

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, 28 FEBRUARY 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 & B Notley-Smith (from 8.10pm) |
| 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 Strategic Planning	Ms K Armstrong
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.

At this point in the meeting Cr Belleli paid tribute to the late Walter Williamson OAM who passed away recently. The meeting observed one minutes silence as a mark of respect for Mr Williamson.

Apologies/Granting of Leave of Absences

Nil.

Confirmation of the Minutes

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY 13 DECEMBER 2011

1/12 **RESOLUTION: (Belleli/Andrews)** that the Minutes of the Ordinary Council Meeting held on Tuesday 13 December 2011 (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 Andrews declared a significant non pecuniary interest in Item CP2/12 as he knows the applicant and some objectors. Cr Andrews will not be taking part in the debate or voting on this matter.
- (b) Cr Andrews declared a non significant non pecuniary interest in Item CP4/12 as he knows the speaker representing the applicant and is a member of the Club in question.
- (c) Cr Matson declared a non significant non pecuniary interest in Item CP4/12 as he knows one of the objectors through the Coogee Precinct Committee.
- (d) Cr Matson declared a non significant non pecuniary interest in Item CS1/12 as he knows one of the objectors through the Coogee Precinct Committee.
- (e) Cr Hughes declared a non significant non pecuniary interest in Item CP4/12 as he knows one of the objectors through the Coogee Precinct Committee.
- (f) Cr Smith declared a pecuniary interest in Item CP4/12 as his employer has a business relationship with the applicant. Cr Smith will not be taking part in the debate or voting on this matter.
- (g) Cr Matthews declared a non significant non pecuniary interest in Item CP4/12 as he knows the speaker representing the applicant.
- (h) Cr White declared a non significant non pecuniary interest in Item CP4/12 as he knows the speaker representing the applicant.
- (i) Cr Bowen declared a non significant non pecuniary interest in Item CP4/12 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.
- (j) Cr Woodsmith declared a non significant non pecuniary interest in Item CP4/12 as she knows some of the objectors.
- (k) Cr Seng declared a non significant non pecuniary interest in Item CP2/12 as he lives in the street in question.
- (l) Cr Matson declared a non significant non pecuniary interest in Item CP4/12 as he knows the speaker representing the applicant.
- (m) Cr Smith declared a pecuniary interest in Item MM16/12 as his employer would be financially affected by a container deposit scheme. Cr Smith will not be taking part in the debate or voting on this matter.

Note: Cr Procopiadis left the meeting at this point and did not return.

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:

MM3/12 WAIVING OF FEES – NIGHT SKY PRODUCTIONS

For Barry Watterson

CP2/12 51 WILLIS STREET, KINGSFORD (DA/676/2009/B)

Against Anthony Betros

For Jill Srzednicki

CP3/12 11 MONMOUTH STREET, RANDWICK (DA/410/2011)

Against Tony Moody on behalf of objectors

For George Karavanas on behalf of applicant

CP4/12 102-104 BROOK STREET, COOGEE (DA/291/2009)

Against Geoff Sayle (representing the Rugby Club)

For Michael Magney

NM5/12 MOTION PURSUANT TO NOTICE FROM CR SENG - DOGS ON BEACHES POLICY

For Venn Porter

RESOLVED: (PROCEDURAL MOTION) (Andrews/Belleli) that the rescission motion be brought forward and dealt with as the first item of business. **CARRIED.**

The meeting was adjourned at 7.15pm and was resumed at 7.46pm.

RESOLVED: (PROCEDURAL MOTION) (Andrews/Belleli) 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

MM1/12 **Mayoral Minute - Randwick Draft Comprehensive LEP (F2007/00569)**

- 2/12 **RESOLUTION: (Mayor, Cr S Nash)** that:
- (a) Council note this report and endorse an additional consultation process to hold a public hearing immediately following the public exhibition in respect of the draft comprehensive LEP;
 - (b) the public hearing also include plain English advice as to the effect of the draft LEP on the assessment of development applications at Randwick City Council; and
 - (c) it be noted that there will be a meeting at which Council will receive a report back looking at options relating to the progress of the draft comprehensive DCP.
- MOTION: (Mayor, Cr S Nash) CARRIED - SEE RESOLUTION.**
- AMENDMENT: (Bowen/Tracey)** that at the conclusion of the current LEP public

exhibition, Council take no further action in relation to the LEP until such time as a new DCP has concluded at public exhibition. **LOST**

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

FOR	AGAINST
Councillor Bowen	Councillor Andrews
Councillor Stevenson	Councillor Belleli
Councillor Tracey	Councillor Hughes
Councillor White	Councillor Matson
Councillor Woodsmith	Councillor Matthews
	Councillor Nash
	Councillor Notley-Smith
	Councillor Seng
	Councillor Smith
Total (5)	Total (9)

MM2/12 Mayoral Minute - Waiving of Fees - Brigidine College Randwick (F2004/06257)

- 3/12 **RESOLUTION: (Mayor, Cr S Nash) that:**
- 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 \$3,760.00 be allocated from the 2011-12 Contingency Fund; and
 - the organisers undertakes to appropriately and prominently acknowledge and promote Council's contribution prior to and during the Open Day.

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

MM3/12 Mayoral Minute - Waiving of Fees - Night Sky Productions (F2010/00096)

- 4/12 **RESOLUTION: (Mayor, Cr S Nash) that:**
- Council approval be given for this event and the subsequent waiving of all associated fees to the value of \$2,009.00;
 - The event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event;
 - Notification be given to the Clovelly Precinct Committee, Clovelly Surf Life Saving Club and surrounding residents advising them of this upcoming event; and
 - The Mayor's representative shall be given the opportunity to address the event on behalf of Council.

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

MM4/12 Mayoral Minute - Waiving of Fees - Use of Town Hall by Indonesian

Welfare Association (F2004/07674)

- 5/12 **RESOLUTION: (Mayor, Cr Nash) that:**
- a) Council vote \$540.00 to cover the fees associated with the hire of the Town Hall on Monday 26 March 2012 by the Indonesian Welfare Association for Indonesian Seniors Week and that these funds be allocated from the 2011-12 Contingency Fund.
 - b) The event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event.
 - c) The Mayor or his representative is given the opportunity to address the event on behalf of Council.

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

MM5/12 Mayoral Minute - Constitutional Recognition for Indigenous Australians (F2010/00087)

- 6/12 **RESOLUTION: (Mayor, Cr S Nash) that Council fully supports a constitutional referendum on the issue of constitutional recognition for indigenous Australians, as Australia's first inhabitants, and to remove clauses in the constitution that have the potential to be used to the disadvantage of a particular race.**

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

MM6/12 Mayoral Minute - Amendment to Road Rule 200 - Boat, Trailer and Abandoned Vehicles Parking on Public Roads (F2004/07230)

- 7/12 **RESOLUTION: (Mayor, Cr S Nash) that the Mayor of Randwick City Council inform the Mayor of Woollahra that Randwick City Council supports Woollahra Council in seeking better methods of controlling the parking of trailers in some areas of Randwick.**

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

MM7/12 Mayoral Minute - Seeking Approval for Council to Support the National Schools and Community Gardens Conference in October 2012 (F2010/00421)

- 8/12 **RESOLUTION: (Mayor, Cr S Nash) that:**
- a) approval is provided for the request from the above organisations for the 3 day Schools and Community Gardens Conference to be held at the Randwick Community Centre in October 2012; and
 - b) financial and in-kind support is approved, via the community gardens budget of the environmental levy up to an amount of \$2,000.00.

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

MM8/12 Mayoral Minute - Earth Hour Family Fun Day, Saturday, 31 March 2012 (F2010/00153)

- 9/12 **RESOLUTION: (Mayor, Cr S Nash) that Council note our Earth Hour Family Fun Day and Festival at the Works Depot as outlined above.**

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

MM9/12 Mayoral Minute - 150th Anniversary of NSW Police (F2004/07501)

10/12 **RESOLUTION: (Mayor, Cr S Nash)** that Council support this important milestone by sponsoring (in conjunction with Botany Bay City Council) 100 Police officers to attend the 2012 Police Officer of the Year Awards evening in the amount of \$3,000.00 and by sponsoring a table at the Blue and White Charity Ball in the amount of \$1,500.00 both contributions to be funded from the 2011-12 Contingency Fund.

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

MM10/12 Mayoral Minute - Sydney's White Walk (F2011/00507)

11/12 **RESOLUTION: (Mayor, Cr S Nash)** that Council vote to commit \$6,000.00 to the annual Events Budget to hold this event for as long as the White Ribbon campaign continues to be an effective vehicle for raising public awareness against violence towards women.

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

MM11/12 Mayoral Minute - Council Direction - Online Services (F2005/00799)

12/12 **RESOLUTION: (Mayor, Cr S Nash)** that Council endorse the further investigation of:

- a) improved GIS and online services and that a report from the Director Governance and Financial Services prepare a report on the changes to the organisation structure required to bring this about;
- b) the development of a Randwick 'App' that is resident focussed and provides the information that residents want to receive from Council. Such as DA's within 400m of the residents home, or events in their area, or capital works in their area, etc; and
- c) the future of social media for improving resident engagement and service provision.

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

MM12/12 Mayoral Minute - Seeking Approval to Provide Residents with Discounts on the Supply and Installation of Household Energy Monitors (F2011/00302)

13/12 **RESOLUTION: (Mayor, Cr S Nash)** that:

- a) Council approves this proposal to enable residents to have access to energy monitors for their homes on a trial basis as outlined above; and
- b) the maximum Council allocation for the trial of energy monitors for residential homes be \$12,500 to be funded from Council's Environmental Levy.

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

**MM13/12 Mayoral Minute - Requesting Approval to Partner Funding
Application for Plug-in Electric Car Recharge Points at a Number of
Randwick Locations (F2005/00230)**

14/12 **RESOLUTION: (Mayor, Cr S Nash) that:**

- a) Council agree to support the proposal by Better Place and Ausgrid for the installation of electric vehicle re-charge points at a number of Randwick locations adjacent to existing community car share locations at no cost to Council; and
- b) the General Manager be authorised to sign the appropriate agreements with these project partners for their installation.

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

MM14/12 Mayoral Minute - Renaming Randwick Library (F2004/06282)

15/12 **RESOLUTION: (Mayor, Cr S Nash) that the Randwick Library be re-named the "Margaret Martin Library" and that arrangements be made for the official opening of the re-named library.**

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

**MM15/12 Mayoral Minute - Community Partnership - Randwick District Rugby
Football Club (F2004/06659)**

16/12 **RESOLUTION: (Mayor, Cr S Nash) that Council establishes a 'community partnership' with the Randwick District Rugby Football Club and enters into a number of initiatives with the Club to assist local schools and youth and improve the general health of the Randwick Council area and that the \$10,000.00 be funded from the 2011-12 Contingency Fund.**

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

MM16/12 Mayoral Minute - 2012 Clean Up Australia Day (F2008/00586)

Note: Cr Smith declared an interest and left the chamber as soon as the subject of container deposit legislation was raised as his employer would be financially affected by such a scheme.

17/12 **RESOLUTION: (Mayor, Cr S Nash) that:**

- (a) Randwick City Council's support for Clean Up Australia Day 2012 be noted; and
- (b) Council reiterates its call for the implementation in NSW of a container deposit legislation scheme, that the recent implementation in the Northern Territory shows that the political will does exist and that Council supports container deposit legislation as an effective means of reducing litter.

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

Director City Planning Reports

CP1/12 Director City Planning Report - 1160-1196R Anzac Parade, Malabar (DA/991/2011)

18/12

RESOLUTION: (Belleli/Matthews) 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. 991/2011 for a lighting upgrade at existing sports field, involving the removal of existing light poles, the replacement of new 25m light poles and the installation of additional light poles, some of the existing lights will also be changed to result in consistent lighting across the site, the proposal includes the associated trenching, at No. 1160-1196R Anzac Parade, Malabar 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:

SJB Planning Statement of Environmental Effects – Pioneers Park, Malabar, 21 December 2011, including the Design Package, Lighting Assessment, Environmental Management Plan and the Total Earth Care Ecological Assessment Pioneers Park Anzac Parade, Malabar January 2012.

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 an Accredited Certifier or Randwick City Council. 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

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

Long Service Levy Payments

3. 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.

Sydney Water

4. 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.

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 & Relevant Standards

5. In accordance with section 80A (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).
6. Access and facilities for people with disabilities must be provided in accordance with the relevant requirements of the Building Code of Australia, Disability (Access to Premises – Buildings) Standard 2010, relevant Australian Standards and conditions of consent, to the satisfaction of the Certifying Authority. Details of the required access and facilities for people with disabilities are to be included in the plans/specifications for the construction certificate.

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.

7. A certificate from a suitably qualified person in outdoor lighting systems shall be submitted to the Director City Planning which certifies that the proposed lighting complies with Australian Standards AS/NZS 4282-2997 Control of Obtrusive Lighting prior to the commencement of the use of the sports fields for training sessions.

Certification and Building Inspection Requirements

8. 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) 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
 - d) at least two days notice must be given to the Council, in writing, prior to commencing any works; and
 - e) the relevant requirements of the *Home Building Act 1989* (as applicable) must be complied with and details provided to the Principal Certifying Authority and Council.

Construction Noise & Vibration Management Plan

9. A *Construction Noise & Vibration Management Plan*, prepared in accordance with the Department of Climate Change Guidelines for Construction Noise and Assessing Vibration, by a suitably qualified person, is to be developed and implemented prior to commencing site work and throughout the course of construction.
- a) 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.

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.
 - b) The *Construction Noise & Vibration Management Plan* must include details of measurements, analysis and relevant criteria and demonstrate that the noise and vibration emissions from the work satisfy the relevant provisions of the *Protection of the Environment Operations Act 1997*, current DECC Guidelines for Construction Noise and Assessing Vibration and Councils conditions of consent.
 - c) A further report/correspondence must be obtained from the consultant as soon as practicable upon the commencement of works, which reviews and confirms the implementation and suitability of the noise and vibration strategies in the *Construction Noise & Vibration Management Plan* and which demonstrates compliance with relevant criteria.
 - d) Any recommendations and requirements contained in the *Construction Noise & Vibration Management Plan* and associated reports are to be implemented accordingly and should noise and vibration emissions not comply with the terms and conditions of consent, work must cease forthwith and is not to recommence until details of compliance are

submitted to Council and the PCA.

A copy of the *Construction Noise & Vibration Management Plan* and associated acoustic/vibration report/s must be maintained on-site and a copy must be provided to Council and the Principal Certifying Authority accordingly.

Temporary Site Fencing

10. Temporary site safety fencing must be provided to the perimeter of the site throughout demolition, excavation and construction works.

Temporary site fences must have a height of 1.8 metres and be a cyclone wire fence (with geotextile fabric attached to the inside of the fence to provide dust control), or heavy-duty plywood sheeting (painted white), or other material approved by Council.

A 'B Class' overhead type hoarding is required is be provided to protect the public, located adjacent to the development, prior to the commencement of any works on the site which comprise:

- any works or hoisting of materials over a public footway or adjoining premises, or
- any building or demolition works on buildings which are over 7.5m in height and located within 3.6 metres of the street alignment.

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

If it is proposed to locate any site fencing, hoardings, amenities or articles upon any part of the footpath, nature strip or public place at any time, a separate Local Approval application must be submitted to and approved by Council's Health, Building & Regulatory Services before placing any fencing, hoarding or other article on the road, footpath or nature strip.

Construction Site Management

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

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.

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

12. 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.

Building & Demolition Work Requirements

13. All work and activities must be carried out in accordance with the relevant regulatory requirements, including:
- Occupational Health & Safety Act 2000 & Regulations
 - WorkCover NSW Code of Practice for the Safe Removal of Asbestos
 - WorkCover NSW Requirements, Guidelines and Codes of Practice
 - Australian Standard 2601 (2001) – Demolition of Structures
 - The Protection of the Environment Operations Act 1997
 - The Protection of the Environment Operations (Waste) Regulation 2005
 - DECC/EPA Waste Classification 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

14. Any work involving the demolition, storage or disposal of asbestos products and materials must be carried out in accordance with the following requirements:
- 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 (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the Principal certifying authority 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

15. 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 must be shown in a *Sediment and Erosion Control Plan*, including; a site plan; indicating the slope of land, access points & access control measures, location and type of sediment & erosion controls, location of existing vegetation to be retained, location of material stockpiles and storage areas, location of building operations and equipment, methods of sediment control, details of drainage systems and details of existing and proposed vegetation.

A copy of the Sediment and Erosion Control Plan must be provided to the Principal Certifying Authority and Council. A copy must also be maintained on site and be made available to Council officers upon request.

Dust Control

16. During demolition excavation and construction works, dust emissions must be minimised, so as not to result in a nuisance to nearby residents or result in a potential pollution incident.

Adequate dust control measures must be provided to the site prior to the works commencing and the measures and practices must be maintained throughout the demolition, excavation and construction process, to the satisfaction of Council.

Dust control measures and practices may include: -

- *Provision of geotextile fabric to all perimeter site fencing (attached on the prevailing wind side of the site fencing).*
- *Covering of stockpiles of sand, soil and excavated material with adequately secured tarpaulins or plastic sheeting.*
- *Installation of a water sprinkling system or provision hoses or the like.*
- *Regular watering-down of all loose materials and stockpiles of sand, soil and excavated material.*
- *Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds.*
- *Landscaping and revegetation of disturbed areas.*

Public Safety & Site Management

17. 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.

Site Signage

18. 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

19. 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)	<input type="checkbox"/> Monday to Friday - 7.00am to 5.00pm <input type="checkbox"/> Saturday - 8.00am to 5.00pm <input type="checkbox"/> Sunday & public holidays - No work permitted
Excavating of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like	<input type="checkbox"/> Monday to Friday - 8.00am to 1.00pm only <input type="checkbox"/> Saturday - No work permitted <input type="checkbox"/> Sunday & public holidays - No work permitted
Additional requirements for all development	<input type="checkbox"/> Saturdays and Sundays where the preceding Friday and/or the following Monday is a

	public holiday - No work permitted
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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.

20. All machinery used during the installation of the ten floodlights is to be restricted to the sports field areas, and kept at all times as far as practically possible from the surrounding bushland.
21. No machinery parking or materials storage is to occur between the new poles installed around Field 4 and the bushland to the east. Machinery parking and equipment or materials storage compounds are to be set-up on areas adjacent to the sports fields, where required.
22. All stockpiles of excavated material are to be kept downslope and a minimum distance of 40m away from the bushland edges surrounding the Park.
23. If stockpiles are to be retained for more than 8 hours they are to be surrounded by appropriate sediment control devices such as those outlined in The Blue Book – Managing Urban Stormwater: Soils and Construction (Landcom 2004).
24. No wash off of machinery, equipment, paints, chemicals and excess construction materials is to occur in, or be carried out in, an area that may affect the bushland vegetation of the site.
25. No Council or private vehicles associated with the works should be parked on the Anzac Parade median strip, instead all vehicle should be parked in the Pioneers Park carpark.
26. Vehicles should not drive along the top of the batter adjacent to the bushland along the eastern boundary of the Park.
27. There should be no access to any of the bushland areas at any time during the works.
28. Site inductions should include information outlining the sensitive nature of the Eastern Suburbs Banksia Scrub and other threatened items surrounding the Park, especially that occurring on the Anzac Pde median strip, and make clear that access to these areas is prohibited.

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

29. 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.

Structural Certification

30. A Certificate must be obtained from a *professional engineer*, which certifies that the building works satisfy the relevant structural requirements of the Building Code of Australia and approved design documentation, to the satisfaction of the *Principal Certifying Authority*. A copy of which is to be provided to Council.

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.

31. The light towers must only be operated four nights of the week up until 9.00pm.

GENERAL 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 requirements. 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 \$3,000) 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 an Accredited Certifier or Council
 - An Accredited Certifier or Council 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.

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.

- A3 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA), Disability (Access to Premises – Buildings) Standards 2010 and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards. You are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.
- A4 Any proposed amendments to the design and construction of the building may require a new development application or a section 96 amendment to the existing consent to be obtained from Council, before carrying out such works
- A5 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).
- 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 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).

- A8 Finished ground levels external to the building are to be consistent with the development consent and are not to be raised, other than for the provision of approved paving or the like on the ground.

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 any adjoining 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 necessary development consent and a construction certificate or a

complying development certificate (as applicable) must be obtained for any proposed *cooling towers* and external plant and equipment, if not included in this consent.

- A11 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.

- A12 An application must be submitted to and approved by Council prior to the installation and operation of any proposed greywater or wastewater treatment systems, in accordance with the *Local Government Act 1993*.

- A13 There are to be no emissions or discharges from the premises, which will give rise to an environmental or public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.

- A14 Air conditioning plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:
- before 8.00am or after 10.00pm on any Saturday, Sunday or public holiday; or
 - before 7.00am or after 10.00pm on any other day.

MOTION: (Matson/Woodsmith) that development consent be refused as the location is unsuitable for lights and it is not in the public interest. **LOST.**

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

FOR	AGAINST
Councillor Matson	Councillor Andrews
	Councillor Belleli
	Councillor Bowen
	Councillor Hughes
	Councillor Matthews
	Councillor Nash
	Councillor Seng
	Councillor Smith
	Councillor Stevenson
	Councillor Tracey
	Councillor White
	Councillor Woodsmith
Total (1)	Total (12)

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

**CP2/12 Director City Planning Report - 51 Willis Street, Kingsford
(DA/676/2009/B)**

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

19/12

RESOLUTION: (Matthews/White) that this matter be deferred for the applicant to consider submitting amended plans and for mediation between the applicant and objectors.

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

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

FOR	AGAINST
Councillor Belleli	Councillor Matson
Councillor Bowen	Councillor Smith
Councillor Hughes	Councillor Woodsmith
Councillor Matthews	
Councillor Nash	
Councillor Notley-Smith	
Councillor Seng	
Councillor Stevenson	
Councillor Tracey	
Councillor White	
Total (10)	Total (3)

**CP3/12 Director City Planning Report - 11 Monmouth Street, Randwick
(DA/410/2011)**

20/12

RESOLUTION: (Smith/White) that:

- (a) this matter be deferred for the applicant to consider the submission of amended plans which include the rear building line of the upper floor having a rear setback of approximately 15.6 metres to the eastern boundary, consistent with the existing upper floor additions of number 13 and number 7 Monmouth Street and the northern side balcony being deleted; and
- (b) an invitation be extended to the applicant and objectors to enter into mediation.

MOTION: (Tracey/Woodsmith) that this matter be deferred for the submission of amended plans which include the rear building line of the upper floor having a rear setback of approximately 15.6 metres to the eastern boundary, consistent with the existing upper floor additions of number 13 and number 7 Monmouth Street and the northern side balcony being deleted.

AMENDMENT: (Smith/White) that an invitation also be extended to the applicant and objectors to enter into mediation **CARRIED ON THE CASTING VOTE OF THE MAYOR 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 Hughes	Councillor Bowen
Councillor Nash	Councillor Matson
Councillor Notley-Smith	Councillor Matthews
Councillor Seng	Councillor Stevenson
Councillor Smith	Councillor Tracey
Councillor White	Councillor Woodsmith

Total (7)

Total (7)

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

CP4/12 Director City Planning Report - 102-104 Brook Street, Coogee (DA/291/2009)

Note: A rescission motion was submitted on this matter in accordance with Council’s Code of Meeting Practice and will be considered at the Ordinary Council Meeting to be held on 27 March 2012.

Note: Having declared an interest, Crs Bowen and Smith left the meeting during the debate and voting on this matter.

21/12

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.

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

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

FOR	AGAINST
Councillor Andrews	Councillor Hughes
Councillor Belleli	Councillor Matson
Councillor Matthews	Councillor Notley-Smith
Councillor Nash	Councillor Seng
Councillor Stevenson	Councillor Tracey
Councillor White	Councillor Woodsmith
Total (6)	Total (6)

CP5/12 Director City Planning Report - 2R Carr Street, Coogee (DA/935/2011)

22/12

RESOLUTION: (Andrews/Matson) 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. 935/11 for construction of an amenity’s facility and ancillary items, at No. 2 Carr Street, Coogee (Baker Park), subject to the following conditions:

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:

Plan	Dated	Received	Prepared By
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DA 00 Cover	31 November 2011	2 December 2011	Phillipsmarler
DA 01 Site analysis and context plan	31 November 2011	2 December 2011	Phillipsmarler
DA 02 Detail site plan and floor plan	31 November 2011	2 December 2011	Phillipsmarler
DA 03 Typical section	31 November 2011	2 December 2011	Phillipsmarler
DA 04 North elevation	31 November 2011	2 December 2011	Phillipsmarler
DA 05 South Elevation	31 November 2011	2 December 2011	Phillipsmarler
DA 06 West Elevation	31 November 2011	2 December 2011	Phillipsmarler
DA 07 East Elevation	31 November 2011	2 December 2011	Phillipsmarler
DA 08 Perspective	31 November 2011	2 December 2011	Phillipsmarler
CO1 Proposed drainage layout	26 August 2011	2 December 2011	Richmond + Ross
CO1 Proposed amenities building	26 August 2011	2 December 2011	Richmond + Ross

Building Regulation & Construction

2. 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.

3. 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 are to be provided in the construction certificate.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a 'Construction Certificate' by either Randwick City Council or an Accredited Certifier. All necessary information to demonstrate compliance with the following conditions of consent must be submitted with the construction certificate application.

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.

Stormwater Drainage

4. Prior to the issue of a construction certificate, detailed drainage plans with levels reduced to Australian Height Datum (AHD), shall be prepared by a suitably qualified Hydraulic Engineer and be submitted to and approved by the certifying authority. A copy of the plans shall be forwarded to Council, if Council is not the certifying authority.

The drainage plans must demonstrate compliance with the Building Code of Australia, Australian Standard AS3500.3:2003 (Plumbing and Drainage - Stormwater Drainage) and the relevant conditions of this development

approval.

5. Stormwater runoff from the proposed amenities block shall be discharged:
 - a) To a suitably sized infiltration area. As a guide the infiltration area shall be sized based on a minimum requirement of 1 m² of infiltration area (together with 1 m³ of storage volume) for every 20 m² of roof/impervious area on the site.

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.

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

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

7. In accordance with the requirements of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000*, **prior to the commencement of any excavation or building works**, the person having the benefit of the development consent must:-

- appoint a *Principal Certifying Authority* for the building work, and
- appoint a *principal contractor* for the building work, or in relation to residential building work, obtain an *owner-builder* permit in accordance with the requirements of the *Home Building Act 1989*, and notify the *Principal Certifying Authority* and Council accordingly in writing, and
- 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
- give at least two days notice to the Council, in writing, of the person's intention to commence building works.

8. 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.

9. An **Occupation Certificate** must be obtained from the *Principal Certifying Authority* **prior to any occupation of the building** 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.

10. 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.

11. 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".

12. 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 (formerly EPA) and Randwick City Council policies and conditions, including:

- Occupational Health and Safety Act 2000
- Occupational Health and Safety (Hazardous Substances) Regulation 2001
- Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
- WorkCover NSW Code of Practice for the Safe Removal of Asbestos
- Australian Standard 2601 (2001) – Demolition of Structures
- The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 2005.
- Relevant Department of Environment & Climate Change (DECC) / Environment Protection Authority (EPA) and WorkCover NSW Guidelines.
- Randwick City Council Asbestos Policy (adopted 13 September 2005)

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

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

The 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

- Waste disposal, recycling and re-use of materials
- Methods and location of disposal of any hazardous materials
- Other relevant details, measures and requirements to be implemented
- Date the demolition works will commence

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

If the work involves asbestos products or materials, a copy of the Demolition Work Plan must be provided to Council.

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

14. Any work involving the demolition, storage and disposal of asbestos products and materials must be carried out in accordance with the following requirements:
- a) 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.
 - b) On 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.
 - c) 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. 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.
 - d) A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council upon completion of any asbestos related works (**prior to an Occupation Certificate being issued**) which confirms that the asbestos material have been removed appropriately and the relevant requirements contained in the Asbestos Survey and conditions of consent in relation to the safe removal and disposal of asbestos, have been satisfied.
15. 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.

16. 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)	<input type="checkbox"/> Monday to Friday - 7.00am to 5.00pm <input type="checkbox"/> Saturday - 8.00am to 5.00pm <input type="checkbox"/> Sunday & public holidays - No work permitted
Excavating of rock, use of jack-hammers, pile-drivers or the like	<input type="checkbox"/> Monday to Friday - 8.00am to 5.00pm <input type="checkbox"/> Saturday - No work permitted <input type="checkbox"/> 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.

17. Public health, safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be satisfied:
- 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) 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.
 - c) 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.
 - d) Temporary toilet facilities are to be provided within the work site throughout the course of demolition and construction, to the satisfaction of WorkCover NSW and Council. The toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.

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

- a) A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres).

Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council. Temporary site fences are to be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

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

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

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

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

20. During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to the satisfaction of Council.

Sydney Water

21. 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

22. 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.
23. 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.

Site Arborist

24. Prior to the commencement of site works, the PCA must ensure that a professional Arborist who holds a minimum of AQF Level 5 in Arboriculture (and is also a registered member of a nationally recognised organisation/association) has been engaged throughout the course of the works for the purpose of performing canopy and root pruning, as well as establishing, monitoring and implementing Tree Protection Zones, Tree Protection Measures and similar, with all site staff to comply with any instructions issued by the 'site Arborist'.

Pruning of Park Trees

25. Permission is granted for the selective pruning of those lower growing limbs from the two *Ficus macrophylla* (Moreton Bay Figs), being Tree 4 to the north of the building, and Tree 5 to its south, only where they overhang directly above or close to the proposed works, and need to be pruned in order to avoid damage to the trees or interference during the course of works, and should be performed prior to commencement in order to minimize the possibility of damage/interference.
26. Prior to performing any canopy pruning, the site Arborist must contact Council's Landscape Development Officer (9399-0613) giving at least two working days notice, to arrange a joint site meeting to confirm the exact extent and location of pruning that is allowed to these two trees.
27. Pruning must comply with Council's instructions as described above, be performed only by the 'site Arborist', and must also comply with the requirements of Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and NSW Work Cover Code of Practice for the Amenity Tree Industry (1998).

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.

Protection of Fig Trees

28. In order to ensure retention of the two *Ficus macrophylla* (Moreton Bay Figs), being Tree 4 to the north of the existing/proposed building, and Tree 5 to its south in good health as has been shown, the following measures are to be undertaken:
- a. The 'site Arborist' must be present on-site during demolition/removal of the existing concrete slab, and must also supervise/perform all **initial** excavations associated with the new slab, retaining wall, footpath and hydraulic services, to a minimum depth of 500mm, and within a radius of 7 metres from either tree (measured off the outside edge of their trunks at ground level), and are to be performed by hand, not machinery.
 - b. Where existing ground levels are to be altered associated with the new retaining wall or building, the affected areas are to be smoothly and evenly re-graded back to their former condition so that existing drainage patterns are maintained.
 - c. Both trees are to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing, which shall be located a minimum distance of **3.5 metres** on all four sides (measured off the outside edge of their trunks at ground level), in order to completely exclude them for the duration of works. Should the slope of the embankment prove difficult to install chainwire fencing panels, evenly spaced star pickets can be provided in their place, to which safety tape/para-webbing/shade cloth or similar shall be permanently attached.
 - d. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER".
 - e. In order to prevent soil/sediment being washed over their root systems, erosion control measures shall be provided along that side of the TPZ that is closest to the works.
 - f. Within the TPZ described in point 'c' 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, with all Site Management Plans needing to acknowledge these requirements.
 - g. In order to prevent soil compaction and root stress, ground protection in the form of a layer of 75mm woodchip mulch shall be placed in the area between the TPZ and proposed works, and must be maintained until completion of the building works, when the affected areas will be re-turfed.
 - h. Those roots with a diameter of less than 100mm that are encountered during the initial excavations, and which are in direct conflict with the proposed works and need to be cut, must be pruned **cleanly by hand, only by the site Arborist**, with the affected areas to be backfilled with clean site soil as soon as practically possible.
 - i. Where those major structural roots with a diameter of greater than 100mm are encountered, Council's Landscape Development Officer (9399-0613) must be contacted to perform an inspection and supervise

its clean pruning and back filling.

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.

Stormwater Drainage

29. Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with Australian Standard 3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and the conditions of this development approval. The certification must be provided following inspection/s of the site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the PCA.

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.

- 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.
- 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.

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/Matson) CARRIED UNANIMOUSLY - SEE RESOLUTION.

CP6/12 Director City Planning Report - Reporting Variation to Development Standard under State Environment Planning Policy No. 1 (SEPP 1) for the Month of 1 December 2011 to 31 January 2012. (F2008/00122)

23/12

RESOLUTION: (Andrews/Matson) that the report be received and noted.

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

**CP7/12 Director City Planning Report - Review of the Planning Act -
Submission to the Issues Paper (F2006/00158)**

24/12 **RESOLUTION: (Hughes/Matson)** that Council note and endorse the attached submission on the Issues Paper of the NSW Planning System Review.

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

**CP8/12 Director City Planning Report - Review of JRPP Procedures-
Submission to the NSW Government (F2009/00256)**

25/12 **RESOLUTION: (Matson/Woodsmith)** that:

- (a) Council note and endorse the attached submission to the Department of Planning and Infrastructure on the JRPP Policy documents review; and
- (b) Randwick City Council note its in-principle opposition to the removal of the decision making function of Councils by the JRPP process.

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

A **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 Matson	
Councillor Nash	
Councillor Notley-Smith	
Councillor Seng	
Councillor Smith	
Councillor Stevenson	
Councillor Tracey	
Councillor White	
Councillor Woodsmith	
Total (12)	Total (2)

**CP9/12 Director City Planning Report - Results of Council's "Who Cares
About the Environment" Survey of Randwick Residents
(F2004/08350)**

26/12 **RESOLUTION: (Andrews/Matson)** that:

- a) this report is received and noted; and
- b) Council notes findings will be used to continue to adjust and refine Randwick's environmental program and initiatives funded via our environmental levy.

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

General Manager's Reports**GM1/12 General Manager's Report - Continuation of Community Partnership with South Sydney Football Club (F2010/00282)**

27/12 **RESOLUTION: (Andrews/Matson) that:**

- a) Council continue the "Community Partnership" with the South Sydney Football Club with the \$40,000.00 contribution to come from the Community Services budget;
- b) the General Manager be delegated authority to enter into a Memorandum of Understanding with the South Sydney Football Club; and
- c) a report on the success of the 2012 Community Partnership to come back before Council.

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

GM2/12 General Manager's Report - General Manager's Exercise of Delegation (F2006/00383)

28/12 **RESOLUTION: (Bowen/Tracey)** that Council receive and note the General Manager's advice that he has exercised delegation RF017 as approved by Council at its ordinary Council meeting held 13 December 2011.

MOTION: (Bowen/Tracey) CARRIED – SEE RESOLUTION.

Note: Cr Notley-Smith left the chamber at this point in the meeting, the time being 9.55pm.

GM3/12 General Manager's Report - LGSA Tourism Conference (F2005/00646)

29/12 **RESOLUTION: (Belleli/Andrews)** that any interested Councillors be authorised to attend the LGSA Tourism Conference in Gunnedah from 12-14 March 2012.

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

GM4/12 General Manager's Report - 50:50 Vision Gender Equity - Bronze Award Achievement (F2004/06897)

30/12 **RESOLUTION: (Andrews/Hughes)** that Council note the Bronze Award accreditation and continue to provide support working towards Randwick achieving Silver Award accreditation.

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

GM5/12 General Manager's Report - Workplace Health & Safety Act and Regulation 2011 (F2012/00075)

31/12 **RESOLUTION: (Belleli/Andrews)** that the Council receive and note this report.

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

GM6/12 General Manager's Report - Review of the 2011-12 Annual Operational Plan - December 2011 Quarterly Report (F2011/00037)

32/12 **RESOLUTION: (Belleli/Andrews)** that the information contained in the December 2011 Quarterly review of the 2011-12 Annual Operational Plan be received and noted.

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

GM7/12 General Manager's Report - Randwick City Council's Workforce Strategy (F2008/00099)

33/12 **RESOLUTION: (Belleli/Andrews)** that Council receive and note this report on Workforce Strategy actions and performance.

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

GM8/12 General Manager's Report - Invitation from our City Sister, Hangzhou, China (F2005/00294)

34/12 **RESOLUTION: (Andrews/Seng)** that the invitation from the City of Hangzhou for the Mayor, his partner and the relevant Council officer for an official visit to the City of Hangzhou from 31 March to 8 April be accepted.

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

Director City Services Reports

CS1/12 Director City Services Report - Bardon Park Preliminary Concept Landscape Upgrades and Community Consultation (PROJ/10173/2005)

35/12 **RESOLUTION: (Andrews/White)** that:

- a) in response to submissions received Council now develops a Detailed Landscape Plan to undertake a Landscape Upgrade of Bardon Park incorporating the following:
 - Pedestrian ramp from Smithfield Avenue;
 - Tree planting to the North;
 - Seating on the Western edge;
 - A Bubbler;
- b) community consultation is undertaken for the detailed landscape plan for final comments before it is documented; and
- c) funding is provided in the 2012-2013 Capital Works budget for this project.

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

CS2/12 Director City Services Report - Green Square West Kensington Floodplain Management (PROJ/10245/2006/6-06)

36/12 **RESOLUTION: (Belleli/Andrews)** that:

- a) Council adopt the Green Square – West Kensington Floodplain Risk Management Study, Randwick City Council Report, October 2011;

- b) Council adopt the West Kensington catchment Floodplain Risk Management Plan, October 2011; and
- c) Council adopt the flooding related development controls and flood planning levels as a policy of the Council as it applies to properties in the West Kensington catchment.

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

CS3/12 Director City Services Report - Flooding Advice and Flood Related Development Controls Policy (F2011/00379)

37/12 **RESOLUTION: (Belleli/Andrews)** that the draft Flooding Advice and Flood Related Development Controls Policy be adopted.

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

Director Governance & Financial Services Reports

GF1/12 Director Governance & Financial Services Report - Investment Report - November 2011 (F2004/06527)

38/12 **RESOLUTION: (Belleli/Andrews)** that the investment report for November 2011 be received and noted.

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

GF2/12 Director Governance & Financial Services Report - Investment Report - December 2011 (F2004/06527)

39/12 **RESOLUTION: (Belleli/Andrews)** that the investment report for December 2011 be received and noted.

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

GF3/12 Director Governance & Financial Services Report - Investment Report - January 2012 (F2004/06527)

40/12 **RESOLUTION: (Belleli/Andrews)** that the investment report for January 2012 be received and noted.

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

GF4/12 Director Governance & Financial Services Report - Quarterly Budget Review - December 2011 (F2010/00248)

41/12 **RESOLUTION: (Belleli/Andrews)** that:

- a) the report in relation to the December 2011 budget review be received and noted; and
- b) the proposed December 2011 budget variations shown in the attachment to this report be adopted.

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

GF5/12 Director Governance & Financial Services Report - Post Implementation Review - ICAN Project (F2011/00347)

42/12 **RESOLUTION: (Belleli/Andrews)** that the report be received and noted.

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

GF6/12 Director Governance & Financial Services Report - Constitutional Recognition of Local Government - Contribution of Funds (F2008/00656)

43/12 **RESOLUTION: (Woodsmith/Matson)** that the LGSA's special levy to fund the national advertising campaign for the constitutional recognition of local government in the amount of \$30,491.20 plus GST (to be paid as an annual contribution of \$10,163.73 plus GST for three financial years commencing in the 2012-13 budget year) be approved.

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

GF7/12 Director Governance & Financial Services Report - Withdrawal of Caveat and Affixing of the Council Seal (F2004/06862)

44/12 **RESOLUTION: (Matson/Smith)** that the Council's Seal be affixed to:

1. the withdrawal of Caveat form for the property at 45/77 Broome Street, Maroubra also known as Lots 17 & 23 in Strata Plan 4370;
2. the retail lease agreement with MEP Group Pty Ltd for the property at Shop 22 Silver Street, Randwick also known as Part Folio 1/706975 for a period of 3+3+3 years; and
3. the licence agreement with State Transit Authority for the property at 1-11 Rainbow Street, Kingsford also known as Lot 1 DP 120465 for a period of one year.

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

GF8/12 Director Governance & Financial Services Report - Destination 2036 - Draft Action Plan (F2004/08248)

45/12 **RESOLUTION: (Smith/Hughes)** that the draft submission in relation to the Destination 2036 Action Plan be endorsed for submission to the Implementation Steering Committee.

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

Petitions

- a) the Mayor tabled a petition from residents objecting to the development application for 11 Monmouth Street, Randwick.
- b) the Mayor tabled a petition from residents requesting improvements be undertaken to the bus stop outside the South Coogee Public School.
- c) the Mayor tabled a petition from residents from Ryan Ave Maroubra regarding Council ranger patrols.

- d) Cr Tracey tabled a petition from residents concerning the proposed bus shelter in Carrington Road, Coogee.

Urgent Business

UB2/12 Cr Geoff Stevenson - Federal Government Anti Graffiti Grant (F2008/00195)

- 46/12 **RESOLUTION: (Stevenson/Belleli)** that Council make an application for the Federal Government Anti Graffiti Grant before the closing date on 16 March 2012.

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

Motion Pursuant to Notice

NM1/12 Motion Pursuant to Notice from Cr Andrews - Extension of Coastal Walkway South End of Maroubra Beach (F2004/07523)

- 47/12 **RESOLUTION: (Andrews/Matthews)** that the General Manger bring back a report to Council considering future capital works programs for the extension of the Coastal Walkway from the southern end of the Pavilion at Maroubra Beach to the South Maroubra Surf Club with the vision of continuing and linking in the future such walkway to the Malabar Headland and beyond.

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

Cr Smith left the meeting at this point (10.56pm) and did not return.

RESOLVED: (PROCEDURAL MOTION) (Seng/Matson) that the meeting be extended for a further thirty minutes in accordance with Council's Code of Meeting Practice.

NM2/12 Motion Pursuant to Notice from Cr Andrews - Concept Plan for Maroubra Junction Town Centre (F2005/00827)

- 48/12 **RESOLUTION: (Andrews/Seng)** that Council commence work on a concept plan for future capital works for the beautification of Maroubra Junction Town Centre.

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

NM3/12 Motion Pursuant to Notice from Cr Seng - Council's Public Art Projects (F2008/00487)

- 49/12 **RESOLUTION: (Seng/Woodsmith)** that the General Manager be asked to report on Council's public art projects in the last two years as well as those already planned for the future.

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

NM4/12 Motion Pursuant to Notice from Cr Seng - Rooftop Gardening (F2008/00295)

- 50/12 **RESOLUTION: (Seng/Matson)** that Council consider developing a policy to encourage rooftop gardening/farming as being widely practised in Germany, Japan, Egypt and Singapore.

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

NM5/12 Motion Pursuant to Notice from Cr Seng - Dogs on Beaches Policy

(F2011/00027)

MOTION: (Seng/Andrews) that, in response to the requests by residents, Council investigate the possibility of developing a policy to allow dogs on beaches. The investigation shall include identifying a section of one or two suitable beaches and reviewing similar policies (if any) of other Councils in NSW and elsewhere. **LOST.**

NM6/12 Motion Pursuant to Notice from Cr Bowen - Raising Awareness of Homelessness in Randwick City (F2010/00283)

51/12

RESOLUTION: (Bowen/Matson) that Council authorise and fund two Council staff from the community development section of Council to attend the conference: "Building an evidence base to end homelessness" to be held on 14 & 15 May, 2012 in Newcastle.

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

NM7/12 Motion Pursuant to Notice from Cr Bowen - Randwick Environment Park (F2010/00407)

52/12

RESOLUTION: (Bowen/Woodsmith) that:

- a) any future decision to construct public toilets at the Randwick Environment Park also include the installation of signs at entrance points to the park advising access to the park is restricted to daylight hours; and
- b) Council immediately install dispensers in the Randwick Environment Park to provide "doggy doo" bags for dog owners who use the park.

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

NM8/12 Motion Pursuant to Notice from Cr Notley-Smith - Proposed Availability of Larger Recycling Bins (F2004/07275)

53/12

RESOLUTION: (Seng/Andrews) that a report be brought back to Council in relation to residential properties being provided with larger (360 litre) recycling bin should they be requested by the occupant.

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

NM9/12 Motion Pursuant to Notice from Cr Notley-Smith - Heritage Study of Coogee Bay Precinct (F2010/00212)

This motion was held over to the next ordinary Council meeting with the permission of Council.

NM10/12 Motion Pursuant to Notice from Cr Stevenson - 2012 NSW Local Government Elections (F2004/06582)

MOTION: (Stevenson/Bowen) that:

- 1) Council prepare a report on the process and costs of a referendum on the question of the direct public election of a Mayor; and
- 2) this report be prepared for discussion at the March Ordinary Council meeting to enable enough time for the question to be notified to the NSW Electoral

Commission by the closing of nominations for the 2012 Local Government Elections. **LOST.**

Confidential Reports

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

Closed Session

CP11/12 Confidential - Tender - Mixed Solid Waste Disposal, Garden Organics Processing and Bulky Waste Disposal Services (F2011/00346)

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.

54/12 **RESOLUTION: (Belleli/Andrews)** that Council:

1. Accepts SITA Australia Pty Ltd's tender for mixed solid waste disposal at a price of \$183.15 (excl. GST) per tonne or approximately \$5,613,760 per year, subject to successful negotiation of the conditions attached in their submission;
2. Accepts SITA Australia Pty Ltd's tender for processing of garden organics at a price of \$162 per tonne (excl. GST) per tonne or approximately \$974,975 per year with maximum of 5% contamination, subject to successful negotiation of the conditions attached in their submissions;
3. Accepts Veolia Environmental Services' tender for bulky waste disposal at a price of \$174 (excl. GST) per tonne or approximately \$1,067, 154 per year subject to successful negotiation of the conditions attached in their submission;
4. Authorises the General Manager to negotiate contract conditions and sign contracts for a term of 3 years with two possible one year extensions with:
 - a) SITA Australia Pty Ltd for the contract for mixed solid waste disposal with option for negotiated amount of waste to be processed at AWT facilities;
 - b) SITA Australia Pty Ltd for the contract for garden organics processing with option for processing of garden organics with food waste; and
 - c) Veolia Environmental Services for the contract for disposal of bulky waste; and
5. notifies the unsuccessful tenderers.

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

CS4/12 Confidential - T01/12 - Yarra Bay Stormwater Harvesting System (F2011/00544)

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.

55/12 **RESOLUTION: (Belleli/Andrews)** that Council:

1. accepts the tender offered by Murphy McCarthy & Associates Pty Ltd at a lump sum price of \$760,150.00 (ex GST) to carry out T01/12 Yarra Bay Stormwater Harvesting System at Yarra Bay Bicentennial Park, Philip Bay; and
2. delegates the General Manager authority to execute a contract with Murphy McCarthy & Associates Pty Ltd to carry out the work; and
3. notifies the unsuccessful tenderers.

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

GF9/12 Confidential - Kensington Bowling Club Partnership with KikOff Soccer Centres Pty Ltd - 1 Day Lane Kensington (F2011/06336)

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.

56/12

RESOLUTION: (Belleli/Andrews) that Council approve the amended lease agreement with the Kensington Bowling Club and applicable annual rent payable to Council in accordance with the Deed of Variation and Community Facilities Management Policy and the Council seal be affixed to the necessary documentation.

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

GF10/12 Confidential - Maroubra Garden Village, 13 Tyrwhitt Street, Maroubra - Mortgage over lease (F2009/00242)

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.

57/12

RESOLUTION: (Matthews/Woodsmith) that Council does not grant consent to the mortgage over lease for Maroubra Garden Village at 13 Tyrwhitt Street, Maroubra and takes the necessary action to remove the mortgage from the title.

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

GF11/12 Confidential - Tender for Maintenance of Air Conditioning Systems - T17/11 (F2011/00474)

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.

58/12

RESOLUTION: (Belleli/Andrews) that Council:

1. Accepts the tender submitted by Haden Engineering Pty Ltd for Air Conditioning Maintenance (T17/11); subject to the satisfactory agreement of contractual conditions.
2. JEC Air Conditioning Services Pty Ltd is shortlisted in the event that contractual issues cannot be resolved with Haden Engineering Pty Ltd, or if Haden Engineering Pty Ltd are removed from this contract for any reason within the next 12 month period.

3. Authorise the General Manager to sign and affix Councils Common Seal on the contract documents on behalf of Council for a three year term with an option to extend for two further terms of twelve months; and
4. Notify the unsuccessful tenderers.

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

GF12/12 Confidential - Organisation Structure (F2004/06916)

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

59/12

RESOLUTION: (Belleli/Andrews) that the report be received and noted and the proposed changes to the organisation structure, as outlined in the report, be adopted.

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

Open Session

The meeting moved back into open session.

Notice of Rescission Motions

Note: A rescission motion on Item CP4/12 was submitted by Councillors Matson, Hughes and Woodsmith in accordance with Council's Code of Meeting Practice and will be considered at the Ordinary Council meeting to be held on 27 March 2012.

NR1/12 Notice of Rescission Motion from Crs Tracey, Woodsmith and Procopiadis - Proposed New Bus Shelter Installation - Carrington Road corner Alison Road, Randwick (in front of 174 Carrington Road) (F2004/00823)

60/12

RESOLUTION: (Tracey/Woodsmith) that the resolution passed at the Works Committee meeting held on Tuesday 14 February 2012 reading as follows:

'RESOLUTION: (Andrews/Bowen) that:

- a) the installation of a bus shelter in front of 174 Carrington Road, Randwick not proceed;
- b) Council consider the installation of a bus shelter at Marine Parade, Maroubra near 90-92 Marine Parade, pending community consultation outcomes; and
- c) all the residents/property owners in the consultation catchment be notified accordingly.'

BE AND IS HEREBY RESCINDED.

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

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 Nash	Councillor Bowen
Councillor Stevenson	Councillor Matthews

Councillor Tracey	Councillor Seng
Councillor White	Councillor Smith
Councillor Woodsmith	
Total (7)	Total (6)

61/12 **FURTHER RESOLUTION: (Tracey/Woodsmith)** that before any decision is made, bus users at this bus stop be surveyed for their opinion and consultation be undertaken with the relevant Precinct Committee.

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

AMENDMENT: (Stevenson/Bowen) that before any decision is made, bus users at this bus stop, the bus stop in Marine Parade, Maroubra and the bus stop outside 95 Mons Avenue, Maroubra be surveyed for their opinion and consultation be undertaken with the relevant Precinct Committee. **LOST.**

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 Stevenson	Councillor Nash
Councillor Tracey	Councillor Seng
Councillor Woodsmith	Councillor Smith
	Councillor White
Total (6)	Total (7)

Note: Councillors Andrews and Matthews requested that their names be recorded as opposed to the resolution.

There being no further business, His Worship the Mayor, Cr S Nash, declared the meeting closed at 11.26pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 27 March 2012.

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CHAIRPERSON