be implemented throughout the site works in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to Council's satisfaction. Details are to be included in the *Construction Site Management Plan*.

Public Safety & Site Management

26. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:

- Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.
- The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any

excavations, obstructions, trip hazards, goods, materials, soils or debris at all times. Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.

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

Support of Adjoining Land, Excavations & Retaining Walls

27. 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.
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 must 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.

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. Prior to undertaking any demolition, excavation or building work in the following circumstances, a report must be obtained from a *professional engineer* which details the methods of support for the dwelling or associated structure on the adjoining land, to the satisfaction of the *Principal Certifying Authority*:
- when undertaking excavation or building work within the zone of influence of the footings of a dwelling or associated structure that is located on the adjoining land;
 - when undertaking demolition work to a wall of a dwelling that is built to a common or shared boundary (eg. semi-detached or terrace dwelling);
 - when constructing a wall to a dwelling or associated structure that is located within 900mm of a dwelling located on the adjoining land.

The demolition, excavation and building work and the provision of support to the dwelling or associated structure on the adjoining land, must also be carried

out in accordance with the abovementioned report, to the satisfaction of the *Principal Certifying Authority*.

Building Encroachments

30. There must be no encroachment of any structures or building work onto the adjoining land, Council's road reserve, footway, nature strip or public place.

Road/Asset Opening Permit

31. A *Road/Asset Opening Permit* must be obtained from Council prior to commencing any excavations or works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the *Road / Asset Opening Permit* must be complied with.

For further information, please contact Council's Road / Asset Opening Officer on 9399 0691 or 9399 0999.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions of consent must be complied with prior to the *Principal Certifying Authority* issuing an *Occupation Certificate*.

Note: For the purpose of this consent, any reference to 'occupation certificate' shall also be taken to mean 'interim occupation certificate' unless otherwise stated.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent and to maintain reasonable levels of public health, safety and amenity.

Occupation Certificate Requirements

32. 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 relevant requirements of the *Environmental Planning & Assessment Act 1979* and conditions of development consent must be satisfied prior to the issuing of an occupation certificate.

Council's Infrastructure, Vehicular Crossings & Road Openings

33. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:

- a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
- b) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a *Pre-paid Works Application Form*, prior to issuing an occupation certificate, together with payment of the relevant fees.
- c) If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written

approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.

- d) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.

OPERATIONAL CONDITIONS

The following operational conditions must be complied with at all times, throughout the use and operation of the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent and to maintain reasonable levels of public health and environmental amenity.

Use of premises

34. The premises must only be used as a single residential dwelling and must not be used for dual or multi-occupancy purposes.

External Lighting

35. External lighting to the premises must be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, or other relevant legislation and Council's policies. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

- A1 The garage be constructed to withstand the forces of floodwaters, including debris and buoyancy for the 1 in 100yr flood.
- A2 The garage be constructed from flood compatible building components below the 1 in 100yr flood plus 0.5m freeboard.
- A3 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 requirements is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million. Alternatively, Council may issue a penalty infringement notice (for up to \$1,500) for each offence. Council may also issue notices and orders to demolish unauthorised or non-complying building work, or to comply with the requirements of Council's development consent.

- A4 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.

- A5 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA) and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards and you are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.
- A6 Council's *Building Approvals & Certification team* can issue Construction Certificates and be your Principal Certifying Authority for the development, to undertake inspections and ensure compliance with the development consent, relevant building regulations and standards of construction. For further details contact Council's *Building Approvals & Certification team* on 9399 0944.
- A7 A Local Approval application must be submitted to and be approved by Council's Building Approvals & Certification team 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 or any other container or article.
- For further information please contact Council's Building Approvals & Certification team on 9399 0944.
- A8 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.
- A9 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.
- A10 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:
- the consent of the owners of such adjoining or supported land to trespass or encroach, or
 - an access order under the *Access to Neighbouring Land Act 2000*, or
 - an easement under section 88K of the *Conveyancing Act 1919*, or
 - an easement under section 40 of the *Land & Environment Court Act 1979*, as appropriate.
- A11 Section 177 of the *Conveyancing Act 1919* creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land.)

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

**CP13/12 Director City Planning Report - 80 Alison Road, Randwick
(DA/611/2011)**

75/12

RESOLUTION: (Andrews/Hughes)

That Council, as the consent authority, refuse development consent under Section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. DA/611/2011 for alterations and additions to an approved residential flat building including provision of a new level to rear with 1 bedroom unit, new sunroom at third floor level off unit 5, internal reconfiguration and associated works at 80 Alison Road, Randwick for the following reasons:

1. Failure to satisfy Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposed State Environmental Planning Policy 1 – Development Standards Objection to Randwick Local Environmental Plan (Consolidation) 1998 Clause 20F Floor Space Ratio is not considered to be well founded.
2. Failure to satisfy Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposed State Environmental Planning Policy 1 – Development Standards Objection to Randwick Local Environmental Plan (Consolidation) 1998 Clause 20G Building Height is not considered to be well founded.
3. Failure to satisfy Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy the Design Quality Principles contained within State Environmental Planning Policy 65 - Design Quality of Residential Flat Buildings.
4. Failure to satisfy Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy Clause 12 Zone No. 2C (Residential C Zone) of the Randwick Local Environmental Plan (Consolidation) 1998 in that the proposal is not considered to satisfy the objectives of the 2C Zone due to impacts on the streetscape and environmental amenity.
5. Failure to satisfy Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy Clause 20F Gross Floor Area of the Randwick Local Environmental Plan (Consolidation) 1998 in that the proposal fails to provide adequate deep soil landscaping and does not satisfy the purpose of the control due to impacts on the environmental amenity of adjoining sites.
6. Failure to satisfy Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy the Randwick Development Control Plan Multi-Unit Housing part 3.2 Height as the applicant has not adequately demonstrated that additional building height is compatible with the existing and desired future character of the site's context and will not result in visual bulk issues in relation to adjoining development or the streetscape.
7. Failure to satisfy Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy the Randwick Development Control Plan Multi-Unit Housing part 3.3 Setbacks as inadequate setback is provided from the northern side boundary and the proposed third level addition to the rear, which may result in visual bulk issues and a sense of enclosure in relation to adjoining development.
8. Failure to satisfy Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy the Randwick Development Control Plan Multi-Unit Housing part 3.4 Density as the applicant has not adequately demonstrated that additional building bulk is compatible with the existing and desired future character of the area and the additional building bulk will exacerbate impacts (overshadowing) on adjoining

development.

9. Failure to satisfy Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy the Randwick Development Control Plan Multi-Unit Housing part 4.3 View Sharing, as potential view loss has not been adequately qualified by the applicant and any potential impacts would arise from a development that is not considered to satisfy DCP objectives in relation to building height.
10. Failure to satisfy Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy the Randwick Development Control Plan Multi-Unit Housing part 4.4 Solar Access as the increase in building bulk is not considered to allow for reasonable levels of solar access to adjoining development to the south.
11. Failure to satisfy Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy the Randwick Development Control Plan Multi-Unit Housing part 5.2 Driveways and Manoeuvring areas as amendments to the driveway width and grades are required to ensure that safe and efficient access is provided to the basement parking areas.
12. The proposal does not satisfy Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979 in that the impacts of the proposed development on the streetscape and surrounding residents are considered to be unreasonable.
13. The proposal does not satisfy Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979 in that the proposed development is not considered to be in the public interest.

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

**CP14/12 Director City Planning Report - 27 Hannan Street, Maroubra
(DA/255/2010/A)**

76/12

RESOLUTION: (Andrews/Hughes)

- A. That Council as the consent authority, grants its consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Consent No. 255/2010 for amendments to the approved plans to alter approved internal layout, delete internal courtyard, alter north and south elevation window locations, retain the existing façade and parapet and amend the roof form, at No. 27 Hannan Street, Maroubra, in the following manner:

Amend Condition No. 1 to read:

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

Plan Number	Dated	Received	Prepared By
DA000(G)	16.06.2010	25 June 2010	ISA Designs
DA005(G)	16.06.2010	25 June 2010	
DA006(G)	16.06.2010	25 June 2010	
DA007(G)	16.06.2010	25 June 2010	
DA008(G)	16.06.2010	25 June 2010	
DA009(G)	16.06.2010	25 June 2010	
DA010(G)	16.06.2010	25 June 2010	

DA011(G)	16.06.2010	25 June 2010	
DA012(G)	16.06.2010	25 June 2010	
DA013(G)	16.06.2010	25 June 2010	
DA014(G)	16.06.2010	25 June 2010	
DA019(G)	16.06.2010	25 June 2010	

And where amended by the following plans, as approved and stamped under DA/255/2010/A;

Plan Number	Dated	Received	Prepared By
S96_007(C)	7.11.2011	18 November 2011	ISA Designs
S96_008(C)	7.11.2011	18 November 2011	
S96_009(C)	7.11.2011	18 November 2011	
S96_013(C)	7.11.2011	18 November 2011	
S96_014(D)	14.03.2012	15 March 2012	
S96_015(C)	7.11.2011	18 November 2011	

the application form and any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:

Add the following detail to Condition 4, reading:

4.a) The ground floor window to the north elevation shall be fixed and obscured, using either glass bricks or opaque/frosted glass (at the preference of the applicant), to a minimum height of 1500mm above finished floor level.

Amend Condition 17 to read;

17. 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.

An amended BASIX Certificate shall be prepared prior to the issue of an amended Construction Certificate, that incorporates the amendments shown on Plan 'S96_014(D)' received by Council on 15 March 2011.

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.

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

**CP15/12 Director City Planning Report - 135 Carrington Road, Coogee
(DA/885/2009/A)**

77/12

RESOLUTION: (Andrews/Hughes)

That Council, as the consent authority, grants its consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Consent No. 885/2009 for extension and reconfiguration of the lower ground floor to accommodate a 2-bedroom unit, increase in the trafficable areas within the eastern terrace on the ground floor level, installation of balcony on the western elevation of the second floor level, alterations to the floor layout, amendment to the dwelling mix to provide 6 x 2-bedroom units and 1 x 3-bedroom unit and associated design changes, at No. 135 Carrington Road, Coogee, in the following manner:

Amendment of Condition 1 to read as follows:

1. The development must be implemented substantially in accordance with the following plans (Job Number 799) and documents listed below:

Plan Number	Dated	Received	Drawn By
DA02(D)	15.02.12	17 Feb 2012	BMA Pty. Ltd.
DA03(E)	15.02.12		
DA04(E)	15.02.12		
DA05(E)	15.02.12		
DA06(E)	15.02.12		
DA07(E)	15.02.12		
DA08(C)	08.11.11		
DA09(E)	15.02.12		
DA10(E)	15.02.12		
DA11(D)	15.02.12		
1069 SP – No. 135 Sheets 1 to 4	3-11-11	11 Nov 2011	Eric Scerri

BASIX Cert. No.	Project Name	Dated	Received
403267M	135 Carrington Road	08 November 2011	11 Nov 2011
A126743	135 Carrington Road	08 November 2011	11 Nov 2011

the application form and any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:

Amendment of Condition 7 to read as follows:

7. The privacy screens on the northern and southern elevations of the east-facing balconies on the ground, first, second and attic levels, as well as the southern elevation of the west-facing balcony on the attic level, shall be constructed with 35mm wide fixed timber or metal slats, horizontally or vertically positioned, and spaced at a maximum of 15mm, or another appropriate design that effectively restricts cross viewing into No. 133 and No. 137 Carrington Road.

Details demonstrating compliance shall be incorporated in the Construction Certificate documentation to the satisfaction of the Council / Accredited Certifier.

Amendment of Condition 42 to read as follows:

42. Fire safety and building upgrading works are to be implemented in accordance with the **relevant** recommendations contained in the Building Code of Australia Compliance Assessment Report prepared by AE&D consultant, dated 19.10.2009, ref: 2353 REV 01, **to the proposed development as amended by any Section 96 modification.**

84. Fixed planter boxes of not less than 800mm in width shall be installed along the southern edge of the east-facing terrace on the ground floor level (attached to Unit 1), for a distance of not less than 5000mm as measured from the eastern edge of the terrace.

Details demonstrating compliance shall be incorporated in the Construction Certificate documentation to the satisfaction of the Council / Accredited Certifier.

Addition of Condition 85 to read as follows:

85. A 1600mm high privacy screen shall be installed along the full length of both the northern and southern elevations of the west-facing balcony attached to Unit 4 on the second floor level.

The screens shall be constructed with 35mm wide fixed timber or metal slats, horizontally or vertically positioned, and spaced at a maximum of 15mm, or another appropriate design that effectively restricts cross viewing to No. 133 and No. 137 Carrington Road.

Details demonstrating compliance shall be incorporated in the Construction Certificate documentation to the satisfaction of the Council / Accredited Certifier.

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

**CP16/12 Director City Planning Report - 45 Victoria Street, Malabar
(DA/666/2011)**

78/12

RESOLUTION: (Belleli/Hughes) this application be deferred to allow for mediation between the applicant and objectors and to allow for further onsite visits by any interested Councillors.

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

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Hughes	Councillor Bowen
Councillor Matson	Councillor Matthews
Councillor Nash	Councillor Smith
Councillor Procopiadis	Councillor Tracey
Councillor Seng	Councillor White
Councillor Stevenson	
Councillor Woodsmith	
Total (8)	Total (6)

**CP17/12 Director City Planning Report - 25A French Street, Maroubra
(DA/865/2011)**

79/12

RESOLUTION: (Tracey/White)

That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/865/2011 for ground and first floor alterations and additions to the existing dwelling and construction of pergola structure to the rear at

No. 25A French Street, Maroubra, subject to the following conditions:

DEVELOPMENT CONSENT CONDITIONS

GENERAL CONDITIONS

The development must be carried out in accordance with the following conditions of consent.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of environmental amenity.

Approved Plans & Supporting Documentation

1. The development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council's approved stamp, except where amended by Council in red and/or by other conditions of this consent:

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received</i>
1015 – 09 to 15 & 23 to 25 (Issue A)	ddc architects	04/11/2011	11 November 2011

<i>BASIX Certificate</i>	<i>No.</i>	<i>Dated</i>	<i>Received</i>
	A122331	4 November 2011	11 November 2011

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a. The front glazed awning structure including post must be setback at least 700mm from the south western side boundary to maintain reasonable levels of amenity to the streetscape and existing semi-detached dwelling.
 - b. The awning structures over the walk way along the south western side of the dwelling must be deleted as they will be predominate in the laneway and will detract from the overall character of the existing semi detached dwelling.

REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

The following conditions of consent must be complied with before a 'Construction Certificate' is issued by either Randwick City Council or an Accredited Certifier. All necessary information to demonstrate compliance with the following conditions of consent must be included in the documentation for the construction certificate.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent conditions and to achieve reasonable levels of environmental amenity.

Consent Requirements

3. The requirements and amendments detailed in the 'General Conditions' must be complied with and be included in the construction certificate plans and associated documentation.

External Colours, Materials & Finishes

4. a) The colours, materials and finishes of the external surfaces are to be compatible with the existing building and adjacent development to maintain the integrity and amenity of the building and the streetscape.

External materials, finishes and colours of the building are required to match, as closely as possible, the existing building and any metal roof sheeting is to be pre-painted (e.g. Colourbond) to limit the level of reflection and glare.

Section 94A Development Contributions

5. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, based on the development cost of \$115,000, the following applicable monetary levy must be paid to Council: \$575

The levy must be paid in cash, bank cheque or by credit card prior to a construction certificate [or subdivision 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.

Long Service Levy Payments

6. The required Long Service Levy payment, under the *Building and Construction Industry Long Service Payments Act 1986*, must be forwarded to the Long Service Levy Corporation or the Council, 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.

Protection of Street Tree

7. The applicant will be required to ensure retention of the mature *Hibiscus tiliaceus* 'Rubra' (Ruby Hibiscus) on Council's French Street verge in front of the site, and must ensure that:
- a. There will 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.
 - b. The applicant is not authorised to perform any works to this public tree, and shall contact Council's Landscape Development Officer on 9399-0613 should pruning or any similar such work appear necessary for access reasons or similar, with the applicant required to cover all associated costs with such work, to Council's satisfaction, prior to the issue of a Final Occupation Certificate.

REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE

The requirements contained in the following conditions of consent must be complied with and details of compliance must be included in the construction certificate for the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Councils development consent conditions and to achieve reasonable levels of environmental amenity.

Compliance with the Building Code of Australia

8. 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). Details of compliance with the BCA are to be included in the construction certificate application.

Structural Adequacy

9. 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*), certifying the structural adequacy of the existing structure to support the upper floor addition.

Smoke Alarms

10. Smoke alarms are required to be installed in accordance with the relevant provisions of the Building Code of Australia (volume 2) smoke alarms must comply with AS3786. Smoke alarms must be connected to the consumer mains electric power supply and provided with a battery back-up. Details of compliance are to be included in the construction certificate.

BASIX Requirements

11. In accordance with section 80A(11) of the *Environmental Planning & Assessment Act 1979* and clause 97A of the *Environmental Planning & Assessment Regulation 2000*, the requirements and commitments contained in the relevant BASIX Certificate must be complied with.

The required commitments listed and identified in the BASIX Certificate must be included on the construction certificate plans, specifications and associated documentation, 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.

Stormwater Drainage

12. A surface water/stormwater drainage system must be provided in accordance with the following requirements, to the satisfaction of the Certifying Authority and details are to be included in the construction certificate:-
- a) Surface water/stormwater drainage systems must be provided in accordance with the relevant requirements of the Building Code of Australia (Volume 2);
 - b) The surface water/stormwater must be drained and discharged to the street gutter or, subject to site suitability, the stormwater may be drained to a suitably designed absorption pit;
 - c) Any absorption pits or soaker wells should be located not less than 3m from any adjoining premises and the stormwater must not be directed to any adjoining premises or cause a nuisance;
 - d) 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;
 - e) Details of any proposed drainage systems or works to be carried out in the road, footpath or nature strip must be submitted to and approved by Council before commencing these works.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

The following conditions of consent must be complied with prior to the commencement of any works on the site. The necessary documentation and information must be provided to the Council or the *'Principal Certifying Authority'*, as applicable.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity.

Construction Certificate, Principal Certifying Authority & Commencement of Works

13. Prior to the commencement of any building works, the following requirements must be complied with:

- a) 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*.

A copy of the construction certificate, the approved development consent plans and 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.

- b) a *Principal Certifying Authority* (PCA) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and
- c) a *principal contractor* must be appointed for the building work, or in relation to residential building work, an *owner-builder* permit may be obtained in accordance with the requirements of the *Home Building Act 1989*, and the PCA and Council are to be notified accordingly; and
- d) the *principal contractor* must be advised of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*; and
- e) at least two days notice must be given to the Council, in writing, prior to commencing any 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*.

Home Building Act 1989

14. 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 Home Warranty Insurance or a copy of the Owner-Builder Permit (as applicable) must be provided to the Principal Certifying Authority and Council.

Dilapidation Reports

15. 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:

- 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,
- new dwellings or additions to dwellings sited up to shared property boundaries (e.g. additions to a semi-detached dwelling or terraced dwellings),
- 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 may be 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.

Construction Noise & Vibration Management Plan

16. 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 requirements of the *Protection of the Environment Operations Act 1997* and NSW DECC Guidelines 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 Management Plan*, prepared in accordance with the NSW DECC Construction Noise Guideline by a suitably qualified person, is to be implemented throughout the works. A copy of the strategy must be provided to the Principal Certifying Authority and Council prior to the commencement of works on site.

Temporary Site Fencing

17. Temporary site safety fencing must be provided 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 site 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.

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 any part of the footpath, nature strip or public place, a Local Approval application must be submitted to and approved by Council's Health, Building & Regulatory Services before placing any item or article on the road, footpath or nature strip.

Construction Site Management Plan

18. A *Construction Site Management Plan* must be developed and implemented prior to the commencement of any works. The construction 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;
- provisions for temporary stormwater drainage;
- construction noise and vibration management;
- construction traffic management details.

The site management measures must be implemented prior to the commencement of any site works and be maintained throughout the works, to the satisfaction of Council.

A copy of the Construction Site Management Plan must be provided to the Principal Certifying Authority and Council prior to commencing site works. A copy must also be maintained on site and be made available to Council officers upon request.

Demolition Work Plan

19. A Demolition Work Plan must be prepared for the development in accordance with Australian Standard AS2601-2001, Demolition of Structures and relevant environmental/occupational health and safety requirements.

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 (including asbestos)
- Other relevant details, measures and requirements to be implemented
- Details of re-use, recycling and disposal of waste demolition/building materials
- 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 also be provided to Council not less than 2 days before commencing those works.

Notes

- *It is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.*
- *Refer to the conditions within the "Requirements During Construction & Site Work", for further details and requirements relating to demolition work, removal of any asbestos and public safety.*

Sydney Water

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

Prior to the commencement of excavation or building works, the approved Construction Certificate plans must be submitted to a Sydney Water Quick Check agent or Customer Centre, 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 works.

Public Utilities

21. A *Public Utility Impact Assessment* must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.
22. The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.

REQUIREMENTS DURING CONSTRUCTION & SITE WORK

The following conditions of consent must be complied with during the demolition, excavation and construction of the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity during construction.

Inspections During Construction

23. The building works must be inspected by the *Principal Certifying Authority*, 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).

Site Signage

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

Restriction on Working Hours

25. Building, demolition and associated site works must be carried out in accordance with the following requirements:

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> • Monday to Friday - 7.00am to 5.00pm • Saturday - 8.00am to 5.00pm • Sunday & public holidays - No work permitted
Excavating of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like	<ul style="list-style-type: none"> • Monday to Friday - 8.00am to 5.00pm • Saturday - No work permitted • Sunday & public holidays - No work permitted

An application to vary the abovementioned hours may be submitted to Council's Manager Health, Building & Regulatory Services for consideration and approval to vary the specified hours may be granted in exceptional circumstances and for limited occasions (e.g. for public safety, traffic management or road safety reasons). Any applications are to be made on the standard application form and include payment of the relevant fees and supporting information. Applications must be made at least 10 days prior to the date of the proposed work and the prior written approval of Council must be obtained to vary the standard permitted working hours.

Demolition Work Requirements

26. The demolition of buildings 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 & Water and Randwick City Council policies, including:

- Occupational Health & Safety Act 2000 & Regulations
- WorkCover NSW Code of Practice for the Safe Removal of Asbestos
- WorkCover NSW Guidelines and 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 DECCW/EPA Guidelines

- Randwick City Council Asbestos Policy

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.

Removal of Asbestos Materials

27. 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
- 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. A copy of the relevant licence must be provided to the Principal Certifying Authority.
- 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*. Details of the landfill site (which must be lawfully able to receive asbestos materials) must be provided to the Principal Certifying Authority.
- A Clearance Certificate or Statement, prepared by a suitably qualified person (ie 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 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.

Sediment & Erosion Control

28. Sediment and erosion control measures, must be implemented throughout the site works in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to Council's satisfaction. Details are to be included in the *Construction Site Management Plan*.

Public Safety & Site Management

29. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:

- Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature

strip at any time.

- The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times. Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.
- 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.
- 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 department.
- Temporary safety fencing is to be provided to any swimming pools under construction, pending the completion of all building work and the pool must not be filled until a fencing inspection has been carried out and approved by the principal certifying authority.

Support of Adjoining Land, Excavations & Retaining Walls

30. 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.
31. All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations must 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.

Details of proposed retaining walls, shoring or piling are to be submitted to and approved by the Principal Certifying Authority for the development prior to commencing such excavations or works.

32. Prior to undertaking any demolition, excavation or building work in the following circumstances, a report must be obtained from a *professional engineer* which details the methods of support for the dwelling or associated structure on the adjoining land, to the satisfaction of the *Principal Certifying Authority*:
- when undertaking excavation or building work within the zone of influence of the footings of a dwelling or associated structure that is located on the adjoining land;
 - when undertaking demolition work to a wall of a dwelling that is built to a common or shared boundary (eg. semi-detached or terrace dwelling);
 - when constructing a wall to a dwelling or associated structure that is located within 900mm of a dwelling located on the adjoining land.

The demolition, excavation and building work and the provision of support to the dwelling or associated structure on the adjoining land, must also be carried out in accordance with the abovementioned report, to the satisfaction of the *Principal Certifying Authority*.

Building Encroachments

33. There must be no encroachment of any structures or building work onto Council's road reserve, footway, nature strip or public place.

Road/Asset Opening Permit

34. A *Road/Asset Opening Permit* must be obtained from Council prior to commencing any excavations or works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the *Road / Asset Opening Permit* must be complied with.

For further information, please contact Council's Road / Asset Opening Officer on 9399 0691 or 9399 0999.

Tree Management

35. Approval is granted for removal of the following trees:
- a. The *Agonis flexuosa* (Willow Myrtle) growing in the western side setback, as has been shown on the Proposed Site Plan, as its location only 1.2m from the western wall alignment of the dwelling means it is exempt, in accordance with clause 4.b.vii of Council's Tree Preservation Order (TPO);
 - b. Despite the Proposed Site Plan appearing to show that the *Eucalyptus cinerea* (Argyle Apple), just south of the tree described in point 'a' above, against the western edge of the existing 'lean-to' will be retained, the site inspection confirmed that this tree is considered **dangerous due to the acute lean of its trunk to the northwest, directly towards/over the dwelling, and should be removed in the interests of protecting person and property.**

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions of consent must be complied with prior to the *Principal Certifying Authority* issuing an *Occupation Certificate*.

Note: For the purpose of this consent, any reference to 'occupation certificate' shall also be taken to mean 'interim occupation certificate' unless otherwise stated.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent and to maintain reasonable levels of public health, safety and amenity.

Occupation Certificate Requirements

36. 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 relevant requirements of the *Environmental Planning & Assessment Act 1979* and conditions of development consent must be satisfied prior to the issuing of an

occupation certificate.

BASIX Requirements

37. 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.

Occupant Safety

38. Openable windows to a room, corridor, stairway or the like with a floor level more than 4m above the external ground/surface level, must be designed and constructed to reduce the likelihood of a child accessing and falling through the window opening.

Options may include one or more of the following measures:

- The window having a minimum sill height of 1.5m above the internal floor level,
- Providing a window locking device at least 1.5m above the internal floor level,
- Fixing or securing the window (e.g. by screws or a window locking device) to restrict or to be able to secure the extent of the opening to a maximum width of 125mm,
- Installing a fixed heavy-duty gauge metal screen over the opening (e.g. A metal security screen or metal security mesh and frame system, but not standard fly-screen material),
- Other appropriate effective safety measures or barrier.

The relevant measures must be implemented prior to the issue of an occupation certificate.

Council's Infrastructure, Vehicular Crossings, street verge

39. 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.

40. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:

- a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
- b) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a Pre-paid Works Application Form, prior to issuing an occupation certificate, together with payment of the relevant fees.
- c) If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council's design

details and payment of a Council design and supervision fee.

- d) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.
41. 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 completed at the applicant's expense prior to the issue of a final Occupation Certificate.

OPERATIONAL CONDITIONS

The following operational conditions must be complied with at all times, throughout the use and operation of the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent and to maintain reasonable levels of public health and environmental amenity.

Use of premises

42. The premises must only be used as a single residential dwelling and must not be used for dual or multi-occupancy purposes.

External Lighting

43. External lighting to the premises must be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, or other relevant legislation and Council's policies. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

- A1 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 requirements is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million. Alternatively, Council may issue a penalty infringement notice (for up to \$1,500) for each offence. Council may also issue notices and orders to demolish unauthorised or non-complying building work, or to comply with the requirements of Council's development consent.

- A2 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.

- A3 This determination does not include an assessment of the proposed works

under the Building Code of Australia (BCA) and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards and you are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.

A4 Council's *Building Approvals & Certification team* can issue Construction Certificates and be your Principal Certifying Authority for the development, to undertake inspections and ensure compliance with the development consent, relevant building regulations and standards of construction. For further details contact Council's *Building Approvals & Certification team* on 9399 0944.

A5 A Local Approval application must be submitted to and be approved by Council's Building Approvals & Certification team 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 or any other container or article.

For further information please contact Council's Building Approvals & Certification team on 9399 0944.

A6 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.

A7 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.

A8 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:

- the consent of the owners of such adjoining or supported land to trespass or encroach, or
- an access order under the *Access to Neighbouring Land Act 2000*, or
- an easement under section 88K of the *Conveyancing Act 1919*, or
- an easement under section 40 of the *Land & Environment Court Act 1979*, as appropriate.

Section 177 of the *Conveyancing Act 1919* creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).

A9 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.

A10 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.

- A11 Further information and details on Council's requirements for trees on development sites can be obtained from the recently adopted Tree Technical Manual, which can be downloaded from Council's website at the following link, <http://www.randwick.nsw.gov.au/> - Looking after our environment – Trees – Tree Management Technical Manual; which aims to achieve consistency of approach and compliance with appropriate standards and best practice guidelines.

MOTION: (Andrews/Matthews) that this application be deferred to the next available meeting to allow one of the objectors to address Council on this matter.
LOST.

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

FOR	AGAINST
Councillor Andrews	Councillor Belleli
Councillor Hughes	Councillor Bowen
Councillor Matson	Councillor Procopiadis
Councillor Matthews	Councillor Smith
Councillor Nash	Councillor Stevenson
Councillor Seng	Councillor Tracey
	Councillor White
	Councillor Woodsmith
Total (6)	Total (8)

MOTION: (Andrews/Matthews) that development consent be granted, subject to the addition of a 1.6 metre privacy screen for the pergola at the north east corner of the site.

AMENDMENT: (Tracey/White) that development consent be granted as per the Director City Planning's report. **CARRIED AND BECAME THE MOTION.**

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Bowen	Councillor Matthews
Councillor Hughes	Councillor Seng
Councillor Matson	Councillor Woodsmith
Councillor Nash	
Councillor Procopiadis	
Councillor Smith	
Councillor Stevenson	
Councillor Tracey	
Councillor White	
Total (10)	Total (4)

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

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews

Councillor Bowen
 Councillor Hughes
 Councillor Matson
 Councillor Nash
 Councillor Procopiadis
 Councillor Seng
 Councillor Smith
 Councillor Stevenson
 Councillor Tracey
 Councillor White

Councillor Matthews
 Councillor Woodsmith

Total (11)

Total (4)

**CP18/12 Director City Planning Report - 133 Carrington Road, Coogee
 (DA/884/2009/A)**

80/12

RESOLUTION: (Andrews/Hughes)

That Council, as the consent authority, grants its consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Consent No. 884/2009 for extension and reconfiguration of the lower ground floor to accommodate a 2-bedroom unit, increase in the trafficable areas within the eastern terrace on the ground floor level, installation of balcony on the western elevation of the second floor level, alterations to the floor layout, amendment to the dwelling mix to provide 6 x 2-bedroom units and 1 x 3-bedroom unit and associated design changes, at No. 133 Carrington Road, Coogee, in the following manner:

Amendment of Condition 1 to read as follows:

1. The development must be implemented substantially in accordance with the following plans (Job Number 799) and documents listed below:

Plan Number	Dated	Received	Drawn By
DA02(D)	15.02.12	17 Feb 2012	BMA Pty. Ltd.
DA03(E)	10.02.12		
DA04(E)	10.02.12		
DA05(E)	10.02.12		
DA06(E)	10.02.12		
DA07(E)	10.02.12		
DA08(C)	08.11.11		
DA09(E)	10.02.12		
DA10(E)	10.02.12		
DA11(D)	10.02.12		
1069 SP – No. 133 Sheets 1 to 4	Undated	11 Nov 2011	Eric Scerri

BASIX Cert. No.	Project Name	Dated	Received
A126741	133 Carrington Road	08 November 2011	11 Nov 2011
403260M	133 Carrington Road	08 November 2011	11 Nov 2011

the application form and any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:

Amendment of Condition 7 to read as follows:

7. The privacy screens on the northern and southern elevations of the east-

northern elevation of the west-facing balcony on the attic level, shall be constructed with 35mm wide fixed timber or metal slats, horizontally or vertically positioned, and spaced at a maximum of 15mm, or another appropriate design that effectively restricts cross viewing into No. 131 and No. 135 Carrington Road.

Details demonstrating compliance shall be incorporated in the Construction Certificate documentation to the satisfaction of the Council / Accredited Certifier.

Amendment of Condition 41 to read as follows:

41. Fire safety and building upgrading works are to be implemented in accordance with the *relevant* recommendations contained in the Building Code of Australia Compliance Assessment Report prepared by AE&D consultant, dated 19.10.2009, ref: 2353 REV 01, **to the proposed development as amended by any Section 96 modification.**

Addition of Condition 81 to read as follows:

81. Fixed planter boxes of not less than 800mm in width shall be installed along the northern edge of the east-facing terrace on the ground floor level (attached to Unit 1), for a distance of not less than 5000mm as measured from the eastern edge of the terrace.

Details demonstrating compliance shall be incorporated in the Construction Certificate documentation to the satisfaction of the Council / Accredited Certifier.

Addition of Condition 82 to read as follows:

82. A 1600mm high privacy screen shall be installed along the full length of both the northern and southern elevations of the west-facing balcony attached to Unit 4 on the second floor level.

The screens shall be constructed with 35mm wide fixed timber or metal slats, horizontally or vertically positioned, and spaced at a maximum of 15mm, or another appropriate design that effectively restricts cross viewing to No. 131 and No. 135 Carrington Road.

Details demonstrating compliance shall be incorporated in the Construction Certificate documentation to the satisfaction of the Council / Accredited Certifier.

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

CP19/12 Director City Planning Report - Reporting Variation to Development Standard under State Environment Planning Policy No. 1 (SEPP 1) for the Month of 1 to 29 February 2012 (F2008/00122)

81/12 **RESOLUTION: (Andrews/Hughes)** that the report be received and noted.

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

CP20/12 Director City Planning Report - Cultural and Community Grants Program - March 2012 - Recommended Allocations (F2009/00182)

82/12 **RESOLUTION: (Woodsmith/Andrews)** that Council approve Cultural and Community Program funds totalling \$43,848.50 to be allocated to the recommended grant applicants listed in Attachment One to the report.

MOTION: (Woodsmith/Andrews) CARRIED UNANIMOUSLY – SEE RESOLUTION.

CP21/12 Director City Planning Report - Randwick City Council's Support and Service for Young People (F2004/06290)

83/12 **RESOLUTION: (Andrews/Smith)** that Council notes the information contained in the report and invites the Randwick Youth Council to attend a Council meeting.

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

General Manager's Reports

GM9/12 General Manager's Report - Rules and Procedures of Precincts and Precinct Funding (F2005/00487)

84/12 **RESOLUTION: (Tracey/Procopiadis)** that:

- a) Council endorse the proposed changes to the Precinct Rules and Procedures.
- b) Council approve an increase in funding for Precincts from \$300.00 to \$400.00 per year.

MOTION: (Tracey/Procopiadis) CARRIED - SEE RESOLUTION.

Note: Cr Matthews requested that his name be recorded as voting against the above resolution.

Director City Services Reports

CS6/12 Director City Services Report - Additional Alcohol Free Zones (AFZs) - Randwick and Maroubra Junction (PROJ/10628/2011)

Note: Having previously declared an interest, Cr Smith left the chamber and took no part in the debate or voting on this matter.

85/12 **RESOLUTION: (Woodsmith/Andrews)** that:

1. the Alcohol Free Zones be extended to include:
 - a) Maroubra Junction - Maroubra Road - from Walsh Avenue to Bunnerong Road, both sides of road and footpath;
 - b) Randwick - Alison Road between Avoca Street and Belmore Road, both sides of road and footpath;
 - c) Randwick - Belmore Road – Waratah Avenue to Alison Road, both sides of road and footpath;
2. these new additional Alcohol Free Zone areas expire on 8 November 2015 to keep consistent with the expiry date for all other AFZs in the City of Randwick;
3. the police, Anti-Discrimination Board of NSW and the submission authors be notified of these new Alcohol Free Zones; and
4. for any police issues in these designated areas concerning homeless people, Council rangers are notified to see if they can deal with such issues through the Council protocol for dealing with homeless people.

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

Director Governance & Financial Services Reports

GF13/12 Director Governance & Financial Services Report - Investment Report - February 2012 (F2004/06527)

86/12 **RESOLUTION: (Andrews/Matson)** that the investment report for February 2012 be received and noted.

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

Petitions

- (a) Cr Matthews tabled a petition from local residents objecting to a proposed childcare centre at 36 Burke Street, Chifley.

Motion Pursuant to Notice

NM11/12 Motion Pursuant to Notice from Cr Andrews - Proposed Pedestrian Crossing at Fitzgerald Avenue. (F2005/00825)

87/12 **RESOLUTION: (Andrews/Hughes)** that:

- a) Council investigate the installation of a pedestrian crossing on Fitzgerald Avenue, Maroubra (between the intersections of Robey and Paine Street) to improve pedestrian access to Heffron Park; and
- b) this matter be referred to the Randwick Traffic Committee for consideration and a report be brought back to Council.

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

NM12/12 Motion Pursuant to Notice by Cr Stevenson - Establishment of Men Sheds (F2012/00116)

88/12 **RESOLUTION: (Stevenson/Bowen)** that Council investigate and prepare a report on encouraging the establishment of men's sheds within the Council area.

The report to address:

1. Locations for sheds in existing Council buildings or on public land;
2. Possibility of partnering with neighbouring Councils;
3. A process for communicating and encouraging the formation of sheds by interested residents; and
4. Grant funding available from the Federal Government.

MOTION: (Stevenson/Bowen) CARRIED - SEE RESOLUTION.

Note: Cr Matthews requested that his name be recorded as being opposed to the resolution.

Note: Cr White left the chamber at this point in the meeting, the time being 9.18pm.

NM13/12 Motion Pursuant to Notice from Cr Stevenson - Proposed Community Transport Schemes (F2008/00533)

MOTION: (Stevenson/Tracey) that Council prepare a report on the viability and costs of providing a community transport scheme for residents incorporating: -

1. Free bus services operating within the Council area between 10am and 3pm linking community centres, libraries, shopping centres and share car locations;
2. An inexpensive Council taxi service for operating within the Council area between 10am and 3pm for a fixed charge available to elderly or disabled residents who book the day before travelling; and

The above to be funded from the environmental levy and corporate sponsorships from local shopping centres and car share operators. **LOST.**

AMENDMENT: (Matson/Belleli) that Council prepare a report on the viability and costs of providing a community transport scheme for residents incorporating: -

1. cost neutral bus services operating within the Council area between 10am and 3pm linking community centres, libraries, shopping centres and share car locations;
2. a cost neutral Council taxi service for operating within the Council area between 10am and 3pm for a fixed charge available to elderly or disabled residents who book the day before travelling; and

The above to be partially funded from corporate sponsorships from local shopping centres and car share operators. **LOST.**

NM14/12 Motion Pursuant to Notice from Cr Bowen - Technology Training for Seniors Program (F2007/00022)

89/12

RESOLUTION: (Bowen/Matson) that in addition to the Broadband for Seniors Kiosk program currently operated by Council Libraries, Council resolves to:

- a) continue to promote practical training sessions for our senior residents in the use of mobile and smart phones, information technology and social media with such sessions to be held at Council libraries at no charge to senior residents; and
- b) seek funding for such training sessions through the next round of grants available from the Telstra Connected Seniors Program.

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

NM15/12 Motion Pursuant to Notice by Cr Matson - State of Climate Report: "More Ambitious Action Needed" (F2006/00507)

MOTION: (Matson/Hughes) that Council responds to the update of climate science in the State of the Climate report released on the 14th March 2012 by the CSIRO and Bureau of Meteorology by:

- (a) noting the warnings of highly variable rainfall across the country and rapidly rising sea levels that occurred from 1993 to 2009;
- (b) now reviewing via a Council report the likely impact on residents and Council's own continued ability to provide services to those residents; and
- (c) declaring support for the Federal Government's initiatives in creating a price on carbon via the carbon tax legislation. **LOST.**

Councillors Matson and Hughes called for a **DIVISION**.

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

FOR	AGAINST
Councillor Bowen	Councillor Andrews
Councillor Hughes	Councillor Belleli
Councillor Matson	Councillor Matthews
Councillor Stevenson	Councillor Nash
Councillor Tracey	Councillor Procopiadis
Councillor Woodsmith	Councillor Seng
	Councillor Smith
Total (6)	Total (7)

NM16/12 Motion Pursuant to Notice by Cr Matson - "Interim Bridging Policies to Bring Council's Current DCP's into Alignment with the Draft Comprehensive LEP". (F2007/00569)

90/12

RESOLUTION: (Matson/Smith) that:-

- (a) Council make use of the recently exhibited discussion papers and public responses to prepare the draft comprehensive DCP and that, if required, any relevant sections of the draft DCP should be adopted as interim policies to accompany any adopted draft comprehensive LEP until the draft comprehensive DCP is also completed.
- (b) the NSW Department of Planning be urged to review the LEP template Statewide to include a residential wall height limit as part of the planning review the State Government is undertaking.

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

Note: Cr Matthews requested that his name be recorded as opposed to the resolution.

NM17/12 Motion Pursuant to Notice by Cr Matson - "Call on Local Liberal MP's to Oppose Centennial, Moore and Queens Park 99 Year Leases." (F2005/00501)

MOTION: (Matson/Bowen) that Council calls:

- a) on the State Government to protect Centennial Park, Moore Park and Queens Park as public open space and not to allow any part to be leased to a private interest for any period greater than the existing 20 year limit;
- b) on the NSW government to provide adequate funding to The Centennial Park and Moore Park Trust so that it is not required to go to private developers to maintain its parks;
- c) on the local federal member Malcolm Turnbull to confirm his commitment to oppose the alienation of "even 1m2 of the park"; and
- d) on local State member for Coogee Bruce Notley-Smith to remember his own pre-election stance opposing alienation of park land and to now support Council in its present position. **LOST.**

NM18/12 Motion Pursuant to Notice by Cr Matson - "Demolition of Structures on the Chinese Market Gardens Site". (F2004/07905)

This motion was withdrawn with the consent of Council.

Notice of Rescission Motions

NR2/12 Notice of Rescission Motion from Crs Matson, Hughes and Woodsmith - 102-104 Brook Street, Coogee (DA/291/2009) (DA/291/2009)

Note: Having previously declared an interest, Crs Bowen and Smith left the chamber and took no part in the debate or voting on this matter.

MOTION: (Matson/Woodsmith) that the resolution passed at the Ordinary Council meeting held on Tuesday 28 February 2012 reading as follows:

'RESOLUTION: (Andrews/Matthews) that Council, as the consent authority, reviews Condition (4) of development consent DA/291/2009, with Condition (4) to now read:

- (4) *The operating hours of the outdoor terrace (southern section) must be restricted to:*

Monday to Sunday 11:00am to 9:00pm.'

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

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

FOR	AGAINST
Councillor Hughes	Councillor Andrews
Councillor Matson	Councillor Belleli
Councillor Tracey	Councillor Matthews
Councillor Woodsmith	Councillor Nash
	Councillor Procopiadis
	Councillor Seng
	Councillor Stevenson
	Councillor White
Total (4)	Total (8)

NR3/12 Notice of Rescission Motion from Crs Andrews, Stevenson, Seng and Matthews - 7 Boomerang Street, Maroubra (DA/848/2011) (DA/848/2011)

91/12

RESOLUTION: (Andrews/Matthews) that the resolution passed at the Planning Committee meeting held on Tuesday 13 March 2012 reading as follows:

'RESOLUTION: (Woodsmith/Matson) that Council, as the consent authority, refuse development consent under Section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. DA/848/2011 to construct an elevated secondary dwelling over existing laundry to rear of existing dwelling and alterations to an addition of new windows to existing dwelling at 7 Boomerang Street, Maroubra, for the following reasons:

1. The proposed development is inconsistent with the objectives of the 2A Residential Zones in that it will compromise the amenity of surrounding residential areas, is not compatible with the dominant character of existing development and will not maintain the character of established residential areas.
2. The proposed development by virtue of it's excessive height and siting will have adverse solar access impacts in close proximity to the rear yards of the neighbouring properties.
3. The proposed development is excessive in bulk and scale and is incompatible with the size and scale of existing secondary buildings in the locality.
4. The proposal in its current form is not within the public interest having regard to the submissions received and does not satisfy Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.'

BE AND IS HEREBY RESCINDED.

MOTION: (Andrews/Matthews) CARRIED ON THE CASTING VOTE OF THE MAYOR - SEE RESOLUTION.

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

FOR	AGAINST
Councillor Andrews	Councillor Bowen
Councillor Belleli	Councillor Hughes
Councillor Matthews	Councillor Matson
Councillor Nash	Councillor Procopiadis
Councillor Seng	Councillor Smith
Councillor Stevenson	Councillor Tracey
Councillor White	Councillor Woodsmith
Total (7)	Total (7)

92/12

RESOLUTION: (Andrews/Matthews) that the matter be deferred for mediation and amended plans to be lodged, if required.

MOTION: (Andrews/Matthews) CARRIED ON THE CASTING VOTE OF THE MAYOR - SEE RESOLUTION.

FOR	AGAINST
Councillor Andrews	Councillor Bowen
Councillor Belleli	Councillor Hughes
Councillor Matthews	Councillor Matson
Councillor Nash	Councillor Procopiadis
Councillor Seng	Councillor Smith
Councillor Stevenson	Councillor Tracey
Councillor White	Councillor Woodsmith
Total (7)	Total (7)

There being no further business, His Worship the Mayor, Cr S Nash, declared the meeting closed at 10.31pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 24 April 2012.

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CHAIRPERSON