

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, 23 JUNE 2015 AT 6:04PM**

Present:

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

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| North Ward | - Councillors K Neilson & L Shurey |
| South Ward | - Councillors N D'Souza, R Belleli & P Garcia (from 7.26pm) |
| East Ward | - Councillors T Bowen, M Matson & B Roberts |
| West Ward | - Councillors G Moore, 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 and Financial Planning	Mr M Woods
Manager Corporate Improvement	Ms A Warner
Chief Information Officer	Mr G Curley
Manager Spatial Systems	Ms K Lasky

Prayer & Acknowledgement of Local Indigenous People

The Council Prayer was read by Cr Roberts. The Acknowledgement of Local Indigenous People was read by Cr Matson.

Apologies/Granting of Leave of Absences

Apologies were received from Crs Andrews and Smith.

RESOLVED: (Matson/Roberts) that the apologies received from Crs Andrews and Smith 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 26 MAY 2015 & THE EXTRAORDINARY COUNCIL MEETING HELD ON SATURDAY 30 MAY 2015

148/15

RESOLUTION: (Matson/Stavrinou) that the Minutes of the Ordinary Council Meeting held on Tuesday 26 May 2015 and the Minutes of the Extraordinary Council Meeting held on Saturday 30 May 2015 (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 Matson declared a significant non pecuniary interest in Item CP21/15 as he is a delegate on the JRPP. Councillor Matson will be taking no part in the debate or voting on this matter.
- b) Cr Nash declared a significant non pecuniary interest in Item CP21/15 as he is a delegate on the JRPP. Councillor Nash will be taking no part in the debate or voting on this matter.
- c) Cr Neilson declared a non-significant non pecuniary interest in Item CP20/15 as she knows some of the applicants and objectors through living in the City of Randwick.
- d) Cr Matson declared a non-significant non pecuniary interest in Item NM24/15 as the speaker on the matter is a relative of a Greens politician who is known to him.

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:

NM24/15 NOTICE OF MOTION FROM CR SHUREY - ACCESS TO CENTENNIAL PARK FOR PSSA (PRIMARY SCHOOLS SPORTS ASSOCIATION)

For Kilty O'Brien

NR3/15 RESCISSION MOTION SUBMITTED BY CRS MATSON, NEILSON AND SHUREY - DEVELOPMENT APPLICATION REPORT - 15 MONMOUTH STREET, RANDWICK

For Michael Murray

NR3/15 RESCISSION MOTION SUBMITTED BY CRS MATSON, NEILSON AND SHUREY - DEVELOPMENT APPLICATION REPORT - 15 MONMOUTH STREET, RANDWICK

Against Alexandria Wenderoth

Mayoral Minutes

MM27/15 Mayoral Minute - Waiving of Fees - Saint George Coptic Orthodox Church Annual Community Fete (F2015/00096)

149/15

RESOLUTION: (Mayor, Cr T Seng) that:

- a) Council vote \$1,545.00 to cover the associated fees for the Saint George Coptic Orthodox Church Annual Community Fete and funds be charged to the 2015-16 Contingency Fund;
- b) the fete organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the activity; and

- c) the Mayor or his representative be given the opportunity to address the activity on behalf of Council.

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

MM28/15 Mayoral Minute - Waiver of Fees for Maroubra Swim Clubs Five Carnivals to be Held in 2015 at the Des Renford Leisure Centre (F2010/00214)

150/15 **RESOLUTION: (Mayor, Cr T Seng) that:**

- a) Council vote \$4,100.00 from the 2014-15 Contingency Fund to cover the hire fees associated with hiring the Des Renford Leisure Centre to assist in raising funds for the Maroubra Swim Club; and
- b) the organiser undertakes to appropriately and prominently acknowledge and promote Council's contribution to Club members.

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

MM29/15 Mayoral Minute - Eastern Beaches Local Area Command Masquerade Ball - sponsorship (F2004/07396)

151/15 **RESOLUTION: (Mayor, Cr T Seng) that** Council agrees to sponsor the Eastern Beaches Masquerade Ball to a total value of \$6,500.00, being \$5,500.00 in sponsorship and \$1,000.00 in kind support, to be funded from the 2015-16 Contingency Fund.

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

MM30/15 Mayoral Minute - Surfing NSW - Request for Assistance (F2015/00624)

152/15 **RESOLUTION: (Mayor, Cr T Seng) that:**

- a) Council approves \$7,500.00 cash sponsorship and \$6,960.90 in-kind support to Surfing NSW for the production of the 2015 Junior State Surfing Title scheduled for 24-26 July at Maroubra Beach with funds to be sourced in the September 2015 Quarterly Budget Review;
- b) Council resolves to allocate a total of \$15,000.00 to cover both cash and in-kind contributions toward this event in the future budget;
- c) Surfing NSW be requested to appropriately and prominently acknowledge and promote Council's contribution to the production of the NSW Surfing Titles; and
- d) the Mayor or his representative be given the opportunity to present the winners of the Junior Titles Surfing Contest with their trophies on behalf of Council.

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

MM31/15 Mayoral Minute - Gold Telethon 2015 (F2015/06574)

153/15 **RESOLUTION: (Mayor, Cr T Seng) that Council:**

- a) endorses the donation of \$5,000.00 made to the Gold Telethon 2015; and

- b) promotes the Gold Telethon each year through existing channels wherever possible and reserves banner poles in Randwick City each May to assist in this promotion.

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

MM32/15 Mayoral Minute - Government Communications Australia Awards 2015 - Winner (F2015/06574)

154/15

RESOLUTION: (Mayor, Cr T Seng) that Council notes these achievements and congratulates all staff involved in the projects, particularly the Coogee Beach Library project, as recognised by the Government Communications Australia Awards 2015.

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

MM33/15 Mayoral Minute - Temora Mayor (Cr Rick Firman) Awarded Order of Australia Medal (F2004/06219)

155/15

RESOLUTION: (Mayor, Cr T Seng) that Council write to Cr Rick Firman, the Mayor of Temora Shire Council, to congratulate him on being awarded the Order of Australia Medal (OAM) in the Queen's Birthday Honours list.

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

MM34/15 Mayoral Minute - Waiving of Fees - Indonesian Presbyterian Church Community BBQ (F2015/00096)

156/15

RESOLUTION: (Mayor, Cr T Seng) that:

- a) Council waives the \$165.00 application fee to conduct a community BBQ hosted by the Indonesian Presbyterian Church; and
- b) the activity organiser undertakes to appropriately acknowledge Council's contribution to the activity.

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

Director City Planning Reports

CP19/15 Director City Planning Report - 22 Curtin Crescent, Maroubra (DA/123/2015)

157/15

RESOLUTION: (Stavrinis/Roberts) 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. 13/2015 for demolition of the existing outbuilding, site excavation and construction of a new outbuilding, swimming pool and boundary fence to the rear of the site, at No. 22 Curtin Crescent, Maroubra subject to the standard conditions contained in the development application compliance report attached to this report.

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

CP20/15 Director City Planning Report - 51 - 61 Dolphin Street, Coogee (DA/53/2015)

158/15

RESOLUTION: (Stavrinis/Roberts) 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. 53/2015 for

Alterations to the Coogee Bowling Club to create a fitness training facility at the lower ground level and convert ground storage/conference room to billiard room. at No. 51-61 Dolphin Street, Coogee, subject to the following standard 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:

Plan	Drawn by	Dated
DA03 (a) Issue A	Entrance Hall	January 2015
DA04 (a) Issue A	Entrance Hall	December 2014
DA05 (a) Issue A	Entrance Hall	January 2015

Environmental Amenity

2. The use of the bowling green is not permitted for outdoor training and classes.
3. Doors and windows of the premises shall remain closed when the recreation facility is in operation.
4. The hours of operation of the recreational facility is restricted to:
Monday to Sunday: 5am to 9pm
5. The relevant recommendations outlined in the acoustic report prepared by Acoustic Dynamics Project no: 3606 titled " F45 Coogee 51 Dolphin Street Coogee Proposed Gym Classes Noise Emission Assessment" section 6 dated 23 April 2015 are to be implemented and undertaken at all times.
6. The premises are to be provided with a mechanical ventilation system that complies with the Building Code of Australia, Australian Standards 1668 parts 1 & 2. Details are to be provided in a construction certificate application to the certifying authority, prior to a construction certificate being issued.
7. An amended plan of management must be prepared, which details the measures to be implemented to ensure compliance with the relevant noise criteria and guidelines. The plan should outline:
 - compliance with the relevant conditions of approval and relevant recommendations outlined within acoustic report prepared by Acoustic Dynamics, Project no: 3606 titled " F45 Coogee 51 Dolphin Street Coogee Proposed Gym Classes Noise Emission Assessment" section 6 dated 23 April 2015,
 - compliance with relevant noise criteria and minimise noise emissions and associated nuisances e.g. client noise, equipment noise etc,
 - minimise the potential environmental and amenity impacts upon nearby residents,
 - effectively manage and respond to resident complaints.

The plan shall be submitted to Council's Manager Development Assessment for approval prior to issuing of an occupation certificate.

8. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background (LA90), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq, 15 min and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

9. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises.
10. The use and operation of the premises shall not give rise to an environmental health or public nuisance.
11. There are to be no emissions or discharges from the premises which give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.
12. A validation acoustic report, prepared by a suitably qualified and experienced consultant in acoustics, must be provided to the Council within 1 month of the initial operation of the premises and from time to time as reasonably requested by Council, which demonstrates and confirms that the relevant provisions of the Protection of the Environment Operations Act 1997 and the noise criteria and requirements contained in this consent has been satisfied including compliance with the approved acoustic report and recommendations of the acoustic report undertaken by Acoustic Dynamics ref: Project 3606 dated 23 April 2015.

The validation acoustic assessment shall be undertaken on site and subject to nearest sensitive receivers.

13. Adequate provisions are to be made within the premises for the storage, collection and disposal of trade/commercial waste and recyclable materials, to the satisfaction of Council.
14. Any trade/commercial waste materials must not be disposed in or through Council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales. Details of the proposed waste collection and disposal service are to be submitted to Council prior to commencing operation of the business.

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.

Long Service Levy Payments

15. 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.

16. Prior to commencing work the applicant should arrange for any new power points to be installed above the existing floor level, as high as possible.

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

17. 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).

Access & Facilities

18. Access and facilities for people with disabilities must be provided to new building work in accordance with the relevant requirements of the Building Code of Australia, Disability (Access to Premises – Buildings) Standards 2010, relevant Australian Standards and conditions of consent, to the satisfaction of the Certifying Authority.
19. The following damage / civil works security deposit requirement must be complied with as security for making good any damage caused to the roadway, footway, verge or any public place; and as security for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the *Environmental Planning and Assessment Act 1979*:

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.

Certification and Building Inspection Requirements

20. 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.

Construction Noise & Vibration Management Plan

21. A *Construction Noise & Vibration Management Plan*, prepared in accordance with the Environment Protection Authority 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, to Council's satisfaction.

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.

Construction Site Management Plan

22. A *Construction Site Management Plan* must be developed and implemented throughout the site works, to Council's satisfaction. The construction site management plan must include the following measures, (as applicable):

- location and construction of temporary 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.

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.

Public Utilities

23. The applicant must meet the full cost for telecommunication companies, gas providers, Ausgrid, and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the

service authority.

REQUIREMENTS DURING CONSTRUCTION & SITE WORK

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

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

Inspections during Construction

24. 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

25. All demolition and building work associated and activities must be carried out in accordance with the following requirements:

- Work Health & Safety Act 2011 & 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
- EPA Waste Classification Guidelines
- Randwick City Council's 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.

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

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

The Demolition Work Plan must be submitted to the Principal Certifying Authority (PCA) and Council, 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.

Removal of Asbestos Materials

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

- The requirements of WorkCover NSW and 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.

Public Safety & Site Management

28. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with, to the satisfaction of Council:

- a) Public safety must be maintained at all times and public access to any demolition and building works, materials and equipment on the site is to be restricted. If necessary, a 1.8m high temporary safety fence or hoarding is to be provided to protect the public.

Temporary site fencing or hoardings must be constructed of cyclone wire fencing or heavy-duty plywood (painted white), 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.

If necessary, suitable barriers must be provided to prevent any articles or debris from falling and causing a danger to the public or building occupants.

- 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) Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual "Traffic Control at Work Sites" (Version 4), to the satisfaction of Council.
- f) Site fencing, 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.

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.

Site Signage

29. 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

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

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> • Monday to Friday - 7.00am to 5.00pm • Saturday - 8.00am to 5.00pm • Sunday & public holidays - No work permitted
Excavating of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like	<ul style="list-style-type: none"> • Monday to Friday - 8.00am to 5.00pm • Saturday - No work permitted • Sunday & public holidays - No work permitted
Additional requirements for all development	<ul style="list-style-type: none"> • Saturdays and Sundays where the preceding Friday and/or the following Monday is a public holiday - No work permitted
Internal fit-out work only within a commercial or industrial development, located in a commercial	<ul style="list-style-type: none"> • Monday to Saturday - No time limits (subject to column 1) • Sunday & public holidays - No

or industrial zone, which is not audible within any residential dwelling or commercial or industrial premises	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.

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 Certificates & Requirements

31. 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*.
32. The terms of consent require a variation of licence agreement with the Coogee Bowling Club to amend the affected terms of the agreement to accord with the consent granted. The variation of the licence agreement shall be formalised prior to issue of the construction certificate.

OPERATIONAL CONDITIONS

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

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

Fire Safety Statements

33. A single and complete *Fire Safety Statement* (encompassing all of the fire safety measures upon the premises) must be provided to the Council in accordance with the requirements of the *Environmental Planning & Assessment Regulation 2000*.

The *Fire Safety Statement* must be provided on an annual basis, each year following the issue of the *Fire Safety Certificate* and other period if any of the fire safety measures are identified as a *critical fire safety measure* in the *Fire Safety Schedule*.

The *Fire Safety Statement* is required to confirm that all the fire safety

measures have been assessed by a properly qualified person and are operating in accordance with the standards of performance specified in the *Fire Safety Schedule*.

A copy of the *Fire Safety Statement* must be displayed in the building entrance/foyer at all times and a copy must also be forwarded to Fire & Rescue NSW.

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 In accordance with the requirements of the *Environmental Planning & Assessment Act 1979*, building works, including associated demolition and excavation works (as applicable) 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.

- A3 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.

- A4 All new building work (including alterations, additions and building renovations) must comply with the Building Code of Australia (BCA) and relevant Australian Standards and details of compliance must be provided in the Construction Certificate application.

The assessment of this development application does not include an assessment of the proposed building work under the Building Code of Australia and Disability (Access to Premises – Buildings) Standards 2010 and you are advised to liaise with your architect or building certifier regarding these requirements prior to applying for a Construction Certificate.

- A5 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

- A6 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).

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

A8 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.

A9 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*.

A10 A separate development application and construction certificate or a complying development certificate (as applicable) must be obtained if the premises is to be used for any of the purposes detailed below:

- All food businesses (including premises used for the sale, storage, preparation and distribution of food and drinks)
- Hairdressing salons, Beauty salons, Businesses involving Skin Penetration & Piercing, Massage businesses
- Licensed premises, places of public entertainment and hotels
- Places of Shared Accommodation (including Boarding / Lodging Houses, Bed & Breakfast businesses, Backpackers, Residential Hotels or the like)
- Cooling Towers or Warm Water Systems
- External plant and equipment which is not encompassed in the development consent
- Business providing any form of sexual service (i.e. brothel or the like).

A11 Business premises which are used for any of these purposes must comply with relevant public health and safety legislation and requirements and they must be registered with Council prior to an Occupation Certificate being issued for the development. The relevant registration and inspection fee is also required to be paid to Council in accordance with Council's adopted Pricing Policy.

A12 The applicant/owner is advised to engage the services of a suitably qualified and experienced Acoustic consultant, prior to finalising the design and construction of the development, to ensure that the relevant noise criteria and conditions of consent can be fully satisfied.

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

CP21/15 Director City Planning Report - 134R Beach Street, Coogee - JRPP (DA/260/2015)

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

159/15 **RESOLUTION: (Stavrinos/Roberts)** that Council endorse the recommendation in the attached assessment report for the Joint Regional Planning Panel.

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

CP22/15 Director City Planning Report - Report Variation to Development Standard under State Environment Planning Policy NO.1 (SEPP1) and Clause 4.6 between 1 April to 31 May (F2008/00122)

160/15 **RESOLUTION: (Stavrinos/D'Souza)** that the report be received and noted.

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

CP23/15 Director City Planning Report - Randwick Junction Town Centre Review (F2014/00580)

161/15 **RESOLUTION: (Stavrinos/D'Souza)** that Council receives and notes this report, and endorses the project plan for the Randwick Junction Town Centre Review.

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

General Manager's Reports

GM11/15 General Manager's Report - Randwick City Council Operational Plan and Budget 2015-16 (F2015/03000)

162/15 **RESOLUTION: (Bowen/Matson)** that:

- a) the Recommended Operational Plan 2015-16 be adopted as per the attached, and that the General Manager be authorised to make any minor changes as requested by the Council or the NSW Office of Local Government;
- b) the Recommended Annual Budget 2015-16 be adopted as per the attached;
- c) the Recommended General Fees and Charges be adopted for 2015-16 as per the attached;
- d) Council make and levy the ordinary Residential Rate for 2015-16, under s.494 and s.498(1)(a) and (2) of the Local Government Act 1993, as a rate of 0.189620 cents in the dollar on the land value of all rateable land within the City of Randwick being categorised as Residential;
- e) Council make and levy the ordinary Business Rate for 2015-16, under s.494 and s.498(1)(a) and (2) of the Local Government Act 1993, as a rate of 0.639400

- cents in the dollar on the land value of all rateable land within the City of Randwick being categorised as Business;
- f) Council make and levy the Environmental Levy Rate for 2015-16 under s.495 and s.498(1)(b) and (2) of the Local Government Act 1993, as a rate of 0.015555 cents in the dollar on the land value of all rateable land within the City of Randwick;
 - g) Council make and levy the ordinary Residential minimum rate for 2015-16 under s.548(1)(a), (2), (4) and (5) of the Local Government Act 1993, as \$726.18;
 - h) Council make and levy the ordinary Business minimum rate for 2015-16 under s.548(1)(a), (2), (4) and (5) of the Local Government Act 1993, as \$1,170.21;
 - i) Council make and levy the Domestic Waste Management Charge for 2015-16 under s.496 of the Local Government Act 1993, as \$529.05;
 - j) Council make and levy a Domestic Waste Management Charge for an additional 140 litre bin for 2015-16 under s.496 of the Local Government Act 1993, as \$254.60;
 - k) Council grant a rebate for Domestic Waste Management Charges of \$5.10 (or part thereof) to offset the component of carbon tax pricing that was factored into the previous 2014-15 domestic waste charges as per s.496 of the Local Government Act 1993;
 - l) Council make and levy the Stormwater Management Service Charge for residential properties for 2015-16 under s.496A of the Local Government Act 1993, as \$25.00;
 - m) Council make and levy the Stormwater Management Service Charge for residential strata properties for 2015-16 under s.496A of the Local Government Act 1993, as \$12.50;
 - n) Council make and levy the Stormwater Management Service Charge for business properties for 2015-16 under s.496A of the Local Government Act 1993, as \$25.00 plus an additional \$25.00 for each 350m² or part thereof by which the parcel of land exceeds 350m²;
 - o) Council make and levy the Stormwater Management Service Charge for business strata properties for 2015-16 under s.496A of the Local Government Act 1993, calculated in accordance with the land area as per business properties in 'n' above and then apportioned by unit entitlement subject to a minimum charge of \$5.00 per business strata lot.
 - p) Council make and levy the Stormwater Management Service Charge for company title properties for 2015-16 under s.496A of the Local Government Act 1993, calculated in accordance with the rating category of the land and then apportioned according to the number of shares held by each shareholder for each respective lot.
 - q) the interest rate on overdue rates for 2015-16 be set at 8.5 per cent which is the maximum rate as determined by the Minister for Local Government; under s.566(3) of the Local Government Act 1993; and
 - r) the Responsible Accounting Officer be delegated to make changes as adopted by Council.

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

Director City Services Reports

Nil.

Director Governance & Financial Services Reports**GF16/15 Director Governance & Financial Services Report - Councillors' Access to Information & Interaction between Councillors and Staff Policy (F2004/06110)**

163/15 **RESOLUTION: (Stavrinos/D'Souza)** that the amended Councillors' Access to Information & Interaction between Council and Staff Policy be adopted.

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

GF17/15 Director Governance & Financial Services Report - Delegations of Authority (F2004/06895)

164/15 **RESOLUTION: (Stavrinos/D'Souza)** that pursuant to section 377 of the Local Government Act, the Delegations of Authority be amended as detailed in the report.

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

GF18/15 Director Governance & Financial Services Report - Local Government NSW - 2015 Annual Conference (F2004/06645)

165/15 **RESOLUTION: (Roberts/Stavrinos)** that:

- (a) Councillors interested in attending the 2015 Conference of Local Government NSW advise the General Manager as soon as possible; and
- (b) three Liberal, three Labor, one Greens and one Independent Councillor be elected as the voting delegates.

MOTION: (Matson/Shurey) that:

- (a) Councillors interested in attending the 2015 Conference of Local Government NSW advise the General Manager as soon as possible; and
- (b) three Liberal, three Labor and two Greens Councillors be elected as the voting delegates.

AMENDMENT: (Roberts/Stavrinos) CARRIED AND BECAME THE MOTION. MOTION CARRIED - SEE RESOLUTION.

GF19/15 Director Governance & Financial Services Report - Investment Report - May 2015 (F2015/06527)

166/15 **RESOLUTION: (Stavrinos/D'Souza)** that the investment report for May 2015 be received and noted.

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

GF20/15 Director Governance & Financial Services Report - Capital Works Financial Planning - Major Project Update (F2014/00522)

167/15 **RESOLUTION: (Stavrinos/D'Souza)** that this report be received and noted.

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

Motions Pursuant to Notice**NM24/15 Motion Pursuant to Notice - Notice of Motion from Cr Shurey - Access to Centennial Park for PSSA (Primary Schools Sports Association) (F2005/00501)**

168/15

RESOLUTION: (Shurey/Roberts) that Council notes:

1. a) that Centennial Parklands are raising fees on their sporting grounds to a rate that will make it unaffordable for public schools to use these facilities the way they currently do, most notably for the region's weekly inter-school sports activities through the PSSA-Primary Schools Sports Association;
 - b) that in 2014, the Centennial Parklands charged the Sydney Coastal branch of the Primary Schools Association Sports Association (SCPSSA) \$15,040 for one season of ground hire of Queens Park, Centennial Park and Moore Park fields and courts and the total bill for the year was nearly \$23,000.00;
 - c) that by comparison, in 2013 Centennial Parklands charged \$3,481.00 for all ground and carnival hire and in 2001 the total cost for the hire of park grounds was just \$75.00;
 - d) that the Sydney Coastal PSSA organises weekly inter-school tournaments in Centennial, Queens and Moore parks between the region's 17 public schools;
 - e) that if affordable fees are not restored for 2015, public school parents will have to bear the increased costs to be able to continue current arrangements for PSSA in the Eastern Suburbs;
2. that Council supports parents, schools and members of the community and the recently formed community action group "Save PSSA in Centennial Park" in their efforts to lobby the State government to ensure affordable access for public schools for the use of sporting fields at Centennial Park;
 3. that Council writes to the NSW Education Minister, the Minister responsible for the Parklands and to the Chairman of the Centennial Park Trust, calling on them to commit to ensuring that the SCPSSA and public school students are guaranteed access to the Centennial Park playing fields now and into the future at a fair and affordable rate; and
 4. that Council make a request to the Minister that it has a representative on the Centennial and Moore Park Trust

MOTION: (Shurey/Roberts) CARRIED - SEE RESOLUTION.**NM25/15 Motion Pursuant to Notice - Notice of Motion from Cr Stavrinou - Graffiti Detection Measures (F2008/00195)****MOTION: (Stavrinou/D'Souza)** that Council:

- a) bring back a report investigating the feasibility of acquiring mobile sniffers (mousetraps) which detect graffiti when it is being sprayed onto a surface; and
- b) as part of this report, identify Council infrastructure and amenities that could benefit from this technology. **LOST.**

NM26/15 Motion Pursuant to Notice - Notice of Motion from Cr Stavrinou - Proposed Establishment of a Greenhouse (F2008/00135)

169/15 **RESOLUTION: (Stavrinou/Matson)** that Council bring back a report investigating the feasibility of building a greenhouse in one of the parks within the Randwick LGA.

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

Note: Councillor Garcia left the Chamber at this point in the meeting, the time being 8.07pm, and did not return.

Urgent Business

UB7/15 Cr Murray Matson - Objection to Removal of College Street Cycleway (F2004/07424)

170/15 **RESOLUTION: (Matson/Neilson)** that on behalf of local cyclists who wish to commute safely within the CBD, Randwick Council as a matter of urgency write to the NSW Government calling on it to honour the City of Sydney's contract with the Roads & Maritime Service (RMS) by not commencing the College Street Cycleway removal until after the new Castlereagh Street Cycleway has been completed and is operational.

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

UB8/15 Cr Tony Bowen - Local Government Reform

MOTION: (Bowen/) that Council remain stand alone as:-

- (a) no standards have been set on size and capacity required for Councils to stand alone;
- (b) Waverley Council's merger proposal does not align with this Councils;
- (c) Council's IPART submission has to be submitted by 30th June, 2015 however a referendum, as requested by the Australian Local Government Association, should occur before any mergers;
- (d) media reports indicate the administration centre will be based in Bondi Junction; and
- (e) the community don't want amalgamations. **RULED OUT OF ORDER BY THE MAYOR.**

DISSENT MOTION: (Belleli) on the ruling of the Mayor to rule Cr Bowen's motion of urgent business to be out of order. **LOST.**

Petitions

- (a) Cr D'Souza tabled a petition from local residents requesting the construction of public exercise equipment in the La Perouse community.

Confidential Reports

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

Closed Session

CS6/15 Confidential - Tender T2015-16 - Chifley Sports Reserve Amenities Building (F2015/00164)

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.

171/15 **RESOLUTION: (Roberts/Matson)** that:

1. under Regulation 178(1)(a) of the Local Government (General) Regulation 2005, Kellyville Building Pty Ltd be accepted as the successful Tenderer;
2. the General Manager, or delegated representative, be authorised to enter into a contract on behalf of Council; and
3. unsuccessful Tenderers are notified.

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

GF21/15 Confidential - Acceptance of Short Term Waste Contract (F2014/00486)

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.

172/15

RESOLUTION: (Stavrinou/Nash) that Council:

- a) in accordance with s 55(3)(i) of the Local Government Act 1993 (NSW), accepts the irrevocable offer from SITA in relation to a new waste services contract for a short term period of twelve (12) months, plus two six (6) month options exercisable only by Council;
- b) write to all tenderers and formally conclude the tender process;
- c) delegate authority to the General Manager to sign the short-term contract on Council's behalf; and
- d) publish a notice in the Southern Courier setting out the reasons for its decision to abandon the current tender process and sign a short term contract and notify of its intention to call for tenders at a later date.

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

GF22/15 Confidential - Draft Randwick City Council Operational Plan and Budget 2015-16: Confidential Fees and Charges (F2014/00625)

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.

173/15

RESOLUTION: (Matson/Stavrinou) that the Draft Confidential Fees and Charges 2015-16 be adopted.

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

GM12/15 Organisation Structure - Information Services Department (F2005/00524)

174/15

RESOLUTION: (Stavrinou/Matson) that:

- a) the report be received and noted and the proposed changes to the organisation structure, as outlined in the report, be adopted; and

- b) recruitment for the new Information Services structure will be merit based and should redundancies be required, they shall be funded from the 2015-16 budget.

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

Open Session

The meeting moved back into open session.

Notice of Rescission Motions

NR3/15 Notice of Rescission Motion - Rescission Motion submitted by Crs Matson, Neilson and Shurey - Development application report - 15 Monmouth Street, Randwick (DA/910/2014)

MOTION: (Matson/Shurey) that the resolution passed at the Planning Committee meeting held on 9 June 2015 in relation to Item D47/15 (Development application report – 15 Monmouth Street, Randwick) 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/910/2014 for alterations and additions to the existing dwelling house including extension of the upper level, at No. 15 Monmouth Street, 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

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a) A privacy screen having a height of 1.6 m above floor level must be provided to northern side of the first floor rear balcony. The privacy screen must be constructed of metal or timber and the total area of any openings within the privacy screen must not exceed 25% of the area of the screen. Alternatively, the privacy screen may be constructed with translucent, obscured, frosted or sandblasted glazing in a suitable frame.
 - b) The following window/s must have a minimum sill height of 1.6m above floor level, or alternatively, the window/s are to be fixed and be provided with translucent, obscured, frosted or sandblasted glazing below this specified height:

- First floor south facing bedroom windows

Alternatively

External privacy screens may be attached to the south facing first floor windows to a minimum height of 1.6m above the internal floor level. The external privacy screens must be configured to restrict overlooking into the habitable rooms of the dwelling opposite at No. 17 Monmouth Street. The external privacy screens must be installed prior to the issue of any occupation certificate.”

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

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

FOR	AGAINST
Councillor Bowen	Councillor Belleli
Councillor Matson	Councillor D'Souza
Councillor Neilson	Councillor Moore
Councillor Shurey	Councillor Nash
	Councillor Roberts
	Councillor Seng
	Councillor Stavrinou
	Councillor Stevenson
Total (4)	Total (8)

There being no further business, His Worship the Mayor, Cr T Seng, declared the meeting closed at 8.36pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 28 July 2015.

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CHAIRPERSON