

**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 OCTOBER 2014 AT 6:06PM**

**Present:**

The Mayor, Councillor T Seng (Chairperson) (Central Ward)

Councillor A Andrews (Deputy Mayor) (Central Ward)

- |              |   |
|--------------|---|
| North Ward   | - Councillors K Neilson, L Shurey & K Smith   |
| South Ward   | - Councillors N D'Souza, R Belleli & P Garcia |
| East Ward    | - Councillors T Bowen, M Matson & B Roberts   |
| West Ward    | - Councillors S Nash & H Stavrinou            |
| Central Ward | - Councillor 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 J Smith
Manager Administrative Services	Mr D Kelly
Manager Development Assessment	Mr K Kyriacou
Communications Manager	Mr J Hay
Manager Corporate Improvement	Ms A Warner

**Prayer & Acknowledgement of Local Indigenous People**

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

One minute's silence was observed as a mark of respect for the passing of former Prime Minister, Mr Gough Whitlam.

**Apologies/Granting of Leave of Absences**

An apology was received from Cr Moore.

**RESOLVED: (Garcia/Stavrinou)** that the apology received from Cr Moore be accepted and leave of absence from the meeting be granted.

## Confirmation of the Minutes

### CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY 23 SEPTEMBER 2014

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328/14

**RESOLUTION: (Stavrinou/Andrews)** that the Minutes of the Ordinary Council Meetings held on Tuesday 23 September 2014 and Tuesday 30 September (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of those meetings.

## Declarations of Pecuniary and Non-Pecuniary Interests

- a) Cr Neilson declared a non-significant non pecuniary interest in Item CP102/14 as she knows the applicant.
- b) Cr Neilson declared a non-significant non pecuniary interest in Item NM116/14 as she knows some of the supporters of this issue.
- c) Cr Neilson declared a non-significant non pecuniary interest in Item NM118/14 as she knows the speaker in favour of this program.
- d) Cr Neilson declared a non-significant non pecuniary interest in Item NM119/14 as she knows the speaker in favour of this program.
- e) Cr Neilson declared a non-significant non pecuniary interest in Item GF64/14 as she knows some of the supporters and objectors in this matter.
- f) Cr Smith declared a non-significant non pecuniary interest in Item GF64/14 as he knows some of the supporters and objectors in this matter.
- g) Cr Smith declared a non-significant non pecuniary interest in Item NM116/14 as the parent company of his employer is owned by the Altria Group Inc who also own Phillip Morris.
- h) Cr Andrews declared a non-significant non pecuniary interest in Item NM117/14 as he is affiliated with the Nurses Association.
- i) Cr Neilson declared a non-significant non pecuniary interest in Item NM117/14 as she knows the speaker on the matter.
- j) Cr Bowen declared a non-significant non pecuniary interest in Item NM117/14 as his sister is an honorary legal officer for the Nurses Association.

## 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:

CP102/14 5/80 COOGEE BAY ROAD, RANDWICK (DA/327/2014)

**Applicant** Celia Carroll on behalf of applicant

CP103/14 12-14 BELMORE ROAD, RANDWICK (DA/208/2014)

**Applicant** Genevieve Slattery on behalf of applicant

CP104/14 89 BOUNDARY STREET, CLOVELLY (DA/288/2013/A)

**Applicant** Jamie Grounds on behalf of applicant

CP105/14 10 SEASIDE PARADE, SOUTH COOGEE (DA/357/2014/A)

**Applicant** Katerina Katris

GF64/14 COOGEE BOWLING CLUB - APPROACH FOR INSTALLATION OF A GROUP FITNESS CENTRE ON PREMISES - COMMUNITY CONSULTATION

**For** David Yole

NM116/14 NOTICE OF MOTION FROM CR NEILSON - TO BAN SMOKING ON ALL BEACHES IN THE CITY OF RANDWICK FROM SUMMER 2014

**For** Justin Bonsuy

NM117/14 NOTICE OF MOTION FROM CR D'SOUZA - PROPOSED NURSES MEMORIAL

**For** Billie King

NM118/14 NOTICE OF MOTION FROM CR ROBERTS - PROPOSED GREETER PROGRAM IN RANDWICK CITY

**For** Terry McGuinness

NM119/14 NOTICE OF MOTION FROM CR ROBERTS - WHALE WATCHING PROGRAM

**For** Terry McGuinness

NR12/14 NOTICE OF RESCISSION MOTION FROM COUNCILLORS BOWEN, MATSON & NEILSON - DEVELOPMENT APPLICATION REPORT - 15 EDGECLIFFE AVE, SOUTH COOGEE (DA/191/2014)

**Objector** Anni Haque

**Applicant** Ron Pajor

The Meeting was adjourned at 7.21pm and was resumed at 7.43pm.

**RESOLVED: (PROCEDURAL MOTION) (Matson/Stavrinos)** that all matters that were subject to addresses by the public be dealt with as the first items of business.

### Mayoral Minutes

#### **MM84/14 Mayoral Minute - Prince of Wales Hospital Foundation - Twilight Race Day (F2005/00213)**

329/14

**RESOLUTION: (Mayor, Cr T Seng)** that Council take up race naming sponsorship for the twilight race meeting being held on Friday 28<sup>th</sup> November, 2014 as a show of support for the Prince of Wales Hospital Foundation with the funds coming from the 2014-15 Contingency Fund.

**MOTION: (Mayor, Cr T Seng) CARRIED - SEE RESOLUTION.**

#### **MM85/14 Mayoral Minute - 2014 Institute of Public Works and Engineering Australasia Awards (F2013/00332)**

330/14

**RESOLUTION: (Mayor, Cr T Seng)** that:

1. Council notes receipt of these three prestigious awards from The Institute of Public Works and Engineering Australasia 2014; and
2. Council congratulates the staff involved.

**MOTION: (Mayor, Cr T Seng) CARRIED - SEE RESOLUTION.**

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**MM86/14 Mayoral Minute - Development of Community Pride Campaign  
(F2005/00005)**

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331/14

**RESOLUTION: (Mayor, Cr T Seng) that:**

1. Council supports, in principle, the development of a local community pride campaign; and
2. Council staff bring a report back to Council on concepts and how this campaign may be implemented.

**MOTION: (Mayor, Cr T Seng) CARRIED - SEE RESOLUTION.****Urgent Business**

Nil.

**Director City Planning Reports****CP102/14 Director City Planning Report - 5/80 Coogee Bay Road, Randwick  
(DA/327/2014)**

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332/14

**RESOLUTION: (Andrews/Stavrinos)**

- A. That Council supports the exceptions to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clause 4.3(2) of Randwick Local Environmental Plan 2012, relating to Height of Buildings, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning & Infrastructure be advised accordingly.
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/327/2014 for alterations and additions to the existing residential flat building by addition of a roof attic level containing a bedroom, bathroom and terrace for Unit 5 at No. 80 Coogee Bay Road, subject to the following non standard condition and the standard conditions contained in the development application compliance report attached to this report:

**Non standard conditions****External Colours, Materials & Finishes**

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

**MOTION: (Andrews/Stavrinos) CARRIED UNANIMOUSLY - SEE RESOLUTION.****CP103/14 Director City Planning Report - 12-14 Belmore Road, Randwick  
(DA/208/2014)**

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333/14

**RESOLUTION: (Garcia/Roberts)**

- A. That Council supports the exceptions to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliances

with Clause 4.3 (2) of Randwick Local Environmental Plan 2012 and Clause 30 (h) of SEPP (Affordable Rental Housing) 2009, relating to Height of Buildings and Minimum Provision of Motorcycle Parking respectively, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning & Environment be advised accordingly.

- B. 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. 208/2014 for demolition of all structures, construction of part 3, part 4 level building containing ground level bank, 4 residential units, 12 boarding house rooms with a communal laundry, kitchen and lounge, bicycle parking and associated works at No. 12-14 Belomore Road, Randwick, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

### **Non standard conditions**

2. The approved plans and documents must be amended in accordance with the following requirements:

- a. The landscaped area at the rear north western corner of the site is to be increased in size to provide a deep soil area of the following minimum dimensions:

- East to west from the outer face of the plant room: 5.8m
- North south from the northern site boundary: 1.5m

The deep soil area is to be landscaped in accordance with a landscape plan prepared by an accredited landscape architect in accordance with plans submitted to and approved by Council's Manager of Development prior to issue of a construction certificate.

- b. The security gate to the pedestrian ROW is to be provided with a locking system which allows for exit (in the case of emergency) only. This access is not to be used a means of entry to the premises. Details are to be included in the construction certificate.
- c. The use of the rear fire stairs to the boarding house component shall be restricted for emergency use only. The plan of management is to be amended to highlight this restriction to residents. The amended plan of management is to be submitted to and approved by Council's Manager of Development Services prior to issue of the construction certificate.

84. The rear fire stairs to the boarding house and external security gate to the pedestrian ROW is to be used in the event of emergency only.

**MOTION: (Garcia/Roberts) CARRIED UNANIMOUSLY - SEE RESOLUTION.**

### **CP104/14 Director City Planning Report - 89 Boundary Street, Clovelly (DA/288/2013/A)**

334/14

**RESOLUTION: (Neilson/Shurey)** that Council, as the consent authority, grants its consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Consent No. DA/288/2013/A by altering the internal layout, increasing the size of the ground floor level bedrooms including a rear extension of the ground floor ensuite, extension of the rear first floor balcony roof, increasing the size of the first floor balcony to construct a cupboard and modifying the window opening at 89 Boundary Street, Clovelly, subject to the following conditions:

**Amend Conditions Nos 1 and 2 to read:****Approved Plans & Supporting Documentation**

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

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received</i>
DA01 (Issue C)	Jamisa Design PTY LTD	May 2013	24 October 20
DA02 (Issue C)	Jamisa Design PTY LTD	May 2013	24 October 20
DA03 (Issue C)	Jamisa Design PTY LTD	May 2013	24 October 20
DA04 (Issue C)	Jamisa Design PTY LTD	May 2013	24 October 20
DA05 (Issue C)	Jamisa Design PTY LTD	May 2013	24 October 20
DA06 (Issue C)	Jamisa Design PTY LTD	May 2013	24 October 20
DA011 (Issue C)	Jamisa Design PTY LTD	May 2013	24 October 20

<i>BASIX Certificate</i>	<i>No.</i>	<i>Dated</i>	<i>Received</i>
	A161155_02	13 May 2013	14 May 2013

Except as amended by the **Section 96 'A' plans and supporting documentation listed below:**

<b>Plan</b>	<b>Drawn By</b>	<b>Dated</b>	<b>Received by Council</b>
S96-01 (Issue D)	Jamisa Design Pty Ltd	18 July 2014	16 September 20
S96-02 (Issue D)	Jamisa Design Pty Ltd	18 July 2014	16 September 20
S96-03 (Issue D)	Jamisa Design Pty Ltd	18 July 2014	16 September 20
S96-04 (Issue D)	Jamisa Design Pty Ltd	18 July 2014	16 September 20
S96-05 (Issue D)	Jamisa Design Pty Ltd	18 July 2014	16 September 20
S96-06 (Issue D)	Jamisa Design Pty Ltd	18 July 2014	16 September 20

<i>BASIX Certificate</i>	<i>No.</i>	<i>Dated</i>	<i>Received</i>
	A161155_03	1 July 2014	9 July 2014

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

**Amendment of Plans & Documentation**

2. The approved plans and documents must be amended in accordance with the following requirements:

- a. All privacy screens must be constructed so that the screens overlap and/or the screens when operable must be fixed at an angle to prevent overlooking into the neighbouring properties.
- b. The proposed colourbond roof colour 'Surfmist' is highly reflective. To limit the level of reflection and glare the external finishes schedule must be amended to include a darker colour for the roof finish. Details of the amended external finishes schedule must be resubmitted to and approved by Council's Manager Development Assessments prior to issuing a construction certificate for the development.
- c. the louvre screen to the ensuite at ground floor level on the western elevation shall be provided with fixed obscure louvres and/or with wall cladding to match that directly below.
- d. The privacy screen on the western side on the rear first floor deck shall be reduced to 1.8m, measured above the deck level.

**MOTION: (Neilson/Shurey) CARRIED UNANIMOUSLY - SEE RESOLUTION.**

**CP105/14 Director City Planning Report - 10 Seaside Parade, South Coogee  
(DA/357/2014/A)**

335/14

**RESOLUTION: (Stavrinou/Andrews)** that Council, as the consent authority, grants development consent under Section 96 of the *Environmental Planning and Assessment Act 1979*, as amended, to Development Application No. 357/2014/A to delete condition 2 relating to the extension of the height of existing fence on Edgecliffe boundary at No. 10 Seaside Parade, South Coogee, in the following manners:

A. Amend Conditions No. 1 to read:

**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:

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received</i>
25/14	Peter Banfield	27/05/2014	16/06/2014

Except as amended by the **Section 96 plans and supporting documentation listed below:**

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received</i>
<b>Notification Plan</b>	<b>N/A</b>	<b>N/A</b>	<b>3 September 2014</b>

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

B. Delete Condition No. 2

C. Add the following Conditions

**REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED**

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

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

#### **Consent Requirements**

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

#### **External Colours, Materials & Finishes**

4. External materials, finishes and colours of the fence and angled gate extension are required to match, as closely as possible, the existing fence/wall on the Edgecliffe Avenue boundary and any metal roof sheeting is to be pre-painted (e.g. Colourbond) to limit the level of reflection and glare.

#### **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**

5. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA). Details of compliance with the BCA are to be included in the construction certificate application.

#### **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*' (PCA), 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.

#### **Certification, PCA & other Requirements**

6. Prior to the commencement of any building works, the following requirements must be complied with:
  - a) a *Construction Certificate* must be obtained from the Council or an accredited certifier, in accordance with the provisions of the



*Environmental Planning & Assessment Act 1979.*

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

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

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

**Home Building Act 1989**

7. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, the requirements of the *Home Building Act 1989* must be complied with.

Details of the Licensed Building Contractor and a copy of the relevant Certificate of Home Warranty Insurance or a copy of the Owner-Builder Permit (as applicable) must be provided to the Principal Certifying Authority and Council.

**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**

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.

**Site Signage**

9. 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**

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

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

*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.*

**Public Safety & Site Management**

11. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:
- a) Public access to the building site and materials must be restricted by existing boundary fencing or temporary site fencing having a minimum height of 1.5m, to Council's satisfaction.
 

Temporary site fences are required to be constructed of cyclone wire fencing material and be structurally adequate, safe and constructed in a professional manner. The use of poor quality materials or steel reinforcement mesh as fencing is not permissible.
  - b) 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.
  - c) 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.

- d) 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.
- e) 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.
- f) Site fencing, building materials, bulk bins/waste containers and other articles must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health, Building and Regulatory Services department.

#### **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**

- 12. 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*.

#### **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.

- A2 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA) and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards and you are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.
- A3 Demolition, building or excavation work must not be commenced until;
  - A *Construction Certificate* has been obtained from Council or an

## Accredited Certifier

- Council or an Accredited Certifier has been appointed as the *Principal Certifying Authority* for the development
  - Council and the Principal Certifying Authority have been given at least 2 days notice (in writing) prior to commencing any works.
- A4 Council's Building Certification & Fire Safety team can issue your *Construction Certificate* 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 on 9399 0944.
- A5 A Local Approval application must be submitted to and be approved by Council 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 in a public place.

For further information please contact Council on 9399 0944.

- A6 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.
- 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 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.

**MOTION: (Stavrinos/Andrews) CARRIED - SEE RESOLUTION.**

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

FOR	AGAINST
Councillor Andrews	Councillor Stevenson
Councillor Belleli	

Councillor Bowen  
 Councillor D'Souza  
 Councillor Garcia  
 Councillor Matson  
 Councillor Nash  
 Councillor Neilson  
 Councillor Roberts  
 Councillor Seng  
 Councillor Shurey  
 Councillor Smith  
 Councillor Stavrinou

**Total (13)**

**Total (1)**

**CP106/14 Director City Planning Report - Report Variation to Development Standard under State Environment Planning Policy No. 1 (SEPP 1) and Clause 4.6 from 1 to 30 September, 2014 (F2008/00122)**

336/14

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

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

**CP107/14 Director City Planning Report - State Government Reforms to the Domestic Violence Support Services Sector and Randwick City Council's Awareness Raising Activities to Stop Domestic and Family Violence (F2013/00153)**

337/14

**RESOLUTION: (Andrews/Stavrinou)** that the Council:

- a) note and accept the NSW Minister for Education's letter
- b) note the reforms being introduced to the NSW domestic violence support services sector, and
- c) endorse the Council's participation in the suite of domestic violence awareness raising activities proposed to be held during the 16 Days of *Activism to Stop Violence Against Women Campaign*.

**MOTION: (Andrews/Stavrinou) CARRIED - SEE RESOLUTION.**

**General Manager's Reports**

**GM31/14 General Manager's Report - Randwick City Council 2014 Annual Report (F2014/03005)**

338/14

**RESOLUTION: (Andrews/Stavrinou)** that:

- a) the Randwick City Council Annual Report 2013-14, be received and noted;
- b) the General Manager be authorised to make any minor changes if required; and
- c) a copy of the Annual Report be submitted to the Chief Executive, Office of Local Government, Department of Premier and Cabinet.

**MOTION: (Andrews/Stavrinou) CARRIED - SEE RESOLUTION.**

**Director City Services Reports**

Nil.

**Director Governance & Financial Services Reports****GF60/14 Director Governance & Financial Services Report - Councillors' Access to Information and Interaction between Councillors and Staff Policy (F2004/06110)**

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339/14 **RESOLUTION: (Stevenson/Bowen)** that the matter be deferred for a Councillor briefing on the changes to this policy.

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

**GF61/14 Director Governance & Financial Services Report - Annual Review of Councillors' Expenses & Facilities Policy (F2004/06576)**

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340/14 **RESOLUTION: (Stavrinos/Bowen)** that the annual review of the Councillors' Expenses & Facilities Policy be publicly exhibited for a period of 28 days.

**MOTION: (Stavrinos/Bowen) CARRIED - SEE RESOLUTION.**

**GF62/14 Director Governance & Financial Services Report - 2013-14 Disclosure of Interest Returns (F2014/00237)**

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341/14 **RESOLUTION: (Stavrinos/Stevenson)** that it be noted that the Register of Disclosure of Interests Returns for 2013-14 has been tabled at the Ordinary Council Meeting of 28 October 2014.

**MOTION: (Stavrinos/Stevenson) CARRIED - SEE RESOLUTION.**

**GF63/14 Director Governance & Financial Services Report - Investment Report - September 2014 (F2014/06527)**

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342/14 **RESOLUTION: (Stavrinos/Garcia)** that the investment report for September 2014 be received and noted.

**MOTION: (Stavrinos/Garcia) CARRIED - SEE RESOLUTION.**

**GF64/14 Director Governance & Financial Services Report - Coogee Bowling Club - Approach for Installation of a Group Fitness Centre on Premises - Community Consultation (F2011/06336)**

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343/14 **RESOLUTION: (Smith/Roberts)** that Council;

- a) provides written owners consent to the Coogee Bowling Club and F45 Fitness Group to lodge a development application to be assessed in accordance with the Environmental Planning and Assessment Act 1979;
- b) writes to NSW Trade & Investment (Crown Lands Division) seeking their approval in principle to a variation to the licence agreement to permit occupation by the F45 Fitness Group, amend the permitted use, and seek written consent for the Club to undertake alternations and additions; and
- c) subject to successful development consent to the proposed works through the Development Application process, enters into a variation of licence agreement

with the Coogee Bowling Club to amend the affected terms of the agreement.

**MOTION: (Smith/Roberts) CARRIED - SEE RESOLUTION.**

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

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Matson
Councillor Belleli	Councillor Neilson
Councillor Bowen	Councillor Shurey
Councillor D'Souza	
Councillor Garcia	
Councillor Nash	
Councillor Roberts	
Councillor Seng	
Councillor Smith	
Councillor Stavrinis	
Councillor Stevenson	
Councillor Nash	
<b>Total (11)</b>	<b>Total (3)</b>

**GF65/14 Director Governance & Financial Services Report - Kingsford Food Market (F2012/00050)**

344/14

**RESOLUTION: (Stavrinis/Andrews)** that Council supports a trial Kingsford/Kensington food event and approve a budget allocation of \$35,000.00, to be sourced in the December quarterly budget review.

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

Councillors Stavrinis and Andrews called for a **DIVISION**.

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Bowen
Councillor Belleli	Councillor D'Souza
Councillor Nash	Councillor Garcia
Councillor Roberts	Councillor Matson
Councillor Seng	Councillor Neilson
Councillor Smith	Councillor Shurey
Councillor Stavrinis	Councillor Stevenson
<b>Total (7)</b>	<b>Total (7)</b>

**Petitions**

Nil.

**Motions Pursuant to Notice**

**NM115/14- Notice of Motion from Cr Stavrinis - Proposed Economic Development Forum - Aboriginal Governance and the Creation/Establishment of Aboriginal Private Enterprises**

**(F2007/00684)**

345/14 **RESOLUTION: (Stavrinou/Andrews)** that Council:

- a) Invite Mr Warren Mundine at councils cost, to address an Economic Development Forum Breakfast on Aboriginal Governance and the Creation/Establishment of Aboriginal Private Enterprises.
- b) Extend the invitation for breakfast to Local and Regional Aboriginal and Non-Aboriginal business leaders.

**MOTION: (Stavrinou/Andrews) CARRIED - SEE RESOLUTION.**

**NM116/14 - Notice of Motion from Cr Neilson - To Ban Smoking on all  
Beaches in the City of Randwick from Summer 2014  
(F2004/07518)**

346/14 **RESOLUTION: (Neilson/Shurey)** that Council:

- 1) acknowledges the public health dangers and detrimental environmental impacts associated with smoking and that there is no safe level of exposure to second hand smoke;
- 2) consistent with Council's policy on No Smoking around playgrounds, request the General Manager brings forward a report on how Council can be more proactive in stopping smoking throughout the city at bus stops and other locations including beaches;
- 3) moves to exercise its powers under the Local Government Act to prohibit smoking on Council controlled beaches in the city of Randwick from the earliest possible time;
- 4) progressively install and upgrade signage informing the public of the no smoking ban on beaches which will also enable Council's regulatory staff to enforce the prohibition as and when required;
- 5) on the Lifeguards' information boards detailing information including the water temperature, we add the words "no smoking allowed on the beach;"
- 6) run an extensive information campaign about the dangers of smoking, the huge environmental costs eg cigarette filters are made from petroleum-based plastic acetate and do not biodegrade. According to NSW Health, "There is no safe level of exposure to second-hand smoke and it causes a range of serious health problems, especially in children. Tobacco remains the single biggest most preventable cause of ill health and death in Australia. The health impacts are estimated to cost the NSW Government \$8 billion annually;"
- 7) officers to report back with an appropriate fine that may apply; and
- 8) make every effort to have this regulation in force by summer 2014 on the beaches throughout the city of Randwick. Our beaches are healthy, fun places and we should do all in our power to keep them this way.

**MOTION: (Neilson/Shurey) CARRIED - SEE RESOLUTION.**

**AMENDMENT: (Stavrinou/Roberts)** that Council:

- 1) acknowledges the public health dangers and detrimental environmental impacts associated with smoking and that there is no safe level of exposure to second



hand smoke;

- 2) on the Lifeguards' information boards detailing information including the water temperature, we add the words "no smoking allowed on the beach;" and
- 3) run an extensive information campaign about the dangers of smoking, the huge environmental costs eg cigarette filters are made from petroleum-based plastic acetate and do not biodegrade. According to NSW Health, "There is no safe level of exposure to second-hand smoke and it causes a range of serious health problems, especially in children. Tobacco remains the single biggest most preventable cause of ill health and death in Australia. The health impacts are estimated to cost the NSW Government \$8 billion annually." **LOST.**

**AMENDMENT: (Andrews/Roberts)** that Council engage in a process of community consultation regarding the proposal to ban smoking on our beaches. **LOST.**

Councillors Stavrinou and Andrews called for a **DIVISION.**

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

FOR	AGAINST
Councillor Andrews	Councillor Belleli
Councillor Nash	Councillor Bowen
Councillor Roberts	Councillor D'Souza
Councillor Smith	Councillor Garcia
Councillor Stavrinou	Councillor Matson
	Councillor Neilson
	Councillor Seng
	Councillor Shurey
	Councillor Stevenson
<b>Total (5)</b>	<b>Total (9)</b>

#### **NM117/14 Notice of Motion from Cr D'Souza - Proposed Nurses Memorial (F2004/06254)**

**Note: Cr Andrews was not present at the meeting during the debate and the vote on this matter.**

347/14

**RESOLUTION: (D'Souza/Stevenson)** that Council acknowledges the long historical connection between the Randwick LGA and the nursing profession by investigating a permanent memorial to commemorate the invaluable contribution of nurses to our community at the Nurses Museum Little Bay, this memorial to be developed in consultation with the Prince Henry Hospital Trained Nurses Association.

**MOTION: (D'Souza/Stevenson) CARRIED - SEE RESOLUTION.**

#### **NM118/14 Notice of Motion from Cr Roberts - Proposed Greeter Program in Randwick City (F2013/00113)**

348/14

**RESOLUTION: (Roberts/Stavrinou)** that Council:

- a) investigate the feasibility of establishing a volunteer tourist greeter program in Randwick City and that a report come back to Council in relation to its management, promotion, demand and any associated costs;
- b) open dialogue with Randwick City Tourism Inc to discuss implementation of such

a greeter program; and

- c) update, print and distribute, in partnership with Randwick City Tourism Inc, the Coastal Walkway tourist map.

**MOTION: (Roberts/Stavrinos) CARRIED - SEE RESOLUTION.**

**NM119/14 Notice of Motion from Cr Roberts - Whale Watching Program  
(F2013/00113)**

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349/14

**RESOLUTION: (Roberts/Stavrinos)** that Council:

- a) note the value of the coastal walkway to local tourism, economic development and local jobs;
- b) note the increased number of humpback whales passing Randwick's shores every year;
- c) consider the construction of a whale viewing platform on the coastal walkway and bring back a report on its viability, cost, source funding and where such a platform would ideally be situated; and
- d) consider in the report the option of locating it south of Maroubra Beach to stimulate tourism opportunities in the southern sections of the coastal walkway.

**MOTION: (Roberts/Stavrinos) CARRIED - SEE RESOLUTION.**

**NM120/14 Notice of Motion from Cr D'Souza - Pop Up Shops  
(F2007/00586)**

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350/14

**RESOLUTION: (D'Souza/Andrews)** that a report be brought back to Council detailing options for Council to facilitate a landlord liaising directly with a prospective pop up shop tenant in circumstances where a shop, that is vacant or unused for a long period, can be used by another business for a short or seasonal period, such report to include options available to Council to provide incentives for such pop up shops.

**MOTION: (D'Souza/Andrews) CARRIED - SEE RESOLUTION.**

### Confidential Reports

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

### Closed Session

**CS19/14 Confidential - Tender T2015-04 - Baker Park Tennis Courts  
Refurbishment (F2014/00405)**

*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.*

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351/14

**RESOLUTION: (Andrews/Neilson)** that:

- a) under Regulation 178(1)(a) of the Local Government (General) Regulation 2005, Dynamic Sports Facilities Pty Ltd be accepted as the successful tenderer for Tender T2015-04 - Baker Park Tennis Courts Refurbishment;

- b) the General Manager, or delegated representative, be authorised to enter into a contract on behalf of Council; and
- c) unsuccessful tenderers are notified.

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

**GF66/14 Confidential - 23-27 Adina Avenue, Phillip Bay - Expression of Interest - September/October 2014 (F2011/07367)**

*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.*

352/14

**RESOLUTION: (Neilson/Stavrinos) that:**

- a) Council staff meet with all parties who submitted an Expression of Interest and seek a firm rental offer, details of proposed security/bond, detailed proposed capital works and expenditure, key lease dates, outgoings, any special conditions, company background and financial reports;
- b) the General Manager be given delegated authority to negotiate a lease over the property; and
- c) the outcome of the negotiations and proposed lease be reported back to Council at the earliest opportunity.

**MOTION: (Neilson/Stavrinos) CARRIED - SEE RESOLUTION.**

### **Open Session**

The meeting moved back into open session.

### **Notice of Rescission Motions**

**NR12/14 Notice of Rescission Motion - Notice of Rescission Motion from Councillors Bowen, Matson & Neilson - Development Application report - 15 Edgecliffe Ave, South Coogee (DA/191/2014) (DA/191/2014)**

**MOTION: (Matson/Bowen)** that the resolution passed at the Planning Committee meeting held on 14 October 2014 in relation to Item D85/14, reading as follows:

"That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/191/2014 for substantial alterations and additions to existing dwelling including new first floor, additions at ground floor, double garage at lower ground level, swimming pool to rear and associated works at No. 15 Edgecliffe Ave, South Coogee, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

**Non standard conditions**  
**Garage amendments**

- 2. The proposed garage door shall be recessed a minimum of 300mm into the garage structure to reduce prominence to the street.

**Balcony amendments**

3. The proposed rear balcony and associated outdoor room shall be amended in accordance with the following requirements, as shown in red on the approved plans, prior to the issue of a construction certificate:
- a. The balcony shall be reduced in length by one (1) metre when measured from the rear;
  - b. The planter along the eastern aspect of the balcony and outdoor room shall have a minimum width of one (1) metre;
  - c. Suitable planting shall be provided in the planter along the eastern aspect of the balcony and outdoor room, in order to facilitate privacy to 17 Edgecliffe Ave.

**Pool equipment**

4. Filtering equipment associated with the new pool shall be contained within an acoustic enclosure. The enclosure shall be designed and constructed by a suitably qualified person and meeting the requirements of Condition 65. The pool plant equipment and enclosure detail shall be shown on the plans and submitted to the satisfaction of the PCA, prior to issuing a Construction Certificate for the development."

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

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Belleli	Councillor Andrews
Councillor Bowen	Councillor D'Souza
Councillor Matson	Councillor Garcia
Councillor Neilson	Councillor Nash
Councillor Shurey	Councillor Roberts
Councillor Smith	Councillor Seng
	Councillor Stavrinou
	Councillor Stevenson
<b>Total (6)</b>	<b>Total (8)</b>

There being no further business, His Worship the Mayor, Cr T Seng, declared the meeting closed at 10.29 pm.

**The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 25 November 2014.**

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**CHAIRPERSON**