

**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, 24 MAY 2016 AT 6:04PM**

**Present:**

The Mayor, Councillor N D'Souza (Chairperson) (South Ward)

Councillor G Moore (Deputy Mayor) (West Ward)

- |              |   |
|--------------|---|
| North Ward   | - Councillors K Neilson, L Shurey & K Smith                 |
| South Ward   | - Councillor R Belleli                                      |
| East Ward    | - Councillors T Bowen, M Matson & B Roberts                 |
| West Ward    | - Councillors S Nash & H Stavrinou                          |
| Central Ward | - Councillors A Andrews, T Seng (from 8.18pm) & G Stevenson |

**Officers Present:**

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoples
Acting Director City Planning	Mr K Kyriacou
Director Governance & Financial Services	Mr J Smith
Manager Administrative Services	Mr D Kelly
Acting Manager Development Assessment	Mr F Ko
Chief Information Officer	Mr G Curley

**Prayer & Acknowledgement of Local Indigenous People**

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

**Apologies/Granting of Leave of Absences**

An apology was received from Cr Garcia.

**RESOLVED: (Matson/Bowen)** that the apology received from Cr Garcia 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 APRIL 2016

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89/16

**RESOLUTION: (Bowen/Shurey)** that the Minutes of the Ordinary Council Meeting held on Tuesday 26 April 2016 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

## Declarations of Pecuniary and Non-Pecuniary Interests

- a) Cr Shurey declared a significant non pecuniary interest in Item CP28/16 as she knows the applicants well. Cr Shurey will be taking no part in the debate or voting on the matter.
- b) Cr Bowen declared a non-significant non pecuniary interest in Item CP23/16 as he knows some of the applicants through living in the Randwick City area.
- c) Cr Bowen declared a significant non pecuniary interest in Item GF17/16 as he knows many of the tenderers professionally. Cr Bowen will be taking no part in the debate or voting on the matter.
- d) Cr Matson declared a significant non pecuniary interest in Item CP28/16 as he knows the applicants well. Cr Matson will be taking no part in the debate or voting on the matter.
- e) Cr Belleli declared a significant non pecuniary interest in Item NM19/16 as his business is located in a street in close proximity to these works. Cr Belleli will be taking no part in the debate or voting on the matter.
- f) Cr Neilson declared a non-significant non pecuniary interest in Item CP24/16 as she knows some of the objectors.
- g) Cr Neilson declared a non-significant non pecuniary interest in Items NM21/16 and NM25/16 as she knows some of the objectors.
- h) Cr Neilson declared a non-significant non pecuniary interest in Item NM29/16 as she knows some of the objectors.
- i) Cr Neilson declared a non-significant non pecuniary interest in Items NM26/16 and NM30/16 as she knows some of the objectors.
- j) Cr Nash declared a significant non pecuniary interest in Item GF17/16 as he knows many of the tenderers professionally. Cr Nash will be taking no part in the debate or voting on the matter.
- k) Cr Moore declared a non-significant non pecuniary interest in Item CP24/16 as he knows some of the objectors.
- l) Cr Moore declared a significant non pecuniary interest in Item GF16/16 as he is an employee of one of the applicants. Cr Moore will be taking no part in the debate or voting on the matter.
- m) Cr Seng declared a significant non pecuniary interest in Item CP23/16 as he knows the applicants well. Cr Seng will be taking no part in the debate or voting on the matter.
- n) Cr Seng declared a significant non pecuniary interest in Item CP27/16 as he knows the applicants well. Cr Seng will be taking no part in the debate or voting on the matter.
- o) Cr Seng declared a significant non pecuniary interest in Item CP24/16 as he lives in and owns a unit in close proximity to this site. Cr Seng will be taking no part in the debate or voting on the matter.
- p) Cr Smith declared a pecuniary interest in Item NM20/16 as his employer is in the liquor industry and will be financially impacted by this legislation. Cr Smith will be

taking no part in the debate or voting on the matter.

### 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:

MM174/16 RECOGNITION OF OUTSTANDING CAREER OF REVEREND GREG JOB

**For** Mr Justin Playfair

CP24/16 65 WILLIS STREET & 27 MEEKS STREET, KINGSFORD (DA/795/2015)

**Objector** Ms Peta Slack-Smith

**Objector** Mr Stuart Miles

**Applicant** Mr Jeff Mead on behalf of applicant

CP25/16 1 DAINTRY CRESCENT, RANDWICK (DA/99/2016)

**Objector** Mr Borys Rudko

**Applicant** Mr Jeff Mead on behalf of applicant

CP26/16 13 CAIRO STREET, SOUTH COOGEE (DA/731/2014/A)

**Applicant** Mr Toby Fogg

CP28/16 26 WENTWORTH STREET, RANDWICK (DA/640/2014/A)

**Applicant** Ms Catherine Shand

CP29/16 7 SEASIDE PARADE, SOUTH COOGEE (DA/851/2015)

**Applicant** Mr Con Hairis on behalf of applicant

CS6/16 MALABAR HEADLAND - WESTERN WALKING TRACK - COMMUNITY CONSULTATION

**For** Mr Simon Stonier

NM21/16 NOTICE OF MOTION FROM CR SHUREY - PLANNED REDEVELOPMENT OF BONDI PAVILION

**For** Mr Peter Winkler

NM26/16 NOTICE OF MOTION FROM CR MATSON - RETENTION OF TREE OF KNOWLEDGE

**For** Ms Ingrid Maganov

NM27/16 NOTICE OF MOTION FROM CR MOORE - IMPACTS OF THE AHSEPP WITHIN SUBURBS OF RANDWICK CITY

**For** Dr Ian Andrews

NM29/16 NOTICE OF MOTION FROM CR NEILSON - POLL ON MERGER

**For** Ms Annie Haque

NM30/16 NOTICE OF MOTION FROM CR NEILSON - URGENT REQUEST TO SAVE THE TREE OF KNOWLEDGE (CORNER HIGH ST & WANSEY RD, RANDWICK)

**For** Ms Kathleen Hennessy

**For** Mr Alex Kleytman

NR5/16 NOTICE OF RESCISSION MOTION SUBMITTED BY CRS SENG, SMITH AND STAVRINOS - ABORIGINAL ARTEFACTS AT THE RANDWICK STABLING YARD AND THE DESTRUCTION OF TREES ALONG ANZAC PARADE (F2013/00263)

**For** Ms Helen O'Boyle

The Meeting was adjourned at 8.01pm and was resumed at 8.18pm.

### Mayoral Minutes

#### MM16/16 Mayoral Minute - Spinal Cord Injuries Australia - Funding Assistance (F2004/08045)

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90/16 **RESOLUTION: (Mayor, Cr N D'Souza) that:**

1. Randwick Council offers a one-off grant of \$15,000.00 to Spinal Cord Injuries Australia for works associated with the upgrade of the carpark within the property at 1 Jennifer Street Little Bay; and
2. the funds be voted from the 2015-16 Council Contingency Fund.

**MOTION: (Mayor, Cr N D'Souza) CARRIED - SEE RESOLUTION.**

#### MM17/16 Mayoral Minute - Recognition of Outstanding Career of Reverend Greg Job (F2014/00606)

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91/16 **RESOLUTION: (Mayor, Cr N D'Souza) that Council make an appropriate financial contribution to a farewell to be held in St Jude's Hall to acknowledge the outstanding career and achievements of the Reverend Greg Job, with the cost of the function to be funded from the 2016/17 Contingency Fund.**

**MOTION: (Mayor, Cr N D'Souza) CARRIED - SEE RESOLUTION.**

### Urgent Business

Nil.

### Director City Planning Reports

#### CP23/16 Director City Planning Report - 2 Pearce Street, South Coogee (DA/561/2015)

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

92/16 **RESOLUTION: (Matson/Shurey) that this application be deferred as the main objector cannot attend tonight's meeting due to an unforeseen family issue and lack of adequate notice.**

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



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**CP24/16 Director City Planning Report - 65 Willis Street & 27 Meeks Street, Kingsford (DA/795/2015)**


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

93/16

**RESOLUTION: (Matson/Shurey)** that this application be deferred to invite the applicant to submit amended plans and concept designs to address the issues identified by councillors tonight, including the lack of deep soil, the external wall height issue, privacy issues and solar access.

**MOTION: (Stavrinos/Smith)** that the application be refused due to the external wall height, it is not in the public interest, inadequate carparking, deep soil non-compliance, lack of acoustic measures, the setback is out of character and the proposal is detrimental to the amenity of the residents in the area.

**AMENDMENT: (Matson/Shurey) CARRIED AND BECAME THE MOTION.**

The **DIVISION** on the amendment 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 Smith
Councillor Moore	Councillor Stavrinos
Councillor Nash	
Councillor Neilson	
Councillor Roberts	
Councillor Shurey	
Councillor Stevenson	
<b>Total (9)</b>	<b>Total (4)</b>

**MOTION: (Matson/Shurey) CARRIED – SEE RESOLUTION.**

A **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 Moore	
Councillor Nash	
Councillor Neilson	
Councillor Roberts	
Councillor Shurey	
Councillor Smith	
Councillor Stavrinos	
Councillor Stevenson	
<b>Total (12)</b>	<b>Total (1)</b>

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**CP25/16 Director City Planning Report - 1 Daintrey Crescent, Randwick (DA/99/2016)**


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94/16

**RESOLUTION: (Matson/Shurey)** that this application be deferred to invite the

applicant to submit amended plans to allow Council officers to assess the amended configuration of the parking in the basement, in order to preserve the jacaranda tree on the northern boundary, and for a new landscaping plan addressing the restricted height of the new tree to be planted on the frontage of the site.

**MOTION: (Andrews/Stavrinos)** 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. 99/2016 for demolition of existing structures, construction of a 4 storey residential flat building with 10 dwellings with semi-basement car parking for 11 vehicles, at No. 1 Daintrey Crescent, 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. Privacy screens having a height of 1.6m above floor level must be provided to northern side of balconies located at the northern eastern corners of the site at first and second floor levels. The privacy screens must be constructed of metal or timber and the total area of any openings within the privacy screens must not exceed 25% of the area of the screen. Alternatively, the privacy screens may be constructed with translucent, obscured, frosted or sandblasted glazing in a suitable frame.
  - b. The mansard roof form shall be setback a further 500mm from the western (front) elevation.
  - c. An area within the rear yard measuring a minimum of 4m from the rear boundary shall be dedicated as communal open space. This area shall be appropriately screened to ensure that suitable privacy is provided to the ground level two-bedroom apartment at the rear.
  - d. The louvres to the northern and southern sides of the central breezeway shall be at least 50% open.
  - e. A planter box having a depth of 900mm shall be installed along the entire northern edge of the terrace adjacent to the northern side of the living room at third floor level. This condition has been included to minimise the privacy impact on the neighbouring property at No. 5 Daintrey Crescent.
  - f. The depth of the rear eastern facing balconies at first and second floor levels shall be reduced by 500mm.
  - g. No consent is granted for fencing to the side and rear boundaries. Any new fencing shall be subject to a separate development application unless the fence design meets the Exempt and Complying development criteria specified under the SEPP Exempt and Complying Codes 2008.

Details showing compliance with this condition shall be submitted to Council's Manager Development Assessment for approval prior to a construction certificate being issued for the development.

**AMENDMENT: (Matson/Shurey) CARRIED AND BECAME THE MOTION.**

The **DIVISION** on the amendment 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 Roberts
Councillor D'Souza	Councillor Seng
Councillor Matson	Councillor Smith
Councillor Moore	Councillor Stavrinou
Councillor Neilson	Councillor Nash
Councillor Shurey	
Councillor Stevenson	
<b>Total (8)</b>	<b>Total (6)</b>

**MOTION CARRIED - SEE RESOLUTION.**

A **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 Moore	
Councillor Nash	
Councillor Neilson	
Councillor Roberts	
Councillor Seng	
Councillor Shurey	
Councillor Smith	
Councillor Stavrinou	
Councillor Stevenson	
<b>Total (13)</b>	<b>Total (1)</b>

**CP26/16 Director City Planning Report - 13 Cairo Street, South Coogee  
(DA/731/2014/A)**

95/16

**RESOLUTION: (Stavrinou/Smith)** that Council, as the consent authority, grants development consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Application No. DA/731/2014/A by replacing the privacy screen on the ground level east facing deck with 1.035m high balustrade. The consent is modified in the following manner:

- **Delete Condition No. 2a**

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

**CP27/16 Director City Planning Report - 11 Bond Street Maroubra  
(DA/535/2015/B)**

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

96/16

**RESOLUTION: (Stavrinou/Smith)** 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/535/2015/B for the Section 96 modification of the approved development by increasing the size of the building at upper and lower ground floor levels, including additional games rooms and deletion of front upper level balconies, changes to the size of lower ground floor decks and plunge pools and new timber pergola to rear decks, at No. 11 Bond Street, Maroubra, in the following manner:



**Amend Condition 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, except where amended by Council in red and/or by other conditions of this consent:

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Received by Council</b>
Sheet 1 of 7 to 7 of 7 (Issue F)	Architects Ink	19/01/2016	25 January 2016
Colours, Materials and Finishes Schedule	Architects Ink	-	6 August 2015

**as amended by the following Section 96'A' plans and information:**

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>
Sheet 1 of 7 to 7 of 7 (Issue G)	Architects Ink	June 2015

<b>BASIX Certificate</b>	<b>No.</b>	<b>Dated</b>
Single Dwelling	646628S_05	18 March 2016

**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:

**Add Condition 2 c and 2 d.**

2. c. The sill height of the window to the games room on the south eastern elevation is to be increased to a minimum height of 1600mm above floor level. Alternatively, the window is to be fixed and provided with translucent, obscured or frosted glazing below 1600mm above floor level.
- d. The rear ground floor deck at No. 11B Bond Street must be setback 1200mm from the south-eastern side boundary. A privacy screen having a height of 1600mm above the deck must be installed along the south eastern edge of the deck, excluding the stairs adjacent to the deck.

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

**CP28/16 Director City Planning Report - 26 Wentworth Street, Randwick (DA/640/2014/A)**

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

97/16

**RESOLUTION: (Roberts/Andrews)** that Council, as the consent authority, grants development consent under the Section 96 of the *Environmental Planning and Assessment Act 1979*, as amended, to Development Application No DA/640/2014/A, for provision of a small exercise wading pool, a new hardstand car space and two window changes at No. 26 Wentworth Street, Randwick, in the following manner:

- **Amended Condition No. 1 to read:**

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 by Council</i>
1310 DA01 Location Plan & Site Analysis Plan	Wilkinson & Associated	18.08.14	17 September 2014
1310 DA02 Ground Floor Plan			
1310 DA03 First Floor Plan			
1310 DA04 Roof Floor Plan			
1310 DA05 Elevations			
1310 DA06 Elevations and Section AA & BB	Sturt Noble Associates	29.08.14	
DA-1422-01 Issue E Landscape Concept Plan			

<i>BASIX Certificate No.</i>	<i>Dated</i>	<i>Received by Council</i>
A196874	14 August 2014	17 September 2014

As amended by the Section 96 "A" plans and supporting documentation listed below:

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>
1310 S96-01 Ground Floor Plan Issue B	Wilkinson & Associated	24.01.16
1310 S96-02 First Floor Plan Issue B	Wilkinson & Associated	24.01.16
1310 S96-03 Roof Floor Plan Issue B	Wilkinson & Associated	24.01.16
1310 S96-04 Elevations Issue B	Wilkinson & Associated	24.01.16
1310 S96-05 Elevations and Section AA & BB Issue B	Wilkinson & Associated	24.01.16

<i>BASIX Certificate No.</i>	<i>Dated</i>
A240629	2 February 2016

**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.

- **Add the following Conditions to read:**

41. A single hardstand car space with dimensions of 2.4m (W) x 5.4m (L) must be provided on the eastern side of the rear garage. The sliding doors on the eastern elevation of the garage shall be deleted or replaced with a suitable door to allow vehicle access to the hardstand car space.

**Swimming Pool Safety**

42. Swimming pools are to be designed and installed in accordance with the relevant requirements of the *Building Code of Australia* and be provided with childproof fences and self-locking gates, in accordance with the *Swimming Pools Act 1992* and the *Swimming Pools Regulation 2008*.

The swimming pool is to be surrounded by a child-resistant barrier (e.g.

fence), that separates the pool from any *residential building* (as defined in the *Swimming Pools Act 1992*) that is situated on the premises and from any place (whether public or private) adjoining the premises; and that is designed, constructed and installed in accordance with Australian Standard AS 1926.1 – 2012 (Swimming Pool Safety Part 1 - Safety Barriers for Swimming Pools).

Gates to pool area must be self-closing and latching at all times and, the gate is required to open outwards from the pool area and prevent a small child opening the gate or door when the gate or door is closed.

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

A 'warning notice' must be erected in a prominent position in the immediate vicinity of the swimming pool, in accordance with the provisions of the Swimming Pools Regulation 2008, detailing pool safety requirements, resuscitation techniques and the importance of the supervision of children at all times.

Note: This development consent does not approve the design and location of swimming pool fencing and other swimming pool safety barriers. Swimming pool fencing and other safety barriers are required to comply with the *Swimming Pools Act 1992*, *Swimming Pools Regulation 2008* and relevant Standards. Details of compliance are required to be incorporated into the plans and specifications for a Construction Certificate, to the satisfaction of the Certifying Authority.

#### **Swimming Pool & Spa Pool Requirements**

43. Swimming pools (and spa pools) are to be designed, installed and operated in accordance with the following general requirements:

- a) Backwash of the pool filter and other discharge of water is to be drained to the sewer in accordance with the requirements of the Sydney Water Corporation; and
- b) All pool overflow water is to be drained away from the building and adjoining premises, so as not to result in a nuisance or damage to premises; and
- c) Water recirculation and filtrations systems are required to comply with AS 1926.3 – 2010: Swimming Pool Safety – Water Recirculation and Filtration Systems; and
- d) Pool plant and equipment is to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.

#### **Notification of Swimming Pools & Spa Pools**

44. The owner of the premises must 'register' the swimming pool [or spa pool] on the NSW Swimming Pool Register, in accordance with the *Swimming Pools Amendment Act 2012*.

The Swimming Pool Register is administered by the NSW Government, Department of Premier & Cabinet, Division of Local Government and registration on the Swimming Pool Register may be made on-line via their website [www.swimmingpoolregister.nsw.gov.au](http://www.swimmingpoolregister.nsw.gov.au).

Registration must be made before the issue of an Occupation Certificate for the pool.

**Swimming/Spa Pools**

45. The pool plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:

- before 8.00am or after 8.00pm on any Sunday or public holiday; or
- before 7.00am or after 8.00pm on any other day.

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

**CP29/16 Director City Planning Report - 7 Seaside Parade, South Coogee  
(DA/851/2015)**

98/16

**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 4.4 of Randwick Local Environmental Plan 2012, relating to Floor Space Ratio, 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. 851/2015 for Amendments to approved development consents DA/822/2013 and DA/924/2014 by enclosure of second floor southwest roof garden, increase in size of second floor roof terrace alteration to floor level of swimming pool and surrounds, addition of privacy louvres on northern side, alterations to cabana, internal reconfiguration, deletion of first floor southern balcony at No. 7 Seaside Parade, 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**

**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:

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Received by Council</b>
01 Rev a	C.M. Hairis	26/11/2016	2 December 2015
02 Rev a	Architects	26/11/2016	2 December 2015
03 Rev a		26/11/2016	2 December 2015
04 Rev a		26/11/2016	2 December 2015
05 Rev a		26/11/2016	2 December 2015
06 Rev a		26/11/2016	2 December 2015
07 Rev a		26/11/2016	2 December 2015

**Amendment of Plans & Documentation**

2. The approved plans and documents must be amended in accordance with the following requirements, as indicated in red on the approved plans. The amendments shall be made to the satisfaction of Council's Manager of Development Assessment, prior to the issue of a construction certificate:

- a) There are to be no structures locate above the finished ground level

- within the lower ground floor level that encroaches over the foreshore building line.
- b) The pool coping along the southern side of the pool shall be reduced to a maximum width of 600mm and landscaping along the southern side of the pool shall be increased in width by 1000mm to limit the degree to which the coping can be used for extended periods of time and to limit the degree of overlooking into the neighbours rear yard area. The fencing along the northern side boundary is limited to a clear glass BCA compliant balustrade located on the northern side of the landscaped area.
  - c) The treatment of the retaining wall along the southern side boundary shall be consistent with the material and colour scheme of the southern neighbours dwelling at No. 9 Seaside Parade. The retaining wall shall be constructed to the standard of good workmanship. Details of the proposed colours and materials used for the retaining wall shall be submitted to Council's Manager of Development Assessment prior to the treatment of the wall.
  - d) The treatment of the fence along the northern side boundary shall be consistent with the material and colour scheme of the northern neighbour's dwelling at No. 5 Seaside Parade. Details of Colours and materials and finishes shall be submitted to Council's Manager of Development Assessment for approval prior to the Construction of the new northern side boundary fence encompassed within this application.
  - e) The southern extension to the second floor terrace shall be deleted from the development.
  - f) The vertical louvres located on the northern side of the dwelling shall be fixed with individual blades oriented away from the private open space or windows of the adjoining dwelling.
3. This development consent DA/851/2015 amends the development consent DA/822/2013 and DA/924/2014 only in so far as the modifications highlighted on the plans referenced in condition 1 of this consent and conditions attached to this consent.

#### **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**

4. 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**

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

External materials, finishes and colours of the building are required to compliment natural elements in the coastal area (using light toned neutral hues), and use durable materials suited to coast. To limit the level of reflection and glare, any metal roof sheeting is to be pre-painted (e.g. Colourbond) and the reflectivity index of glass used in the external façade of the development

must not exceed 20 percent.

Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Manager Development Assessments prior to issuing a construction certificate for the development.

### **Section 94A Development Contributions**

6. In accordance with Council's Section 94A Development Contributions Plan effective from 21 April 2015, based on the additional development cost of \$46,200 (to that nominated under DA/822/2013 and DA/924/2014) the following applicable monetary levy (in addition to that required under DA/822/2013 & DA/924/2014) must be paid to Council: \$462.00.

The levy must be paid in **cash, bank cheque** or by **credit card** prior to a construction certificate being issued for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment. Please contact Council on telephone 9399 0999 or 1300 722 542 for the indexed contribution amount prior to payment.

To calculate the indexed levy, the following formula must be used:

$$\text{IDC} = \text{ODC} \times \text{CP2/CP1}$$

Where:

**IDC** = the indexed development cost

**ODC** = the original development cost determined by the Council

**CP2** = the Consumer Price Index, All Groups, Sydney, as published by the ABS in respect of the quarter ending immediately prior to the date of payment

**CP1** = the Consumer Price Index, All Groups, Sydney as published by the ABS in respect of the quarter ending immediately prior to the date of imposition of the condition requiring payment of the levy.

Council's Section 94A Development Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick or at [www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au).

### **Long Service Levy Payments**

7. 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.*

### **Security Deposits**

8. The following security deposits requirement must be complied with prior to a construction certificate being issued for the development, as security for making good any damage caused to Council's assets and infrastructure; 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*:

- \$600.00 - Damage / Civil Works Security Deposit

Security deposits may be provided by way of a cash, cheque or credit card payment and is refundable upon a satisfactory inspection by Council upon the completion of the civil works which confirms that there has been no damage to

Council's infrastructure.

The owner/builder is also requested to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

To obtain a refund of relevant deposits, a *Security Deposit Refund Form* is to be forwarded to Council's Director of City Services upon issuing of an occupation certificate or completion of the civil works.

### **Sydney Water**

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

The approved plans must be submitted to a Sydney Water Quick Check agent, to determine whether the development will affect Sydney Water's waste water and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

If suitable, the plans will be appropriately stamped. For details please refer to the Sydney Water web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- Quick Check agents details - see *Building and Developing* then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see *Building and Development* then *Building and Renovating*, or telephone 13 20 92.

The Principal Certifying Authority must ensure that a Sydney Water Quick Check Agent has appropriately stamped the plans prior to issuing the construction certificate.

### **REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE**

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

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

### **Compliance with the Building Code of Australia**

10. 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**

11. Prior to the commencement of any building works, the following requirements must be complied with:
- a) a *Construction Certificate* must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.  
  
A copy of the construction certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
  - b) a *Principal Certifying Authority (PCA)* must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and
  - c) a *principal contractor* must be appointed for the building work, or in relation to residential building work, an *owner-builder* permit may be obtained in accordance with the requirements of the *Home Building Act 1989*, and the PCA and Council are to be notified accordingly; and
  - d) the *principal contractor* must be advised of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*; and
  - e) at least two days' notice must be given to the Council, in writing, prior to commencing any works.

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

### **Home Building Act 1989**

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

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

### **Dilapidation Reports**

13. A dilapidation report prepared by a professional engineer, building surveyor or other suitably qualified independent person must be submitted to the satisfaction of the Principal Certifying Authority prior to commencement of any demolition, excavation or building works, in the following cases:
- excavations for new dwellings, additions to dwellings, swimming pools or the like which are proposed to be located within the *zone of influence* of the footings of any dwelling, associated garage or other substantial structure located upon an adjoining premises,
  - new dwellings or additions to dwellings sited up to shared property boundaries (e.g. additions to a semi-detached dwelling or terraced



dwellings),

- excavations for new dwellings, additions to dwellings, swimming pools or the like which are within rock and may result in vibration and or potential damage to any dwelling, associated garage or other substantial structure located upon an adjoining premises,
- as otherwise may be required by the Principal Certifying Authority.

The report (including photographs) are required to detail the current condition and status of any dwelling, associated garage or other substantial structure located upon the adjoining premises, which may be affected by the subject works. A copy of the dilapidation report is to be given to the owners of the premises encompassed in the report/s before commencing any works.

#### **Construction Noise & Vibration Management Plan**

14. Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant requirements of the *Protection of the Environment Operations Act 1997* and NSW EPA Guidelines must be satisfied at all times.

Noise and vibration from any rock excavation machinery, pile drivers and all plant and equipment must be minimised, by using appropriate plant and equipment, silencers and the implementation of noise management strategies.

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

#### **Construction Site Management Plan**

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

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

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

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

upon request.

### **Demolition Work Plan**

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

The Demolition Work Plan must include the following information (as applicable):

- The name, address, contact details and licence number of the Demolisher /Asbestos Removal Contractor
- Details of hazardous materials (including asbestos)
- Method/s of demolition (including removal of any asbestos)
- Measures and processes to be implemented to ensure the health & safety of workers and community
- Measures to be implemented to minimise any airborne dust and asbestos
- Methods and location of disposal of any hazardous materials (including asbestos)
- Other relevant details, measures and requirements to be implemented
- Details of re-use, recycling and disposal of waste demolition/building materials
- Date the demolition works will commence

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

If the work involves asbestos products or materials, a copy of the Demolition Work Plan must also be provided to Council not less than 2 days before commencing those works.

### **Notes**

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

### **Public Utilities**

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

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

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

## **REQUIREMENTS DURING CONSTRUCTION & SITE WORK**

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

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

### **Inspections During Construction**

18. The building works must be inspected by the *Principal Certifying Authority*, in

accordance with sections 109 E (3) of the *Environmental Planning & Assessment Act 1979* and clause 162A of the *Environmental Planning & Assessment Regulation 2000*, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.

The *Principal Certifying Authority* must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the *Principal Certifying Authority*, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

### Site Signage

19. 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

20. 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.*

### Demolition Work Requirements

21. The demolition of buildings and the removal, storage, handling and disposal of building materials must be carried out in accordance with the relevant requirements of WorkCover NSW, the NSW Department of Environment, Climate Change & Water and Randwick City Council policies, including:

- Work Health & Safety Act 2011 and Regulations
- WorkCover NSW Code of Practice for the Safe Removal of Asbestos
- WorkCover NSW Guidelines and Codes of Practice
- Australian Standard 2601 (2001) – Demolition of Structures

- The Protection of the Environment Operations Act 1997 and Regulations
- Relevant EPA Guidelines
- Randwick City Council Asbestos Policy

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

#### **Removal of Asbestos Materials**

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

- Relevant Occupational Health & Safety legislation and WorkCover NSW requirements
- Randwick City Council's Asbestos Policy
- A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m<sup>2</sup> 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](http://www.randwick.nsw.gov.au) in the Building & Development Section or a copy can be obtained from Council's Customer Service Centre.*

#### **Sediment & Erosion Control**

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

#### **Public Safety & Site Management**

24. 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.
- g) Temporary safety fencing is to be provided to any swimming pools under construction, pending the completion of all building work and the pool must not be filled until a fencing inspection has been carried out and approved by the principal certifying authority.

#### **Support of Adjoining Land, Excavations & Retaining Walls**

25. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 E of the *Environmental Planning & Assessment Regulation 2000*, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.
26. All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations must be properly guarded and supported to prevent them from being dangerous to life, property or buildings.

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

Details of proposed retaining walls, shoring, piling or other measures are to be submitted to and approved by the Principal Certifying Authority.

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

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

#### **Building Encroachments**

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

#### **Road/Asset Opening Permit**

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

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

### **REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

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

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

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

#### **Occupation Certificate Requirements**

30. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979*.

An Occupation Certificate must not be issued for the development if the

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

### **Swimming Pool Safety**

31. Swimming pools are to be designed and installed in accordance with the relevant requirements of the *Building Code of Australia* and be provided with childproof fences and self-locking gates, in accordance with the *Swimming Pools Act 1992* and the *Swimming Pools Regulation 2008*.

The swimming pool is to be surrounded by a fence having a minimum height of 1.2m, that separates the pool from any *residential building* (as defined in the *Swimming Pools Act 1992*) that is situated on the premises and from any place (whether public or private) adjoining the premises; and that is designed, constructed and installed in accordance with Australian Standard AS 1926.1 – 2012 (Swimming Pool Safety Part 1 - Safety Barriers for Swimming Pools).

Gates to pool area shall be a maximum width of 1 metre, and be self-closing and latching; the gate is required to open outwards from the pool area and prevent a small child opening the gate or door when the gate or door is closed.

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

A 'warning notice' must be erected in a prominent position in the immediate vicinity of the swimming pool, in accordance with the provisions of the *Swimming Pools Regulation 2008*, detailing pool safety requirements, resuscitation techniques and the importance of the supervision of children at all times.

*Note: This development consent does not approve the design and location of swimming pool fencing and other swimming pool safety barriers. Swimming pool fencing and other safety barriers are required to comply with the Swimming Pools Act 1992 and Swimming Pools Regulation 2008. Details of compliance are required to be incorporated into the plans and specifications for a Construction Certificate, to the satisfaction of the Certifying Authority.*

### **Swimming Pool & Spa Pool Requirements**

32. Swimming pools (and spa pools) are to be designed, installed and operated in accordance with the following general requirements:
- a) Backwash of the pool filter and other discharge of water is to be drained to the sewer in accordance with the requirements of the Sydney Water Corporation; and
  - b) All pool overflow water is to be drained away from the building and adjoining premises, so as not to result in a nuisance or damage to premises; and
  - c) Water recirculation and filtrations systems are required to comply with AS 1926.3 – 2010: Swimming Pool Safety – Water Recirculation and Filtration Systems; and
  - d) Pool plant and equipment is to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.

### **Notification of Swimming Pools & Spa Pools**

33. The owner of the premises must 'register' the swimming pool [or spa pool] on the NSW Swimming Pool Register, in accordance with the *Swimming Pools Amendment Act 2012*.

The Swimming Pool Register is administered by the NSW Government, Department of Premier & Cabinet, Division of Local Government and registration on the Swimming Pool Register may be made on-line via their website [www.swimmingpoolregister.nsw.gov.au](http://www.swimmingpoolregister.nsw.gov.au).

Registration must be made before the issue of an Occupation Certificate for the pool.

#### **Council's Infrastructure & Vehicular Crossings**

34. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:
- a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
  - b) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a *Pre-paid Works Application Form*, prior to issuing an occupation certificate, together with payment of the relevant fees.
  - c) If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.
  - d) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.

#### **OPERATIONAL CONDITIONS**

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

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

#### **Use of premises**

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

#### **External Lighting**

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

#### **Plant & Equipment**

37. The operation of all plant and equipment upon the premises 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 plant and equipment shall not give rise to an  $L_{Aeq, 15 \text{ min}}$  sound pressure level at any affected premises that exceeds the background  $L_{A90, 15 \text{ min}}$  noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Office of Environment & Heritage (EPA) Noise Control Guidelines.

**Swimming/Spa Pools**

38. The pool plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:

- before 8.00am or after 8.00pm on any Sunday or public holiday; or
- before 7.00am or after 8.00pm on any other day.

**Air Conditioners**

39. Air conditioning plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:

- before 8.00am or after 10.00pm on any Saturday, Sunday or public holiday; or
- before 7.00am or after 10.00pm on any other day.

**Rainwater Tanks**

40. The operation of plant and equipment associated with rainwater tanks are to be restricted to the following hours if the noise emitted can be heard within a habitable room in any other residential premises:

- before 8.00am or after 8.00pm on weekends or public holiday; or
- before 7.00am or after 8.00pm on weekdays.

**ADVISORY NOTES**

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

- A1 The requirements and provisions of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000*, must be fully complied with at all times.

Failure to comply with these requirements is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million. Alternatively, Council may issue a penalty infringement notice (for up to \$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 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 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.
- 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.
- For further information please contact Council on 9399 0944.
- A6 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place.
- A7 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.
- A8 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:
- the consent of the owners of such adjoining or supported land to trespass or encroach, or
  - an access order under the *Access to Neighbouring Land Act 2000*, or
  - an easement under section 88K of the *Conveyancing Act 1919*, or
  - an easement under section 40 of the *Land & Environment Court Act 1979*, as appropriate.
- Section 177 of the *Conveyancing Act 1919* creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).
- A9 Smoke alarms are required to be installed in all residential dwellings, in accordance with the relevant provisions of the *Environmental Planning &*

*Assessment Act 1979* and the Building Code of Australia. Details should be included in the construction certificate application.

A10 Demolition work and removal of asbestos materials:

- *A copy of Council's Asbestos Policy is available on Council's web site at [www.randwick.nsw.gov.au](http://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.*

A11 Any external lighting to the premises should be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.

A12 Building owners and occupiers should consider implementing appropriate measures to prevent children from falling from high-level window openings and balconies (e.g. by installing window locking devices; installing heavy-duty screens to window openings; limiting the dimensions of any openings to 125mm; ensuring balustrades to balconies are at least 1m high and; locating fixtures, fittings and furniture away from high-level windows and balconies).

For further information about preventing falls from windows and balconies refer to [www.health.nsw.gov.au/childsafety](http://www.health.nsw.gov.au/childsafety) or pick-up a brochure from Council's Customer Service Centre.

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

**CP30/16 Director City Planning Report - Report for Variation to Development Standard under State Environmental Planning Policy No. 1 (SEPP 1) and Clause 4.6 between 11 March 12 May, 2016 (F2008/00122)**

99/16 **RESOLUTION: (Smith/Stavrinis)** that the report be received and noted.

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

**CP31/16 Director City Planning Report - Post Exhibition Report: Planning Proposal 270 Malabar Road, Maroubra (RZ/3/2015)**

100/16 **RESOLUTION: (Smith/Stavrinis)** that:

- a) Council endorse the Planning Proposal (attachment 1) as exhibited, which proposes to amend the *Randwick Local Environmental Plan 2012* to include 'childcare centre' as an additional permitted use for 270 Malabar Road, Maroubra (Cnr Lot 3821, DP 752015);
- b) Council exercise the delegation of the Minister for Planning's functions under s59 of the *Environmental Planning and Assessment Act 1979* to make the Local Environmental Plan.

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

**CP32/16 Director City Planning Report - Randwick Junction Town Centre Issues Paper (F2015/00431)**

101/16 **RESOLUTION: (Andrews/Stavrinis)** that Council:

- a) endorse the Randwick Junction Town Centre Issues Paper for the purpose of informing development of a Town Centre Strategy;
- b) endorse the Project Plan and Consultation Framework for the Randwick Junction Town Centre Strategy; and
- c) delegate to the Director City Planning minor typographical and formatting amendments in finalising the Issues Paper

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

**CP33/16 Director City Planning Report - Randwick City Sporting Walk of Fame Committee (F2015/00375)**

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102/16

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

- a) the external representatives noted in this report be added to the Working Group;
- b) two positions on the working group be left open, with the Mayor and Deputy Mayor being delegated authority to appoint two representatives of women's sport to participate on the Working Group;
- c) the Working Group report back to Council outlining the guidelines, taking into consideration the role the Sporting Walk of Fame is to play in regard to the current Council programs that recognise outstanding sports achievers within our City; and
- d) this report to include the recommendations by the Working Group for inductees, for final determination by Council.

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

**CP34/16 Director City Planning Report - Affordable Housing Dwelling at Lots 1, 15 and 18 in Strata Plan (SP) 89412, 33 Harvey Street, Little Bay. Classification of Land under the Local Government Act 1993 (F2004/07991)**

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103/16

**RESOLUTION: (Andrews/Matson) that Council resolve to classify the affordable housing units Lot 1, 15 and 18 in Strata Plan (SP) 89412 at 33 Harvey Street Little Bay as 'operational' land in accordance with the provisions of the Local Government Act 1993.**

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

**General Manager's Reports**

**GM8/16 General Manager's Report - Review of the Randwick City Council 2015-16 Operational Plan – March Quarter (F2015/03001)**

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104/16

**RESOLUTION: (Stavrinos/Andrews) that the information contained in the March 2016 Review of the 2015-16 Annual Operational Plan be received and noted.**

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



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**GM9/16 General Manager's Report - Submission to Council Boundary Review - Botany Bay Proposal (F2008/00113)**


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105/16

**RESOLUTION: (Andrews/Stavrinos)** that Council endorses the submission and lodges it with the delegate Rod Nockles, noting specifically its opposition to the dismemberment of Randwick City Council by the Labor led Botany Council.

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 Moore
Councillor D'Souza	Councillor Neilson
Councillor Matson	Councillor Stevenson
Councillor Nash	
Councillor Roberts	
Councillor Seng	
Councillor Shurey	
Councillor Smith	
Councillor Stavrinos	
<b>Total (10)</b>	<b>Total (4)</b>

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

**AMENDMENT: (Bowen/Shurey)** that Randwick City Council confirms its position that it remains a stand-alone Council. **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 Moore	Councillor Matson
Councillor Neilson	Councillor Nash
Councillor Stevenson	Councillor Roberts
	Councillor Seng
	Councillor Shurey
	Councillor Smith
	Councillor Stavrinos
<b>Total (5)</b>	<b>Total (9)</b>

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**GM10/16 General Manager's Report - 2016 National General Assembly of Local Government (F2004/07432)**


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106/16

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

- a) Council endorses the attendance of interested Councillors at the 2016 National General Assembly in Canberra.
- b) any Councillors interested in attending 2016 National General Assembly of Local Government advise the General Manager as soon as possible for registration purposes.

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

## Director City Services Reports

### CS6/16 Director City Services Report - Malabar Headland - Western Walking Track - Community Consultation (F2014/00503)

107/16

**RESOLUTION: (Stevenson/Matson)** that the fence along the western side of the walkway near the residents be a chain wire fence with a height of 1.5 metres, national parks to lock the walkway at night for safety reasons and the proposed Ford Street entrance be changed to Brown Street, after consultation with the residents.

**MOTION: (Andrews/Stavrinis)** that this matter be deferred for further consultation with local residents and to further investigate moving the western track further away from the residents in Byrne Crescent. **LOST.**

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

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

**MOTION: (Stevenson/Matson) 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 Moore
Councillor Belleli	Councillor Neilson
Councillor Bowen	Councillor Smith
Councillor D'Souza	
Councillor Matson	
Councillor Nash	
Councillor Roberts	
Councillor Seng	
Councillor Shurey	
Councillor Stavrinis	
Councillor Stevenson	
<b>Total (11)</b>	<b>Total (3)</b>

## Director Governance & Financial Services Reports

### GF15/16 Director Governance & Financial Services Report - Investment Report - April 2016 (F2015/06527)

108/16

**RESOLUTION: (Stavrinis/Andrews)** that the investment report for April 2016 be received and noted.

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

## Petitions

Nil.

## Motions Pursuant to Notice

### **NM18/16 Motion Pursuant to Notice - Notice of Motion from Cr Matson - Increased Impacts on Kensington and Kingsford Residents from the Planned St Peters M5 Motorway Interchange (F2013/00263)**

109/16

**RESOLUTION: (Matson/Shurey)** that Council urgently contacts the local MP's for Wentworth and Kingsford Smith seeking the holding off of Federal Government approval of the St Peters interchange component of the WestConnex motorway project until Council has had a chance to study traffic modelling on how our suburbs of Kensington and Kingsford will be impacted on by expected increased traffic movements to and from the eastern suburbs.

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

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 Nash
Councillor D'Souza	Councillor Roberts
Councillor Matson	Councillor Seng
Councillor Moore	Councillor Smith
Councillor Neilson	Councillor Stavrinou
Councillor Shurey	
Councillor Stevenson	
<b>Total (8)</b>	<b>Total (6)</b>

### **NM19/16 Motion Pursuant to Notice - Notice of Motion from Cr Matson - Potential Legal Challenge Reflecting Heffron MP's Advice re Clause B43 of the Consent for the Recently Approved Stage 2 of the WestConnex Motorway (F2013/00263)**

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

110/16

**RESOLUTION: (Matson/Shurey)** that Council notes condition B43 of the consent for the recently approved Stage 2 of the WestConnex motorway. And as a matter of urgency, obtains legal advice as to the success of a court challenge on the grounds that traffic to and from the project's St Peters interchange component will impact "adversely" on the performance of sections of the road network including Kensington, Kingsford and Randwick for:

- a) residents, businesses, and students;
- b) commuters and bike riders;
- c) freight movement;
- d) public transport services including bus services and the approved CBD to South East Light Rail; and
- e) other road users.

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

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST



were as follows:

<b>FOR</b>	<b>AGAINST</b>
Councillor Bowen	Councillor Andrews
Councillor D'Souza	Councillor Nash
Councillor Matson	Councillor Roberts
Councillor Moore	Councillor Seng
Councillor Neilson	Councillor Smith
Councillor Shurey	Councillor Stavrinou
Councillor Stevenson	
<b>Total (7)</b>	<b>Total (6)</b>

**NM20/16 Motion Pursuant to Notice - Notice of Motion from Cr Matson - NSW Government Decision to Introduce a 10 Cent Levy on Beverage Containers (F2006/00597)**

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

111/16

**RESOLUTION: (Matson/Roberts)** that Council commends the NSW Government decision to introduce a 10 cent levy on beverage containers as a positive contribution towards addressing land fill shortages and ocean pollution.

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

**NM21/16 Motion Pursuant to Notice - Notice of Motion from Cr Shurey - Planned Redevelopment of Bondi Pavilion (F2012/00347)**

**MOTION: (Shurey/Bowen)** that Council:

- a) notes that Waverley Council has agreed to a \$38 million redevelopment of Bondi Pavilion and that there is growing community concern and opposition from the residents of the Waverley, Woollahra and Randwick local government areas in response;
- b) resolves that, considering the very likely amalgamation between Randwick, Waverley and Woollahra Councils, that Council writes to the Minister for Local Government noting that the decision was made during the merger proposal period and is considered to be inappropriate at this time; and
- c) resolves to write to the current mayors of Waverley and Woollahra Councils and the Minister for Local Government raising fiscal concerns that ratepayers from the three Council areas will be burdened with a debt of over \$20 million. **LOST ON CASTING VOTE OF THE MAYOR.**

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 Nash
Councillor Moore	Councillor Roberts
Councillor Neilson	Councillor Seng
Councillor Shurey	Councillor Smith
Councillor Stevenson	Councillor Stavrinou

**Total (7)****Total (7)**

**NM22/16 Motion Pursuant to Notice - Notice of Motion from Cr Matson -  
Unique Opportunity to Recreate Tree Canopy Losses from CSELR  
Construction Works (F2008/00506)**

112/16

**RESOLUTION: (Matson/Shurey)** that Council notes the recent and pending tree losses along Alison Road, Wansey Road and Anzac Parade and delegates the Greening Randwick Committee to advance the tree preservation objectives of both Council's CSELR development agreement and the State Government's CSELR light rail [Revegetation Compensation Package](#) by:

- 1) Drafting a planning policy applicable to any future rezoning of the Long Bay Jail site that will, in addition to normal Section 94 plan calculations, create a boulevard of significantly sized trees of great beauty, ecological value and canopy spread by:
  - a) A realignment of the south bound lanes of the parade across eastward into the jail site thus widening the current median strip sufficiently to accommodate a row of large trees while retaining options for both an uninterrupted dual lane light rail line and an uninterrupted off road dual lane bike path; and
  - b) In addition to this setback, the delimitation of a further strip along the site's frontage to the Parade sufficient in width to contain a second row of large trees paralleling and mirroring those intended for the median strip; and
- 2) Delegating the General Manager to promote the project to the Transport and Planning Ministers and to negotiate the terms of an appropriate memorandum of understanding for it.

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

**NM23/16 Motion Pursuant to Notice - Notice of Motion from Cr Matson –  
"Potential for a Striking Canopied Southern Entrance to the New  
Administrative Centre of a Merged Eastern Suburbs Council."  
(F2013/00263)**

113/16

**RESOLUTION: (Matson/Shurey)** that Council:

- a) resolves that the large trees on both sides of the southern Anzac Parade entrance to the Kingsford roundabout be added to Council's list of significant trees register;
- b) notes that these trees could form a striking canopied southern entrance to the new administrative centre of the proposed amalgamated eastern suburbs Council and expresses its appreciation for the agreed too meeting with TfNSW on the potential for a CSELR light rail line design that would retain them;
- c) authorises the Mayor or his delegated representatives to attend the TfNSW meeting; and
- d) resolves that as part of the Kensington and Kingsford town centre's redesign sufficient land in the Anzac Parade median strip just below the roundabout and across to including the large trees on the Anzac Parade and Gardeners Road intersection will be considered for re-zoning to 'Zone E2 Environmental Conservation' for their 'high aesthetic value' as provided for in the RLEP objectives listed for that zone.

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

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 Moore
Councillor D'Souza	Councillor Neilson
Councillor Matson	
Councillor Nash	
Councillor Roberts	
Councillor Seng	
Councillor Shurey	
Councillor Smith	
Councillor Stavrinou	
<b>Total (10)</b>	<b>Total (3)</b>

**AMENDMENT: (Neilson/Bowen)** that Council resolves clause (a) only "that the large trees on both sides of the southern Anzac Parade entrance to the Kingsford roundabout be added to Council's list of significant trees register." **LOST.**

**AMENDMENT: (Moore/Belleli)** that clause (b) be deleted from the proposed resolution. **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 Moore	Councillor Matson
Councillor Neilson	Councillor Nash
	Councillor Roberts
	Councillor Seng
	Councillor Shurey
	Councillor Smith
	Councillor Stavrinou
<b>Total (4)</b>	<b>Total (9)</b>

**RESOLVED: (PROCEDURAL MOTION): (Andrews/Seng)** that the meeting be extended to 1.00am.

**NM24/16 Motion Pursuant to Notice - Notice of Motion from Cr Bowen - Motion to Investigate Legal Challenge to Delegate's Report to Boundary Commission Endorsing Merger of Randwick City Council (F2016/04003)**

114/16

**RESOLUTION: (Matson/Smith)** that Council defer consideration of this motion until the outcome of the Woollahra Council court action is known and the General Manager can give us advice on it.

**MOTION: (Bowen/Moore)** that, noting the examination report by the delegate for the Council Boundary Review Dr Lang, endorses the state government's forced amalgamation of Randwick City Council with Waverley and Woollahra Councils contrary to the preferred position of this Council and the majority of Randwick City

Council residents (according to the survey conducted by Micromex in February 2016) this Council:

1. urgently calls on the Member for Coogee Bruce Notley-Smith to support Randwick City Council as a stand-alone council; and
2. urgently instructs Senior Counsel to obtain an opinion as to whether the report of Dr Lang can be legally challenged and if so take the necessary steps to commence such a challenge to protect Randwick City Council as a stand-alone council.

**AMENDMENT: (Matson/Smith) CARRIED AND BECAME THE MOTION.**

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

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

**MOTION: (Matson/Smith) 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 Belleli
Councillor D'Souza	Councillor Bowen
Councillor Matson	Councillor Moore
Councillor Nash	Councillor Neilson
Councillor Roberts	Councillor Stevenson
Councillor Seng	
Councillor Shurey	
Councillor Smith	
Councillor Stavrinou	
<b>Total (9)</b>	<b>Total (5)</b>

**NM25/16 Motion Pursuant to Notice - Notice of Motion from Cr Bowen - Request for the Premier to Investigate Waverley Council's \$38M Commitment for Bondi Pavilion Upgrade During Merger Process (F2012/00347)**

This motion was considered in conjunction with NM21/16.

**NM26/16 Motion Pursuant to Notice - Notice of Motion from Cr Matson - Retention of Tree of Knowledge (F2013/00263)**

**RESOLUTION: (Matson/Neilson)** that Council:

- (a) notes its proposal to TfNSW for an eastward realignment of the CSELR light rail lines near the intersection of Wansey Road and High Street from the southern side of Wansey Road into the actual carriage way of Wansey Road itself for a length sufficient to allow for the retention of the conjoined large fig trees known as the Tree of Knowledge;
- (b) expresses its appreciation to TfNSW for the agreed too meeting on this issue; and
- (c) authorises the Mayor or his delegated representatives to attend the meeting with TfNSW and put Council's proposal for saving The Tree of Knowledge.

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

**AMENDMENT: (Bowen/Stevenson)** that a clause (d) be added which reads "that Council also seek Senior Counsel's advice as to what legal options may be available to preserve this tree." **LOST.**

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

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

**NM27/16 Motion Pursuant to Notice - Notice of Motion from Cr Moore - Impacts of the AHSEPP within Suburbs of Randwick City (F2004/07991)**

116/16

**RESOLUTION: (Moore/Stavrinou)** that Council, in recognising the increased use of the State Environmental Policy Affordable Renting Housing (AHSEPP) within suburbs of Randwick City and the interest such developments are generating within the community conduct a review and report on;

- a) the concerns developments utilising the AHSEPP are generating within the community;
- b) the effectiveness of the AHSEPP in meeting its objectives; and
- c) actions the Council might consider to improve the application of the AHSEPP.

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

**NM28/16 Motion Pursuant to Notice - Notice of Motion from Cr Moore - Pedestrian, Cyclists and Traffic Safety around the CSELR (F2014/00452)**

117/16

**RESOLUTION: (Moore/Andrews)** that Council monitor the traffic changes resulting from construction of the CSELR and ensure the Department of Transport for NSW and

the CSELR Project establish appropriate traffic mitigation actions that include safety for all road users.

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

**NM29/16 Motion Pursuant to Notice - Notice of Motion from Cr Neilson - Poll on Merger (F2016/04014)**

**MOTION: (Neilson/Moore)** that Council:

1. undertakes a Poll as defined in the Local Government Act 1993 of all eligible voters as soon as practical;
2. the wording of the Poll to be 'Do you want Randwick City Council to amalgamate with another Council?'; and
3. writes to the Premier and the relevant Boundaries Commission Delegate to inform them of our decision. **LOST.**

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

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

**NM30/16 Motion Pursuant to Notice - Notice of Motion from Cr Neilson - Urgent Request to Save the Tree of Knowledge (corner High St & Wansey Rd, Randwick) (F2013/00263)**

This motion was considered in conjunction with NM26/16. See resolution number 115/16.

**Confidential Reports**

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

**Closed Session**

**CS7/16 Confidential - Tender for Structural Lining of Stormwater Pipes - No. T2016-19 (F2015/00503)**

*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.*

118/16

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

- a) under Regulation 178(1)(a) of the Local Government (General) Regulation 2005, and subject to contractual negotiations being finalised to the reasonable satisfaction of the General Manager, accept Abergeldie Watertech Pty Ltd as the successful tenderer for T2016-19 Structural Lining of Stormwater Pipes, at a lump sum price of \$75,736.30 (ex GST) and negotiate cost of traffic control for two (2) of the specified sites;
- b) entering into this contractual arrangement is in accordance with the "Guidelines for Council Decision Making During Merger Proposal Periods" under section 23A of the Local Government Act, in that the contract is being entered into as a result of a decision made and a procurement process commenced prior to the start of the merger proposal period. In addition, entry into the contract is necessary for the purposes of meeting Council's ongoing service delivery commitments to our community;
- c) the General Manager, or delegated representative, be authorised to enter into an agreement with Abergeldie Watertech Pty Ltd on behalf of Council; and
- d) unsuccessful tenderers are notified.

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

**GF16/16 Confidential - Tender for Replacement of PABX - Supply of Equipment, Licencing, Implementation, Professional Services, Maintenance and Support - No. T2016-29 (F2016/00228)**

*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.*

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

119/16

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

- a) under Regulation 178(1)(a) of the Local Government (General) Regulation 2005, and subject to contractual negotiations being finalised to the reasonable satisfaction of the General Manager, Ethan Group be accepted as the successful tenderer for T2016-29 for the Replacement of PABX - Supply of Equipment, Licencing, Implementation, Professional Services, Maintenance and Support for the lump sum of \$515,828.58. (ex GST), and for the ongoing supply of related equipment, maintenance, and associated professional services at the tendered rates;
- b) entering into this contractual arrangement is in accordance with the "Guidelines for Council Decision making During Merger Proposal Periods" under Section 23A of the Local Government Act, in that the contract is being entered into as a result of a decision made and a procurement process commenced prior to the start of the merger proposal period. In addition, entry into the contract is necessary for the purposes of meeting Council's ongoing service delivery commitments to our community;
- c) the General Manager, or delegated representative, be authorised to enter into an agreement with Ethan Group Pty Ltd for a period of three years, with two optional one year extension(s); and
- d) unsuccessful tenderers are notified.

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

**GF17/16 Confidential - Tender for Legal Services - No. T2016-14 (F2015/00466)**

*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.*

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

120/16

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

- a) under Regulation 178(1)(a) of the Local Government (General) Regulation 2005, and subject to contractual negotiations being finalised to the reasonable satisfaction of the General Manager, the following firms be accepted under the respective categories at their tendered rates for T2016-14 - Provision of Legal Services: Wilshire Webb Staunton Beattie, Marsdens Law Group, Eakin McCaffery Cox, Norton Rose Fulbright and HWL Ebsworth Lawyers;
- b) entering into this contractual arrangement is in accordance with the "Guidelines for Council Decision making During Merger Proposal Periods" under Section 23A of the Local Government Act, in that the contract is being entered into as a result of a decision made and a procurement process commenced prior to the start of the merger proposal period. In addition, entry into the contract is necessary for the purposes of meeting Council's ongoing service delivery commitments to our community;
- c) the General Manager, or delegated representative, be authorised to enter into an agreement with these nominated firms for a period of three years, with two optional one year extensions; and
- d) unsuccessful tenderers are notified.

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

### Open Session

The meeting moved back into open session.

### Notice of Rescission Motions

**NR5/16 Notice of Rescission Motion - Notice of Rescission Motion Submitted by Crs Seng, Smith and Stavrinos - Aboriginal Artefacts at the Randwick Stabling Yard and the Destruction of Trees along Anzac Parade (F2013/00263)**

121/16

**RESOLUTION: (Smith/Nash) that the resolution passed at the Council meeting held on 26 April 2016 reading as follows:**

“(Neilson/Moore) that:

- a) an urgent meeting be conducted between the La Perouse Land Council, TfNSW and Randwick City Council to discuss the most appropriate and culturally sensitive method for protecting the significance of the indigenous artefacts discovered at the Light Rail Stabling facility at Randwick; and
- b) Randwick City Council urgently write to the Premier and TfNSW expressing



concern about the destruction of the Morton Bay Figs along Anzac Parade and requesting an immediate stop to all works in an effort to more extensively protect the environmental and cultural heritage of Anzac Parade, previously known as Randwick Road, reminding them of the significance of this Parade to our service men and women and that the trees must be protected."

BE AND IS HEREBY RESCINDED.

**MOTION: (Smith/Nash) 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 Belleli
Councillor D'Souza	Councillor Bowen
Councillor Matson	Councillor Moore
Councillor Nash	Councillor Neilson
Councillor Roberts	Councillor Shurey
Councillor Seng	Councillor Stevenson
Councillor Smith	
Councillor Stavrinou	
<b>Total (8)</b>	<b>Total (6)</b>

122/16

**RESOLUTION: (Smith/Nash)** that Council offer its support and assistance, if requested, to the La Perouse Aboriginal Land Council in managing the artifacts discovered during construction of the CSELR.

**MOTION: (Smith/Nash) 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 Moore
Councillor Belleli	Councillor Neilson
Councillor Bowen	Councillor Shurey
Councillor D'Souza	Councillor Stevenson
Councillor Matson	
Councillor Nash	
Councillor Roberts	
Councillor Seng	
Councillor Smith	
Councillor Stavrinou	
<b>Total (10)</b>	<b>Total (4)</b>

**AMENDMENT: (Bowen/Moore)** that a clause (b) be added which reads "that Randwick City Council urgently writes to the Premier and to TfNSW expressing concern about the destruction of the Moreton Bay Fig and the Tree of Knowledge and requesting an immediate stop to works in an effort to more extensively protect the environment and cultural heritage of Anzac Parade and Wansey Road, reminding them of the significance of this area and that our trees must be protected". **LOST.**

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews

Councillor Bowen	Councillor D'Souza
Councillor Moore	Councillor Matson
Councillor Neilson	Councillor Nash
Councillor Shurey	Councillor Roberts
Councillor Stevenson	Councillor Seng
	Councillor Smith
	Councillor Stavrinou
<b>Total (6)</b>	<b>Total (8)</b>

**AMENDMENT: (Matson/Bowen)** that a clause (b) be added which reads "that the wording and date of the previous resolution on this matter in response to the previous motion by Cr Bowen, calling for a suspension of works, be replicated and attached as an adjunct. **LOST ON THE CASTING VOTE OF THE MAYOR.**

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 Nash
Councillor Moore	Councillor Roberts
Councillor Neilson	Councillor Seng
Councillor Shurey	Councillor Smith
Councillor Stevenson	Councillor Stavrinou
<b>Total (7)</b>	<b>Total (7)</b>

There being no further business, His Worship the Mayor, Cr D' Souza, declared the meeting closed at 12.45am.

**The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 28 June 2016.**

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**CHAIRPERSON**