

**MINUTES OF ORDINARY COUNCIL MEETING OF THE
COUNCIL OF THE CITY OF RANDWICK HELD ON
TUESDAY, 27 JULY 2010 AT 6:08PM.**

Present:

The Mayor, Councillor J Procopiadis (Chairperson) (West Ward)

Councillor R Belleli (Deputy Chairperson) (South Ward)

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

Officers Present:

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoples
Director City Planning	Ms S Truuvert
Director Governance & Financial Services	Mr G Banting
Manager Administrative Services	Mr D Kelly
Manager Development Assessment	Mr K Kyriacou
Communications Manager	Ms D Brien
Manager Strategic Planning	Ms K Armstrong

Prayer & Acknowledgement of Local Indigenous People

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

Apologies/Granting of Leave of Absences

Nil.

Confirmation of the Minutes

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY 22 JUNE 2010**

592/10

RESOLUTION: (Belleli/Andrews) that the Minutes of the Ordinary Council Meeting held on Tuesday 22 June 2010 (copies of which were circulated to all Councillors) be

and are hereby confirmed as a correct record of the proceedings of that meeting.

Declarations of Pecuniary and Non-Pecuniary Interests

- (a) Cr Matthews declared a non significant non pecuniary interest in Item CP55/10 as he knows the applicant.
- (b) Crs Belleli, Nash, Notley-Smith, Seng and Smith declared a significant non pecuniary interest in Item GM35/10 as the local and State branches of the Liberal Party have had campaign functions at 'the stables.' The Liberal Party Councillors indicated that they would not take part in the debate or the vote on the matter.
- (c) Cr Smith declared a significant non pecuniary interest in Item CP62/10 as employer has a business relationship with the applicant. Cr Smith did not take any part in the debate or voting on the matter.
- (d) Cr Stevenson declared a significant non pecuniary interest in Items CS13/10 and CS15/10 as one of the tenderers in each matter is a past client of his.
- (e) Cr Matson declared a non significant non pecuniary interest in Item GM35/10 as his daughter attends a school in close proximity to the subject site.
- (f) Cr Andrews declared a significant non pecuniary interest in Item CS12/10 and he knows one of the tenderers.
- (g) The Mayor declared a non significant non pecuniary interest in Item GM28/10 as he attended this school.
- (h) Cr Notley-Smith declared a non significant non pecuniary interest in Item GM28/10 as he attended this school.
- (i) Cr White declared a non significant non pecuniary interest in Item MM24/10 as he knows the artist in question.
- (j) Cr Matthews declared a non significant non pecuniary interest in Item MM24/10 as he knows the artist in question.
- (k) Cr Andrews declared a non significant non pecuniary interest in Item MM24/10 as he knows the artist in question.
- (l) Cr Bowen declared a non significant non pecuniary interest in Item MM26/10 as he knows a member of the board of the Rugby Club.

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:

CP56/10 355 MAROUBRA ROAD, MAROUBRA

Against David Pyett

For Nick Juradowitch

GM35/10 NEWMARKET, YOUNG STREET, RANDWICK - PLANNING PROPOSAL - DEFERRED REPORT

For Steve Moore - Elton Consulting

CP62/10 379-401 CLOVELLY ROAD, CLOVELLY

For Michael Baker

Mayoral Minutes**MM24/10 Mayoral Minute - Funding Request - Art Exhibition of Mr Tony Rafty's Drawings (Caricatures) at the Prince Henry Centre (F2008/00407)**

593/10 **RESOLUTION: (Mayor, Cr J Procopiadis)** that:

- a) Council vote \$11,995.00 to cover the costs associated with the event and that funds be allocated from the 2010-11 Contingency Fund;
- b) Council staff to negotiate with Mr Rafty or his representative to consent to the loan of a number of framed caricatures, after this exhibition, for display in Council library or similar Council owned premises, for an agreed time frame;
- c) funding to be contingent upon Mr Rafty agreeing to sign a declaration that the Council will not be held liable for the theft or damage of artwork incurred during the transportation of artworks between his home and the exhibition venue; and
- d) the Mayor or the Mayor's representative shall be given the opportunity to address the event on behalf of Council.

MOTION: (Mayor, Cr J Procopiadis) CARRIED - SEE RESOLUTION.

MM25/10 Mayoral Minute - Waiving of Fees - Banner for Brigidine College, Randwick (F2010/00096)

594/10 **RESOLUTION: (Mayor, Cr J Procopiadis)** that:

- a) the fees associated with the installation and dismantling of two banners and the hire of Council's banner poles for Brigidine College Randwick (intersection of Anzac Parade and Beauchamp Road, Maroubra and Anzac Parade and Bunnerong Road, Kingsford), be waived and \$3,753.00 be allocated from the 2010-11 Contingency Fund; and
- b) the organisers undertakes to appropriately and prominently acknowledge and promote Council's contribution prior to and during the Open Day.

MOTION: (Mayor, Cr J Procopiadis) CARRIED - SEE RESOLUTION.

MM26/10 Mayoral Minute - Randwick Rugby Foundation - Invitation to Attend Randwick Rugby Hall of Fame Event (F2004/07396)

595/10 **RESOLUTION: (Mayor, Cr J Procopiadis)** that Council support the Randwick Rugby Club by making a donation to the Randwick Rugby Foundation in the form of booking a table at the Randwick Rugby Hall of Fame Team Induction Lunch 2010, to be funded from the 2010-11 Contingency Fund.

MOTION: (Mayor, Cr J Procopiadis) CARRIED - SEE RESOLUTION.

Note: Crs Matson and Woodsmith requested that their names be recorded as opposed to the resolution.

MM27/10 Mayoral Minute - Australia Day Botany Bay Regatta Committee - Request for Randwick Council to Host Presentation Function (F2010/08174)

596/10 **RESOLUTION: (Mayor, Cr J Procopiadis)** that Council agrees to host the next presentation function for the Australia Day Botany Bay Regatta Committee in March 2011, such funds to come from the 2010-11 Contingency Fund budget.

MOTION: (Mayor, Cr J Procopiadis) CARRIED - SEE RESOLUTION.

MM28/10 Mayoral Minute - Centre for Excellence in Indigenous Sports - Chifley Sports Reserve (F2009/00086)

597/10 **RESOLUTION: (Mayor, Cr J Procopiadis)** that the General Manager seeks support from the sporting groups listed to set up the "Centre for Excellence in Indigenous Sport" at the Chifley Sports Reserve.

MOTION: (Mayor, Cr J Procopiadis) CARRIED - SEE RESOLUTION.

MM29/10 Mayoral Minute - Supported Living Network 12 Hour Cycle Challenge (F2010/00096)

598/10 **RESOLUTION: (Mayor, Cr J Procopiadis)** that:

- a) Council vote \$3,853.00 to cover the fees associated for the Supported Living Network event at the Heffron Park cycle track and funds be charged to the 2010-11 Contingency Fund;
- b) the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and
- c) the Mayor or his representative be given the opportunity to address the event on behalf of Council.

MOTION: (Mayor, Cr J Procopiadis) CARRIED - SEE RESOLUTION.

MM30/10 Mayoral Minute - Sister City Relationship with Narrabri Shire Council (F2005/00294)

599/10 **RESOLUTION: (Mayor, Cr J Procopiadis)** that Randwick City Council agree to enter into a sister city relationship with Narrabri Shire Council and that the Mayor be authorised to sign a Charter between the Councils and to meet with representatives of Narrabri Shire Council to explore appropriate interactions.

MOTION: (Mayor, Cr J Procopiadis) CARRIED - SEE RESOLUTION.

MM31/10 Mayoral Minute - Strengthening of Partnership Between Randwick City Council and Local High Schools (F2004/07708)

600/10 **RESOLUTION: (Mayor, Cr J Procopiadis)** that Council endorse the formation of this partnership between Randwick City Council and our local High Schools and hold two meetings per year to discuss and address all pertinent matters affecting the youth in our schools.

MOTION: (Mayor, Cr J Procopiadis) CARRIED - SEE RESOLUTION.

MM32/10 Mayoral Minute - The Prince Henry Hospital Trained Nurses' Association - Request for Use of Prince Henry Centre (F2004/06540)

601/10 **RESOLUTION: (Mayor, Cr J Procopiadis)** that the request received from the Prince Henry Hospital Trained Nurses' Association for Council to assist in the conduct of their annual reunion by waiving the fees for the hire of the Prince Henry Centre on Saturday 30 October 2010 (totalling \$1,495.00) be granted, such funds to come from the 2010-11 Contingency Fund budget.

MOTION: (Mayor, Cr J Procopiadis) CARRIED - SEE RESOLUTION.

MM33/10 Mayoral Minute - Randwick's University-Hospital Precinct: MOU on Rail Public Transport Infrastructure (F2008/00640)

602/10 **RESOLUTION: (Mayor, Cr J Procopiadis)** that Council endorse, as a priority, preparation of a Memorandum of Understanding (MOU) between the Council and key institutions and trip generators in the University-Hospital Precinct, that outlines a formal working relationship and program of joint activities to promote the planning, commitment and delivery of rail transport infrastructure to the Precinct and Randwick City.

MOTION: (Mayor, Cr J Procopiadis) CARRIED - SEE RESOLUTION.

MM34/10 Mayoral Minute - Donation - National Servicemen's Association of Australia (Eastern Suburbs Sub-Branch) (F2010/06574)

603/10 **RESOLUTION: (Mayor, Cr J Procopiadis)** that Council donate \$500.00 to the Eastern Suburbs Sub-Branch of the National Servicemen's Association of Australia to assist with funding of a day trip to Canberra to visit the new National Service Memorial being erected in honour of young National Servicemen and that the contribution be funded from the 2010-11 Contingency Fund.

MOTION: (Mayor, Cr J Procopiadis) CARRIED - SEE RESOLUTION.

MM35/10 Mayoral Minute - Keith Stewart Painting (F2004/06272)

604/10 **RESOLUTION: (Mayor, Cr J Procopiadis)** that Mr Stewart be offered \$350.00 as a token gesture of thanks for the aboriginal art work, which was presented to Councillors at the recent NAIDOC Week celebrations and that this be funded from the 2010-11 Contingency Fund.

MOTION: (Mayor, Cr J Procopiadis) CARRIED - SEE RESOLUTION.

Urgent Business

Nil.

Director City Planning Reports

CP55/10 Director City Planning Report - 8 Davidson Crescent, Maroubra (DA/183/2010)

605/10 **RESOLUTION: (Tracey/Woodsmith)** that this matter be deferred for two months at the request of applicant.

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

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

**CP56/10 Director City Planning Report - 355 Maroubra Road, Maroubra
(DA/158/2010)**

606/10

RESOLUTION: (White/Andrews)

- A. That Council support the objection under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with Clauses 20F and 20G of the Randwick Local Environmental Plan 1998 (as amended), relating to maximum floor space ratio and maximum wall and building height, on the grounds that the proposed development is consistent with the relevant objectives of the clauses and will not adversely affect the amenity of the surrounding locality and that the Department of Planning be advised accordingly.

AND

- B. That Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No D/158/2010 for the alterations & additions to an existing dual occupancy including an additional storey, and construction of new garages fronting Nicol Lane with studio's above at 355 Maroubra Road, Maroubra, subject to the following conditions:-
1. The development must be implemented substantially in accordance with the plans numbered DA 100, DA 101, DA 102, DA 200, DA 201, and DA 300, all Revision A, dated March 2010, and stamped received by Council on 12 March 2010, and the application form, and on any supporting information received with the application, except as may be amended by the details/amendments approved pursuant to the deferred commencement conditions and by the following conditions and as may be shown in red on the attached plans:

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

2. The colours, materials and finishes of the external surfaces to the proposed development are to be compatible with adjacent developments to maintain the integrity and amenity of the building and the streetscape. Specifically, the use of natural materials rather than the proposed predominantly painted surface shall be provided.

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

3. Details of the following amendments shall be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the *Environmental Planning and Assessment Act 1979* prior to a construction certificate being issued for the development:
 - Installation of privacy screens along the whole northern edge of the balcony linked to the master bedroom on the third/uppermost floor. Privacy screens shall be a maximum height of 1.6m measured from the floor level of the balcony and shall be constructed and articulated in a suitable natural material to improve the aesthetic quality of the screen wall and minimise any visual bulk and scale.
 - Reduction in the length of the balcony linked to the master bedroom on the third/uppermost floor to a maximum 3m measured from the east-facing

- wall of the proposed upper floor master bedroom.
- Installation of privacy screens along the whole northern edge of the balconies linked to the living rooms of the proposed dwelling units on the first and second floors. Privacy screens shall be a maximum height of 1.6m measured from the floor level of the balcony and shall be constructed and articulated in a suitable natural material to improve the aesthetic quality of the screen wall and minimise any visual bulk and scale.
 - Installation of solid opening panels with opening angles restricted to 30 degrees on all south-facing kitchen/dining room windows of the proposed dwelling units on the first and second floors.
4. Details of all front and rear boundary fencing are to be provided in accordance with the DCP – Dwelling Houses and Attached Dual Occupancies prior to issue of compliance certificate. Details shall be submitted to and approved by Council’s Director of City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979.
 5. Details of all proposed rainwater tanks including appropriate certification from a professional engineer shall be submitted to the certifying authority **prior to issuing of a Construction Certificate**, which certifies the structural adequacy of all structures that support the loads imposed by the rainwater tanks including all retaining walls holding back fill and supporting rainwater tanks.
 6. Street and unit numbering must be provided to the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council, prior to an occupation certificate being issued for the development. In this regard, an application must be submitted to and approved by Council’s Director of City Planning, together with the required fee, for the allocation of appropriate street and unit numbers for the development, prior to issue of the Occupation Certificate.
 7. The reflectivity index of glass used in the external façade of the development must not exceed 20 percent. Details shall be submitted to and approved by Council’s Director of City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.
 8. Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.
 9. There must be no encroachment of the structure/s onto Council’s road reserve, footway or public place, unless written permission has been obtained from the Council beforehand.
 10. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

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

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

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

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

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

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

13. In accordance with Clause 154B of the Environmental Planning & Assessment Regulation 2000, a Certifying Authority must not issue a final Occupation Certificate for this development, unless it is satisfied that each of the required BASIX commitments has been fulfilled.

Relevant documentary evidence of compliance with the BASIX commitments is to be forwarded to the Council upon issuing the final Occupation Certificate.

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

14. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, the following monetary levy must be paid to Council.

Category	Cost	Applicable Levy	S94A Levy
Development cost \$100,001 - \$200,000	\$186,450.00	0.5%	\$9322.50

The levy must be paid in cash, bank cheque or by credit card prior to

- a) a construction certificate being issued
- b) a 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.

The following conditions are applied to ensure that the development satisfies

the provisions of the *Environmental Planning and Assessment Act 1979* and Regulations and to provide for reasonable levels of safety and amenity:

Regulatory

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

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

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

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

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

18. **Prior to the commencement of any building or fire safety works**, the person having the benefit of the development consent must:

- i) appoint a *Principal Certifying Authority* for the building work, and
- ii) appoint a *principal contractor* for the building work.
- iii) notify the *principal contractor* of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*, and
- iv) give at least two days notice to the Council, in writing, of the person's intention to commence building works.

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

19. The building works must be inspected by the *Principal Certifying Authority* (or another *certifying* authority if the *Principal Certifying Authority* agrees), in accordance with sections 109 E (3) of the Environmental Planning & Assessment Act 1979 and clause 162A of the **Environmental Planning & Assessment Regulation 2000**, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.

The *Principal Certifying Authority* must specify the relevant stages of construction to be inspected in accordance with section 81A (2) (b1) (ii) of the Environmental Planning & Assessment Regulation 2000 and a satisfactory inspection must be carried out, to the satisfaction of the *Principal Certifying Authority*, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

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

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

20. A sign must be erected and maintained in a prominent position on the site 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.
 - name, address and telephone number of the *Principal Certifying Authority*,
 - a statement stating that "unauthorised entry to the work site is prohibited".
21. An **Occupation Certificate** must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.

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

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

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

23. A Fire Safety Certificate must be submitted to Council **prior to the issuing of an Occupation Certificate**, in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

A single and complete *Fire Safety Certificate* must be provided which includes details of all of the fire safety measures contained in the building and as detailed in the *fire safety schedule* attached to the Construction Certificate.

Prior to issuing any Occupation Certificate the Principal Certifying Authority must be satisfied that all of the relevant fire safety measures have been included and are sufficiently detailed within the *Fire safety Certificate*.

A copy of the *fire safety certificate* must be displayed in the building near the entrance and a copy must be forwarded to the NSW Fire Brigades.

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

At the time of this development consent, Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.35% of the cost of the works.

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

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

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

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

Structural adequacy

26. A Certificate prepared by a professional *engineer* shall be submitted to the certifying authority **prior to issuing of a Construction Certificate**, which certifies that the structural adequacy of the existing building to support the loads superimposed by the proposed third floor addition.

Construction site management

27. Demolition work and the removal, storage, handling and disposal of building materials must be carried out in accordance with the following requirements (as applicable):

- Australian Standard 2601 (2001) – Demolition of Structures
- Occupational Health and Safety Act 2000
- Occupational Health and Safety (Hazardous Substances) Regulation 2001
- Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
- WorkCover NSW Codes of Practice and Guidelines
- The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.
- Randwick City Council Asbestos Policy (adopted 13 September 2005)

28. In accordance with Council's Asbestos Policy, the following requirements are to be satisfied if any materials containing asbestos are present in the building:

- a) Randwick City Council Asbestos Policy (adopted 13 September 2005).

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

- b) A Demolition Work Plan must be developed and implemented in accordance with Australian Standard AS2601-2001, Demolition of Structures.
 - c) 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.
 - d) Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996.
 - e) Asbestos waste must be disposed of at an approved waste disposal depot (refer to the DEC or Waste Service NSW for details of sites). Copies of all receipts detailing method and location of disposal must be maintained on site and be provided to Council officers upon request, as evidence of correct disposal.
 - f) On demolition sites involving the removal of asbestos, a professionally manufactured 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. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.
29. All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and supported to prevent them from being dangerous to life, property or buildings.

Retaining walls, shoring or piling must be provided to support land which is excavated in association with the erection or demolition of a building, to prevent the movement of soil and to support the adjacent land and buildings, if the soil conditions require it. Adequate provisions are also to be made for drainage.

Retaining walls, shoring, or piling must be designed and installed in accordance with appropriate professional standards and the relevant requirements of the Building Code of Australia and Australian Standards. Details of proposed retaining walls, shoring or piling are to be submitted to and approved by the Principal Certifying Authority for the development prior to commencing such excavations or works.

30. The adjoining land and buildings located upon the adjoining land must be adequately supported at all times.

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of any building located on an adjoining allotment of land, the person causing the excavation must:

- preserve and protect the building /s on the adjoining land from damage; and
- effectively support the excavation and building; and
- at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land (including a public road or public place), give notice of the intention and particulars of the works to the owner of the adjoining land.

Notes

- *This consent and condition 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 principal contractor or owner-builder must obtain:*
 - a) *the consent of the owners of such adjoining or supported land to trespass or encroach, or*
 - b) *an access order under the Access to Neighbouring Land Act 2000, or*
 - c) *an easement under section 88K of the Conveyancing Act 1919, or*
 - d) *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).*

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

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

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

32. Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the *Protection of the Environment Operations Act 1997* must be satisfied at all times.
- Noise and vibration from any rock excavation machinery and pile drivers (or the like) must be minimised by using appropriate plant and equipment and silencers and a construction noise and vibration minimisation strategy, prepared by a suitably qualified consultant is to be implemented during the works, to the satisfaction of the Principal Certifying Authority.
33. Public safety and convenience must be maintained at all times during demolition, excavation and construction works.
- a) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.
 - b) A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or footway for services or the like.

- c) Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.
- d) 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 & Regulatory Services department.
- e) During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing. Sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction.
- f) Public access to demolition/building works, materials and equipment on the site is to be restricted and a temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.

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

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

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

- g) Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line or any public place and the stockpiles must be protected with adequate sediment control measures.
- h) 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.
- i) A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities upon any part of the 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, container or other article.

Fire safety

34. The existing levels of fire and safety within the building are to be upgraded in accordance with the following requirements and the fire safety certificate provisions of Part 9 of the Environmental Planning and Assessment Regulation 2000 must be complied with, **prior to issuing an occupation certificate** :
- a) The following works are to be undertaken in accordance with the specified provisions of the Building Code of Australia (BCA), as applicable:
- 1) Provide a -/60/30 fire door set, with a self-closing device, to the front entry of each sole-occupancy unit in accordance with clause C3.11 of the Building Code of Australia (BCA),
 - 2) Provide a ceiling having a Fire Resistance Level (FRL) of 90/90/90 between the ground floor and first floor apartment in order to table 3 of Specification C1.1 of Section C of the Building Code of Australia.
 - 3) Prior to commencing the abovementioned works, a Construction Certificate must be obtained from Council's Building Certification Services or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and *Environmental Planning & Assessment Regulation 2000*.
- b) All new building works (including the proposed alterations/additions) must satisfy the relevant performance or deemed-to-satisfy provisions of the Building Code of Australia.
- c) All of the fire safety upgrading works and new building work must be detailed in the Construction Certificate for the development.
35. The fire safety upgrading works must be carried out **prior to issuing of an Occupation Certificate** for the development and written confirmation must be provided to Council (from the Principal Certifying Authority) which confirms that all of the upgrading works have been carried out in accordance with the conditions of consent.

The following conditions are applied to provide adequate security against damage to Council's infrastructure:

36. The following damage/civil works security deposit requirement is to be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused to the roadway, footway, verge or any public place; or as security for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the Environmental Planning and Assessment Act 1979:
- a) \$2000.00 - Damage/Civil Works Security Deposit

The damage/civil works security deposit may be provided by way of a cash or cheque with the Council and is refundable upon:

- A satisfactory inspection by Council that no damage has occurred to the

Council assets such as roadway, kerb, guttering, drainage pits footway, or verge; and

- Completion of the civil works as conditioned in this development consent by Council.

The applicant is to advise Council, in writing, of the completion of all building works and/or obtaining an occupation certificate, if required.

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

37. Prior to the issuing of an Occupation Certificate the applicant must meet the full cost for Council or a Council approved contractor to:
 - a) Construct an asphalt/concrete vehicular crossing opposite the vehicular entrance to the site.
38. The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
39. The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.

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

40. The Council's Development Engineer has inspected the above site and has determined that the design alignment level at the property boundary for the driveways or the like, must be as follows:

Nicol Lane Frontage - 150mm above the edge of the asphalt road in Nicol Lane at all points along the laneway.
41. The design alignment levels issued by Council and their relationship to the roadway must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.
42. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$121.00. This amount is to be paid to Council prior to a construction certificate being issued for the development.
43. The top of footings of any structures constructed on the boundary alignment in Nicol Lane must be at least 150mm below the alignment level as specified for the vehicular access.

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

44. 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.
45. The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.

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

46. Plans in relation to site drainage shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the plans are to be forwarded to Council, prior to a construction certificate being issue, if the Council is not the certifying authority. The drawings and details shall include the following information:
 - a) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system. This may involve either connection to the Council's street gutter, or into a Council stormwater pit. Note: All proposals should indicate the location of the closest Council stormwater pit and line regardless of the point of discharge. This information can be obtained by a visual inspection of the area and perusing Council's drainage plans.
 - b) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage system.
 - c) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
 - d) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.
 - e) Given the change in levels of the subject site, including in the area of the proposed new garages/studios buildings, there must be no discharge or concentration of stormwater from the subject site onto adjoining properties. Details of compliance shall be provided.
47. All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.
48. All site stormwater must be discharged (by gravity) to either:
 - a) Nicol Lane ; OR
 - b) A suitably sized infiltration system.
49. A sediment/silt arrester pit must be provided:-

- a) within the site at or near the street boundary prior to the site stormwater discharging by gravity to the kerb/street drainage system; and
- b) prior to stormwater discharging into any absorption/infiltration system.

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

- The base of the pit located a minimum 300mm under the invert level of the outlet pipe.
- The pit constructed from cast in-situ concrete, precast concrete or double brick.
- A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.
- A galvanised heavy-duty screen located over the outlet pipe/s (Mascot GMS multipurpose filter screen or equivalent).
- The grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system.
- A child proof and corrosion resistant fastening system provided for the access grate.
- A sign adjacent to the pit stating:

"This sediment/silt arrester pit shall be regularly inspected and cleaned."

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

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

50. 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.

Trees on Council's Maroubra Road embankment

51. The applicant must ensure that the existing vegetation within Council's Maroubra Road verge/embankment, on either side of the pedestrian stairs, for the full width of the site, will remain unaffected by this application, with all Site Management Plans and similar needing to show that materials associated with the proposed works will not be stored/located in this area during the course of the works.

The applicant may contact Council's Landscape Development Officer on 9399-0613 should they need to discuss this requirement further.

Removal of Trees within site

52. Approval is granted for removal of the following trees, subject to the planting of

2 x 25 litre broad canopied replacement trees (not palms) within the rear yard of the site, selecting those native coastal species that will attain a minimum height of 6 metres at maturity:

- a) Those shrubs/small trees surrounding the existing building only where necessary in order to accommodate the proposed works, as all were observed to be exempt from the provisions of Council's Tree Preservation Order (TPO) due to their small size or location, comprising a *Banksia serrata* (Saw Toothed Banksia) near its northwest corner, a *Callistemon viminalis* (Weeping Bottlebrush) near its southwest corner, a *Hibiscus rosa-sinensis* (Hibiscus) right in the southwest corner of the property, a *Banksia ericifolia* (Heath Banksia) about halfway along the length of the southern boundary, and a *Glochidion ferdinandii* (Cheese Tree) near its northeast corner;
 - b) In the rear yard, the *Howea fosteriana* (Kentia Palm), beyond the southeast corner of the existing building, and then further to its east, a *Lagerstroemia indica* (Crepe Myrtle), as adding up to 1 metre of fill in this area as shown on the Southern Elevation (DA201) would cause their death;
 - c) The two *Banksia integrifolia* (Coastal Banksia's) growing along the southern boundary, adjacent the existing garage, as well as the *Robinia psuedoacacia* (Robinia), growing in the southeast corner of the site in order to accommodate the new garage and associated works as shown.
53. The PCA must ensure that these replacement trees are properly installed, prior to the issue of a Final Occupation Certificate, with the applicant/owners required to maintain these trees in a healthy and vigorous state until maturity.

Protection of neighbouring trees at 357 Maroubra Road

54. In order to ensure retention of those trees located within the rear yard of the adjoining property to the north, 357 Maroubra Road, against the common boundary, being from west to east, a *Morus nigra* (Mulberry), a *Eucalyptus nicholii* (Willow Leafed Peppermint), and then further to their east, towards Nicol Lane, a *Eucalyptus sideroxylon* (Ironbark) in good health, the following measures are to be undertaken:
- a. All documentation submitted for the Construction Certificate application must show the retention of these neighbouring trees, with the position and diameter of both their trunks and canopies to be clearly shown on all drawings.
 - b. The Construction Certificate plans must show that in order to protect the root system of the **Willow Leafed Peppermint**, an area of undisturbed deep soil (at existing levels) must be maintained along the northern boundary, for a width of **1.5 metres**, beneath the extent of its canopy/dripline, with any excavations for retaining walls or similar to be located outside this setback.
 - c. Within the 1.5m side setback specified above, there is to be no other structures, services, detention tanks, stormwater infiltration systems, pipes or similar.
 - d. Within the zone specified in point 'b' above, there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble.
 - e. Any initial excavations associated with the approved works described in

point 'b' above must be initially performed by hand, to a minimum depth of 600mm, where any roots encountered which are in direct conflict with the approved and need to be cut, are to be pruned cleanly by hand, and the affected area backfilled with clean site soil as soon as practically possible.

Advisory Conditions

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

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

CP57/10 Director City Planning Report - Reporting Variation to Development Standard Under State Environment (F2008/00122)

607/10 **RESOLUTION: (Andrews/White)** that the report be received and noted.

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

CP58/10 Director City Planning Report - Joint Regional Planning Panel (JRPP) - Delegate Declarations of Interest (F2009/00256)

608/10 **RESOLUTION: (Hughes/Smith)** that the report be received and noted

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

CP59/10 Director City Planning Report - Proposed Cultural Arts Program Budget to Activate Community Centres (F2006/00452)

609/10 **RESOLUTION: (Woodsmith/Andrews)** that:

- a) Council endorse the Cultural Arts Program and that \$35,000.00 be reallocated from the Australia Day event budget 2010-11 and funded in future budgets for an annual program of cultural and performing arts events;
- b) the remaining balance of Australia Day event budget be used to fund Australia Day Citizen Ceremony and associated costs (\$15,000.00); and
- c) a separate report with suggestions of suitable smaller-scale activities to be held at Coogee Beach on Australia Day will be put to Council.

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

CP60/10 Director City Planning Report - Land & Environmental Court Appeals (F2006/00383)

610/10 **RESOLUTION: (Andrews/Bowen)** that the report be received and noted.

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

CP61/10 Director City Planning Report - Chifley Sports Reserve Draft Final Plan of Management (F2009/00086)

611/10 **RESOLUTION: (White/Matthews)** that Council:

- a) Endorse the Chifley Sports Reserve Plan of Management, subject to including the following 'noise' actions on page 41:
 - permanent amplification devices will not be permitted unless provided by the Council and used according to the Council's specifications;

- any amplification devices must meet the relevant Australian Standards and current NSW legislation and/or noise guidelines; and
 - with any amplification devices, speakers must be faced away from nearby residential premises and all speakers where practicable must be directed downwards, to minimise impacts on adjacent residential areas;
- b) Forward the Plan of Management to the Minister for Lands for final approval and notification in the Government Gazette; and
- c) Agree that the Director City Planning may make minor modifications to rectify any numerical, typographical, interpretation and formatting errors as required in finalising the Plan of Management.

MOTION: (White/Matthews) CARRIED UNANIMOUSLY - SEE RESOLUTION.

General Manager's Reports

GM26/10 General Manager's Report - Australian Mayoral Aviation Council - Attendance at 2010 Conference (F2004/07399)

612/10

RESOLUTION: (Woodsmith/Smith) that the Mayor and General Manager attend the 28th Annual Conference of the Australian Mayoral Aviation Council to be held in Perth from 10th to 12th November 2010.

MOTION: (Matthews/Andrews) that the Mayor and General Manager and any interested councillors attend the 28th Annual Conference of the Australian Mayoral Aviation Council to be held in Perth from 10 to 12 November 2010. **LOST.**

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 Notley-Smith
	Councillor Procopiadis
	Councillor Seng
	Councillor Smith
	Councillor Stevenson
	Councillor Tracey
	Councillor White
	Councillor Woodsmith
Total (3)	Total (12)

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

Note: The General Manager indicated that he would not be attending this conference.

GM27/10 General Manager's Report - Future of Riverina Red Gum Forests (PROJ/10353/2007)

613/10

RESOLUTION: (Matson/Andrews) that:-

- (a) the response from the Minister for Climate Change and the Environment, which outlines the future plans for the Riverina Red Gum Forests, be received and noted; and

- (b) the Premier be congratulated by Randwick City Council on responding to an approach by one of her local councils on a matter that was important to the people of Randwick.

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

GM28/10 General Manager's Report - Randwick Boys High School - Proposed 'Mayor's Award' (F2010/06574)

614/10

RESOLUTION: (Matthews/Woodsmith) that Council agree to the introduction of a 'Mayor's Award' for Randwick Boys High School and agrees to fund the cost of instituting and operating the award for a period of five years at a cost of \$1,000.00 per year to be funded from the 2010-11 Council Contingency Fund.

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

GM29/10 General Manager's Report - Kite Surfing - Maroubra Beach (F2004/07128)

615/10

RESOLUTION: (Notley-Smith/Belleli) that:

- a) kite surfing be allowed on Maroubra Beach during the times when the beach is not patrolled by the Randwick City Council beach lifeguards;
- b) signage be erected that clearly states the following:
 - i. kite surfing is prohibited during the times when the beach is patrolled by lifeguards;
 - ii. kite surfers need to keep a minimum of 60 metres from all other persons and non powered vessels; and
 - iii. persons engaged in recreational activities undertaken outside of the designated patrol hours do so at their own risk; and
- c) a copy of Council's report be sent to the Kite Surfing Association, with a report to come back to Council on the views of the Kite Surfing Association as to their suggested solution to this problem of managing kite surfing on patrolled beaches, and Council consider further options at this time.

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

GM30/10 General Manager's Report - Funding of Heffron Park Plan of Management (F2004/08399)

616/10

RESOLUTION: (Andrews/Belleli) that Council write to the Premier, the Minister for Sport and Recreation and the Minister for Gaming and Racing requesting an update on the commitment to funding the Heffron Park Plan of Management as part of the NSW State Plan.

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

GM31/10 General Manager's Report - Delegations of Authority (F2004/06895)

617/10

RESOLUTION: (Andrews/White) that:

- a) the Publication Guide dated 1 July 2010 and produced in accordance with the requirements of the Government Information (Public Access) Act be adopted;
- b) pursuant to section 377 of the Local Government Act, the Delegations of Authority be amended as follows;

RA001	Acts and Regulations
Amended delegation	To exercise all powers vested in Council by the following Acts and Regulations: (jj) Building Professionals Act 2005 and Regulations
RB003	Business relationships and marketing opportunities
Proposed new delegation	To authorise expenditure within the adopted budget of up to \$1,500 (per occurrence) in order to meet all the expenses incurred during business meetings with government officials and business executives (to be delegated to the Mayor and General Manager)
RF033	Government Information (Public Access) Act –Publication Guide
Proposed new delegation	To review and update Council’s Publication Guide (prepared under s20 of the Government Information (Public Access) (GIPA) Act 2009) on an as required basis.

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

GM32/10 General Manager’s Report - Management of Blenheim House - 17 Blenheim Street, Randwick (F2004/06336)

618/10

RESOLUTION: (Andrews/White) that:-

- (a) Council receives and notes the report on the issues of open days, lease conditions, maintenance checks and the future occupation of Blenheim House.
- (b) Council engage a heritage architect to inspect the premises and determine any works required; and
- (c) Council’s Property Section oversees the open days to be held on Thursday, 14 October and Sunday, 17 October 2010.

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

GM33/10 General Manager’s Report - Actions Arising from Sister Cities National Conference (F2007/00072)

619/10

RESOLUTION: (Andrews/Matthews) that the report on the 2010 Australian Sister Cities Association national conference be received and noted.

AMENDMENT: (Bowen/Tracey) that Council note the article in the Southern Courier on 27th July 2010, which was critical of the attendance by some of our councillors at the Sister Cities national conference, fails to disclose the identity of the councillors who attended the conference and request that the General Manager write to the Southern Courier and ask that they identify by name those councillors who attended this conference. LOST.

AMENDMENT: (Matson/Woodsmith) that Council resolves not to send councillors or delegates to any conference that clashes with a scheduled meeting of this Council, except with a resolution of Council. RULED OUT OF ORDER BY THE MAYOR.

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

Note: It was agreed to note in the minutes that the comments made by Councillor Andrews in relation to both Cr Hughes and Cr Stevenson were entirely unacceptable, unbecoming of a councillor and unprofessional and that they be noted as a matter of record.

GM35/10 General Manager's Report - Newmarket, Young Street, Randwick - Planning Proposal - Deferred Report (F2009/00408)

Note: All Liberal Councillors, having previously declared an interest in this matter, left the chamber and took no part in the debate or voting on the application.

620/10 **RESOLUTION: (Andrews/White)** that Council:

- a) resolve to commence the process to prepare a local environmental plan as an amendment to Randwick LEP 1998 (Consolidation) for the Newmarket Site with frontage to Barker, Young, Jane and Botany Streets, Randwick in accordance with s.54 of the Environmental Planning and Assessment Act, 1979 (the Act) to rezone the site from 2A Residential to allow for redevelopment for mixed residential and related uses;
- b) adopt the Planning Proposal (Attachment 1) for the Newmarket Site, Randwick prepared by Randwick City Council in accordance with s.55 of the Act;
- c) agree to forward the Planning Proposal to the Minister for Planning requesting a Gateway Determination in accordance with s.56 of the Act;
- d) note that the Planning Proposal should be reported back to Council supplemented by technical studies when completed and public authority consultations, for Council's consideration and prior to any formal public exhibition under s.57 of the Act;
- e) note that a site-specific development control plan (DCP) should be prepared for the Newmarket Site based on matters set out in clause 40A of Randwick LEP 1998 (Consolidation) (Site Specific Development Control Plans) as well as broader planning principles and strategies contained in the Specialised Centre Discussion Paper. This draft DCP should also be reported back to Council with the Planning Proposal as per Recommendation 4.

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

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

FOR	AGAINST
Councillor Andrews	Councillor Woodsmith
Councillor Bowen	
Councillor Hughes	
Councillor Matson	
Councillor Matthews	
Councillor Procopiadis	
Councillor Stevenson	
Councillor Tracey	
Councillor White	
Total (9)	Total (1)

GM36/10 General Manager's Report - Building for our Community Program - Rescheduling of the Maroubra and Coogee Surf Life Saving Club Projects. (F2010/00292)

621/10 **RESOLUTION: (Tracey/Matthews)** that Council:

- a) reallocates the funding for Coogee Surf Life Saving Club from Year 2 (2011-12)

to Year 1 (2010-11) and;

- b) reallocates the funding for Maroubra Surf Life Saving Club from Year 1 (2010-11) to Year 2 (2011-12).

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

Director City Services Reports

CS11/10 Director City Services Report - City Services - Organisational Restructure/Increase in Service Levels (F2008/00521)

622/10

RESOLUTION: (Bowen/Andrews) that:

- a) Council increase the service levels for the Randwick Branch Library by opening an extra 8 hours per week;
- b) Council increase the service levels for the Malabar Community Library by opening an extra 13.5 hours per week;
- c) Council increase the service levels for Coogee beach in the winter by the increase in permanent winter lifeguard staff;
- d) Council note the reduction of permanent fulltime beach services staff; and
- e) Council note the changes to the Technical Services Department.

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

Director Governance & Financial Services Reports

GF30/10 Director Governance & Financial Services Report - Coogee Patchworks Group Hire of Clovelly Senior Citizens' Hall (F2004/07674)

623/10

RESOLUTION: (Andrews/Smith) that:

- a) The report on the Coogee Patchwork's Group hire of Clovelly Senior Citizens Hall be received and noted;
- b) Council continues with the provision of the annual public liability insurance for the Clovelly Senior Citizens Group and does not raise any further rental invoices as they are not applicable to this Group; and
- c) The amount of \$403.08 in rental arrears owed by the Coogee Patchworks Group be written off, as this amount is no longer recoverable.

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

GF31/10 Director Governance & Financial Services Report - Affixing of the Council Seal (F2004/06336)

624/10

RESOLUTION: (Andrews/White) that the Council's Seal be affixed to the signing of agreements between Council and:

- a) The Infants' Home Child & Family Services ABN: 71 174 918 661 trading as Randwick South Sydney Family Day Care in relation to a licence for a community building at 23 Munda Street, Randwick; and
- b) Clovelly Bowling and Recreation Club Ltd in relation to a licence for a

community building at 1-11 Ocean Street, Clovelly.

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

GF32/10 Director Governance & Financial Services Report - Investment Report - June 2010 (F2004/06527)

625/10 **RESOLUTION: (Andrews/White)** that the investment report for June 2010 be received and noted.

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

GF33/10 Director Governance & Financial Services Report - Matraville Town Centre Action Plan (F2010/00091)

626/10 **RESOLUTION: (Belleli/White)** that:

- (a) Council receive and adopt the Matraville Town Centre Action Plan; and
- (b) Prioritise and implement all the short term actions contained in the Action Plan as soon as possible.

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

GF34/10 Director Governance & Financial Services Report - Final Migration of Councils Online Applications to an In-House Hosted and Supported Corporate Application Solution (f2010/00057)

627/10 **RESOLUTION: (Andrews/White)** that the closure of the Bowen and Randwick Branch Libraries for borrowing services and public PC access for one Sunday on or around 5th September 2010, and the unavailability of some Council services between 8th and 11th October 2010 be approved.

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

Petitions

Nil.

Motion Pursuant to Notice

NM34/10 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Notley-Smith - Sydney Airport Community Forum (F2004/07972)

628/10 **RESOLUTION: (Notley-Smith/Belleli)** that Council write to the Federal Minister for Infrastructure, Transport, Regional Development and Local Government, the Hon Anthony Albanese MP, requesting Randwick City Council be admitted as a member of the Sydney Airport Community Forum.

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

NM35/10 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Smith - Economic Brief (F2008/00589)

629/10 **RESOLUTION: (Smith/Andrews)** that Council consider a report on an economic brief on Randwick City drawing inspiration from documents such as the Toowoomba Regional Council Economic Brief 2009 and the Coffs Harbour Economic Profile 2010.

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

NM36/10 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr

Smith - Economic Development Board (F2005/00797)

630/10 **RESOLUTION: (Smith/Andrews)** that Council investigate the establishment of an Economic Development Board for Randwick City. The report will look at membership, objectives and a charter statement. The General Manager will liaise with Randwick City Tourism Inc. and the Combined Chambers of Commerce regarding the establishment of the board.

AMENDMENT: (Stevenson/Bowen) that Council refer the issue of the establishment of this board to the next Councillor weekend workshop. **LOST.**

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

NM37/10 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Smith - Promotion of Sister City Relationships (F2005/00294)

631/10 **RESOLUTION: (Smith/Andrews)** that Council prepare a booklet promoting its Sister City relationships. Content will include a description of sister city relationships and the history, benefits and ongoing nature of current sister city relationships Randwick has. The preparation of this booklet to involve consultation with the Multicultural Advisory Committee and funding for this to be considered in the next financial year's budget.

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

NM38/10 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Smith - Randwick in Gloucestershire, England (F2005/00294)

632/10 **RESOLUTION: (Smith/Notley-Smith)** that Council

- a) follow up on proposed formalisation of a sister city relationship with Randwick in Gloucestershire, England; and
- b) if successful, hold a photographic art competition whereby residents of the respective cities submit photos they believe best represent their city. The best photos will then be exchanged and publicly exhibited increasing cultural and artistic diversity.

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

NM39 /10 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Smith - Erection of Signpost to Sister Cities (F2005/00294)

633/10 **RESOLUTION: (Smith/Andrews)** that Council consider a report on:

- a) erecting a signpost in front of the Town Hall showing the direction and distance to its Sister Cities; and
- b) installing an information board next to this signpost explaining what a Sister City is and the nature of the relationship.

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

AMENDMENT: (Matson/Hughes) that funding for this matter be considered in the next financial year's budget. **LOST.**

NM40/10 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Smith - Terms of Reference for Youth Advisory Committee (F2004/07647)

634/10 **RESOLUTION: (Smith/Notley-Smith)** that Council consider a report on the review

of the terms of reference for the Youth Advisory Committee in an attempt to encourage participation.

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

NM41/10 Motion Pursuant to Notice - Motion Pursuant to Notice from Cr Smith - Promotion of Voluntary Service in Surf Life Saving (F2010/00125)

635/10

RESOLUTION: (Smith/Matthews) that Council liaise with the four Surf Life Saving Clubs within Randwick City as to how Council can assist with promoting voluntary service in the Surf Life Saving movement in the lead up to the next Summer season.

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

Confidential Reports (Closed Session)

The meeting move into closed session in order to consider confidential items.

Closed Session

GM34/10 Confidential - Advertising in Local Newspapers (F2010/00174)

This matter is considered to be confidential under Section 10A(2) (d) Of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.

636/10

RESOLUTION: (Andrews/Matthews) that:

- a) in accordance with Clause 55(3) of the Local Government Act 1993, Council is exempt from tendering for advertising in Randwick City Council's local media, which includes the Southern Courier (Cumberland Newspapers), The Beast (Pelican Publications), and the Eastern Suburbs Spectator (4 in One Newspapers), due to the unavailability of competitive tenderers; and
- b) the General Manager, or his delegate, be authorised to negotiate directly with these companies to ensure Council obtains reasonable rates for advertising.

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

CP62/10 Confidential - 379-401 Clovelly Road, Clovelly (DA/395/2009)

This matter is considered to be confidential under Section 10A(2) (g) Of the Local Government Act, as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

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

637/10

RESOLUTION: (Andrews/Woodsmith) that Council continue to defend the Class 1 Appeal No. 10004 of 2010 relating to DA/395/2009 for the Clovelly Hotel, on the basis of the contentions raised with regard to traffic and landscaping and provide the opportunity for the objectors to raise their concerns directly with the Court.

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

CS12/10 Confidential - Tender Report for the Des Renford Aquatic Centre - Goods and Services Panel Contract - Tender Number T13/10

(F2010/00148)

This matter is considered to be confidential under Section 10A(2) (c) Of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

638/10

RESOLUTION: (Andrews/Matthews) that Council:

- a) accepts Southern Aquatic Services, Image Air conditioning, Construction Maintenance Solutions, Zissis Cleaning Services, External Cleaning Services Pty Limited, True Blue Chemicals Pty Ltd, Montalto Distribution Group, Garlos Pies, Sweet Birds Pty Ltd, A & R Carpenter and Sons Pty Ltd, Skye Group Pty Ltd, Vorgee and Eyleine Australia Pty Ltd as the successful tenderers to supply the goods and services required for contract T13/10;
- b) authorises the General Manager to sign the contract documents on behalf of Council for a three year term with an option to extend for two further terms of 12 months each;
- c) in accordance with Clause 178(3)(e) of the regulations, negotiates with suppliers with the view to entering into a contract for the supply of services we did not receive tenders for (Pool Chemicals, Sodium Hypochlorite, water Test Tablets, Hot Dogs, Prepackaged Meals for Resale, Ice Cream and Soft Drinks); and
- d) notifies the unsuccessful tenderers.

MOTION: (Andrews/Matthews) CARRIED UNANIMOUSLY - SEE RESOLUTION.**CS13/10 Confidential - Tender Report for City Services Schedule of Rates for Minor Works Contracts - T02/10 (F2009/00549)**

This matter is considered to be confidential under Section 10A(2) (c) Of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

639/10

RESOLUTION: (Matthews/Woodsmith) that Council:

- a) accepts Advanced Arbor Services Pty Ltd, Ally Civil, Applied Resources Pty Ltd, Aqua Civil Pty Ltd, Citywide Services Pty Ltd, Devcon Civil Pty Ltd, Emerdyn Pty Ltd, Green Options, KT Concrete, Hydra Wash Pty Ltd, Jay Transport , Sports Lighting, KK Civil Engineering, Kodi Civil Pty Ltd, Luhrmann Environmental Management, M Collins and Sons Contractors Pty Ltd, Marsupial Landscape Management Pty Ltd, Merko Services Pty Ltd, Nuturf Australia Pty Ltd, On Line Pipe and Cable Locating, Plateau Tree Services Pty Ltd, Platinum Civil Pty Ltd, Playspace Playground Pty Ltd, Quality Lawn and Ground Care Pty Ltd, Richsoul Concreting Specialists, Salt Constructions Pty Ltd, Sam the Paving Man Pty Ltd, Shamrock Development International Pty Ltd, Smada Electrical Services Pty Ltd, Stateline Asphalt Pty Ltd, Statewide Civil Pty Ltd , Stone and Landscape Specialists Pty Ltd, Sydney Civil Pty Ltd, Synthetic Grass and Rubber Surfaces Australia Pty Ltd, The Green Horticultural Group Pty Ltd, Kasharno Pty Ltd, Mansour Paving Pty Ltd and Wandaguard as the successful tenderers within their identified categories, to supply the goods and services required for contract T02/10;
- b) authorises the General Manager to sign the contract documents on behalf of Council for a three year term with an option to extend for two further terms of 12 months each;
- c) in accordance with Clause 178(3)(e) of the regulations, negotiates with suppliers

with the view to entering into a contract for the supply of services we did not receive tenders for (non recyclable waste disposal); and

d) notifies the unsuccessful tenderers.

MOTION: (Matthews/Woodsmith) CARRIED UNANIMOUSLY - SEE RESOLUTION.

CS14/10 Confidential - Tender Report for the Supply & Delivery of Plants - T09/10 (F2010/00147)

This matter is considered to be confidential under Section 10A(2) (c) Of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

640/10 **RESOLUTION: (Nash/Andrews)** that Council:

- a) Accepts Downes Wholesale Nursery Pty Ltd, Greencorp Group Pty Ltd T/A Plantmark, Alpine Nurseries Sales Pty Ltd, and Green Leisure Group Pty Ltd T/A Andreasens Green Wholesale Nurseries as the successful tenderers for the Supply and Delivery of Plants; and
- b) Authorises the General Manager to sign the contract documents on behalf of Council for a three year term with an option to extend for two further terms of 12 months each.

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

CS15/10 Confidential - Tender Report for Security Services - Tender Number T11/10 (F2007/00631)

This matter is considered to be confidential under Section 10A(2) (c) Of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

641/10 **RESOLUTION: (Matthews/Belleli)** that Council:

- a) Accepts Akbar Enterprises Pty Ltd Trading As ECS International Security & Investigations as the successful tenderer for the provision of Security Services;
- b) Authorises the General Manager to sign the contract documents on behalf of Council for a three year term with an option to extend for two further terms of 12 months each; and
- c) Notifies the unsuccessful tenderers.

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

CS16/10 Confidential - SSROC Tender Report - Provision of Tyre Supply and Servicing (F2010/00122)

This matter is considered to be confidential under Section 10A(2) (c) Of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

642/10 **RESOLUTION: (Andrews/White)** that:

- a) under Regulation 178(1)(a) of the Local Government (General) Regulation 2005,

Bridgestone Australia Ltd and Beaurepaires be accepted as the successful tenderers; and

- b) the General Manager, or delegated representative, be authorised to enter into a preferred supplier agreement with Bridgestone Australia Ltd and Beaurepaires for a period of 3 years, with 2 optional 1 year extensions.

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

Note: Councillor Andrews apologised to Councillor Hughes for comments directed at him earlier in the meeting.

Open Session

The meeting moved back into open session.

Notice of Rescission Motions

Nil.

There being no further business, His Worship the Mayor, Cr J Procopiadis, declared the meeting closed at 10.23 pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 24 August 2010.

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CHAIRPERSON