

**MINUTES OF ORDINARY COUNCIL MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY 27TH JULY, 2004 AT 6:10 P.M.**

PRESENT:

His Worship the Mayor, Cr. M. Matson (East Ward) (Chairperson)

Councillor B. Notley-Smith (East Ward) (Deputy Mayor)

North Ward	-	Crs J. Kenny, Tracey & M. Woodsmith
South Ward	-	Crs R. Belleli, M. Daley & A. White
East Ward	-	Cr D. Sullivan
West Ward	-	Crs B. Hughes & J. Procopiadis
Central Ward	-	Crs A. Andrews, C. Bastic (from 6.45 p.m.) & Cr Seng

OFFICERS PRESENT:

Acting General Manager	Ms. S. Truuvvert.
Director Asset & Infrastructure Services	Mr. M. Savage.
Acting Director Planning & Community Development	Mr Kerry Kyriacou
Director Governance Management & Information Services	Mr. M. Hummerston.
Public Officer	Mr. P. Smith.
Communications Manager	Ms. D. Brien.
Manager Policy, Planning & Performance	Ms. K. Walshaw.
Manager Environmental Planning	Ms. K. Armstrong.
Community Development Co-ordinator	Ms. Rachelle Lewenkopf
Communications Officer	Ms. Elizabeth Uhlmann

1. COUNCIL PRAYER

The Council Prayer was read by Cr Daley.

2. APOLOGY.

An apology was received from Cr Nash.

RESOLVED: (Notley-Smith/His Worship the Mayor, Cr M. Matson) that the apology be received and accepted and leave of absence be granted to Cr Nash from the Ordinary Council Meeting held on Tuesday, 27th July, 2004.

3. MINUTES

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY, 22ND JUNE, 2004.**

146 **RESOLUTION:** (*Andrews/Notley-Smith*) that the Minutes of the Ordinary Council Meeting held on Tuesday, 22nd June, 2004 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

CONFIRMATION OF THE MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON TUESDAY, 13TH JULY, 2004.

147 **RESOLUTION:** (*Andrews/Notley-Smith*) that the Minutes of the Extraordinary Council Meeting held on Tuesday, 13th July, 2004 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

RESOLVED: (*Notley-Smith/Hughes*) that the meeting be adjourned at 6.13 p.m. to permit members of the public entitled and wishing to address the assembled Councillors.

4. ADDRESSES TO THE COUNCIL BY THE PUBLIC.

1. Mr Garry Bauer, Project Director, Landcom, Pine Ave, Little Bay on Item 8.1, Acting Director Planning & Community Development's Report 45/2004 - Prince Henry Hospital Site Draft Local Environmental Plan (LEP) (Amendment No. 28) and Draft Development Control Plan (DCP).
2. Mr Rod Plaster, PO Box 385 Coogee on Item 8.2, Acting Director Planning & Community Development's Report 46/2004 - 4a Eastbourne Avenue, Clovelly.
3. Ms Fran Levinston, 4A Eastbourne Avenue, Clovelly on Item 8.2, Acting Director Planning & Community Development's Report 46/2004 - 4a Eastbourne Avenue, Clovelly.
4. Mr Simon Poidevin, 170 Beach Street, Coogee on Item 8.3, Acting Director Planning & Community Development's Report 47/2004 - 172 Beach Street, Coogee.
5. Mr Paul Guillemot, 253 Rainbow Street, Coogee on Item 8.4, Acting Director Planning & Community Development's Report 48/2004 – 2A Stephen St Randwick.
6. Mr Tony Moody, c/- 22 Frances Street, Randwick on Item 8.4, Acting Director Planning & Community Development's Report 48/2004 – 2A Stephen St Randwick.
7. Ms Toni Ovadia, 30 Winchester Road, Clovelly on Item 8.5, Acting Director Planning & Community Development's Report 49/2004 – 28 Winchester Road, Clovelly.
8. Mr Vincent Wall, 26 Winchester Road, Clovelly on Item 8.5, Acting Director Planning & Community Development's Report 49/2004 – 28 Winchester Road, Clovelly.
9. Ms Tamar Freed, 28 Winchester Road, Clovelly on Item 8.5, Acting Director Planning & Community Development's Report 49/2004 – 28 Winchester Road, Clovelly.

(Cr Bastic attended the meeting at this stage, the time being 6.45 p.m.)

10. Mr Alex Smith, 203-233 New South Head Road, Edgecliffe on Item Notice Of Rescission Motion By Councillors Sullivan, White, Andrews, Procopiadis & Tracey – Health, Building & Planning Committee Meeting, Tuesday, 13th July, 2004 – Item 5.1 - Director Planning & Community Development's Report 42/2004 – 308-310 Arden Street And 3 Alexander Street, Coogee.
11. Rev. Paul Cullen, St Marks Anglican Church, cnr Franklin Street & Victoria Lane, Malabar on Item 10.6, Motion Pursuant to Notice by Cr Daley – Establishment of Partnership Register.

RESOLVED: (PROCEDURAL MOTION) (Daley/Bastic) that Council deal with Items 8.1 to 8.5 following the adjournment and prior to other items on the agenda.

The meeting was adjourned at 6.59 p.m. and resumed at 7.19 p.m.

5. MAYORAL MINUTES.

5.1 MAYORAL MINUTE 47/2004 – SHAKESPEAREAN THEATRE AT GRANT RESERVE. (98/S/1219(4))

148 **RESOLUTION: (His Worship the Mayor, Cr M. Matson) that:**

- a) *Council vote \$3,114.30 from the Councillors' Donations vote to cover the fees associated with the performance of "Much Ado About Nothing" to be held on eight evenings from Friday, 4th February, 2005 to Saturday, 26th February, 2005, inclusive, at Grant Reserve; and*
- b) *The event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event.*

MOTION: (His Worship the Mayor, Cr M. Matson) SEE RESOLUTION.

5.2 MAYORAL MINUTE 48/2004 - PRINCE OF WALES HOSPITAL'S RIDE FOR LIFE - REQUEST FOR WAIVING OF FEES FOR INSTALLATION AND DISMANTLING OF BANNER. (98/S/2311)

149 **RESOLUTION: (His Worship the Mayor, Cr M. Matson) that:**

- a) *Council vote \$1,085.00 from the Councillors' Donations vote to cover the fees associated with the event to be held at Centennial Park on 14 August, 2004; and*
- b) *The event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event.*

MOTION: (His Worship the Mayor, Cr M. Matson) SEE RESOLUTION.

5.3 MAYORAL MINUTE 49/2004 - RANDWICK GIRLS' AND BOYS' ROCK EISTEDDFOD TEAM. (98/S/0492)

150 **RESOLUTION: (Sullivan/Andrews)** that Council allocate \$3114.30 from the Councillors' Donations vote to assist the Randwick Girls' and Boys' Rock Eisteddfod Team to be involved in this year's event.

MOTION: (His Worship the Mayor, Cr M. Matson) that Council allocate \$500.00 from the Councillors' Donations vote to assist the Randwick Girls' and Boys' Rock Eisteddfod Team to be involved in this year's event.

AMENDMENT: (Sullivan/Andrews) SEE RESOLUTION.

(Cr Matson requested that his name be recorded as opposed to the resolution.)

5.4 MAYORAL MINUTE 50/2004 - NEW COMMUNITY CENTRE DEPARTMENT OF DEFENCE SITE, BUNDOCK STREET. (98/S/4189)

151 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson) that:*

- a) *Council endorse that the Mayor write to the Department of Defence calling for an unequivocal Commonwealth Government assurance that the proposed public use of the Community Facility has no risk posed to it from the unremediated adjacent land and the stockpiles. The Commonwealth Government assurance must also be supported by independent expert advice;*
- b) *Defence to also clarify its intentions and timetable with regard to the completion of remediation works for the remainder of the site;*
- c) *Defence to also clarify its commitment to and provide details on, the ongoing site management and compliance checking regime for the unremediated land; and*
- d) *Defence must also advise Council with regard to its intentions regarding all the recommendations of the Public Works Committee (PWC).*

MOTION: **(His Worship the Mayor, Cr M. Matson) SEE RESOLUTION.**

5.5 MAYORAL MINUTE 51/2004 - RELOCATION OF DOLPHIN STREET PLAYGROUP. (98/S/0180)

152 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson) that Council:*

- a) *Authorises the erection of temporary fencing adjacent to the Totem Hall Scout Hall; and*
- b) *Allocate up to \$1,000 from the Contingency Fund as a donation to the Dolphin Street Play Group to cover construction costs.*

MOTION: **(His Worship the Mayor, Cr M. Matson) SEE RESOLUTION.**

5.6 MAYORAL MINUTE 53/2004 – STREET NAMES FOR MIRVAC DEVELOPMENT AT FORMER BUNDOCK STREET DEFENCE LAND. (98/S/1368)

153 **RESOLUTION:** *(Notley-Smith/Daley) that this matter be deferred for consideration at the next meeting of the Health, Building and Planning Committee.*

MOTION: **(His Worship the Mayor, Cr M. Matson)** that the recommendation contained in the Mayor's Minute No. 53/2004 be adopted.

AMENDMENT: **(Bastic/Daley)** that the new suburb name be Randwick and Mirvac be advised accordingly. **LOST.**

PROCEDURAL MOTION: **(Notley-Smith/Belleli)** that this item be dealt with later in the meeting.

(The Mayor indicated he used his casting vote on the Procedural motion.)

PROCEDURAL MOTION (FURTHER): **(Bastic/Notley-Smith)** that items 7.10 and 10.1 be dealt with at this stage of the meeting. (See Minute Nos. 165, 176 & 177 respectively.)

FURTHER MOTION: (Bastic/Daley) that:

- (a) the list of street names submitted by Councillor White outlining Australian winners of the Victoria Cross be utilised as the street names, starting with those from the Vietnam War, then World War 2 and then Russia;
- (b) the new suburb name be Randwick; and
- (c) Mirvac be advised accordingly.

PROCEDURAL MOTION (FURTHER): (Notley-Smith/Daley) SEE RESOLUTION.

6. ACTING GENERAL MANAGERS' REPORTS.

6.1 ACTING GENERAL MANAGER'S REPORT 18/2004 - SALE OF LAND ADJACENT TO 276 DONCASTER AVENUE & EDWARD AVENUE, KINGSFORD. (R/0240/00-01)

154 **RESOLUTION: (Notley-Smith/Sullivan)** that this matter be deferred to allow for further negotiations to take place in respect to a possible purchase or lease of the area.

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

PROCEDURAL MOTION: (His Worship the Mayor, Cr M. Matson/Hughes) that the meeting be adjourned to allow Doctor Buchanan to thank Council in respect to Item 12.1 which had been dealt with earlier in the meeting.

The meeting was subsequently resumed.

6.2 ACTING GENERAL MANAGER'S REPORT 19/2004 - AFFIXING OF THE COUNCIL SEAL. (P/007876 xr P/001345 xr P/001105 xr P/003369 xr P/001994 xr 98/S/2994)

155 **RESOLUTION: (Andrews/Notley-Smith)** that authority be granted for the Council's Common Seal to be affixed to the agreements between Council and:

- a) Patchanee Davies (T/As Thai Fire Fry) in relation to a licence for the purpose of outdoor dining at 20 Perouse Road, Randwick;
- b) Jeannette Horrocks (T/As The Globe Café) in relation to a licence for the purpose of outdoor dining at 203 Coogee Bay Road, Coogee;
- c) Karim Elfar (T/As Vista Del Mare Restaurant) in relation to a licence for the purpose of outdoor dining at 186 Arden Street, Coogee;
- d) Kirrilea Brook & Marianne Coulson (T/As Essence Fine Foods) in relation to a licence for the purpose of outdoor dining at 116 Avoca Street, Randwick.
- e) Mrs E Mastoris (T/As Coogee Yeeros Café) in relation to a licence for the purpose of outdoor dining at 204 Arden Street, Coogee; and
- f) Maroubra Diggers Swimming Club Inc in relation to a licence of Part of Lots 1211, 7026-2027 DP 752015 more particularly known as the Club Room at Des Renford Aquatic Centre.

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

7. DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORTS.

7.1 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 40/2004 - ON-STREET PARKING POLICY. (98/S/2714)

156 **RESOLUTION:** *(Notley-Smith/Tracey) that:*

- a) *The City of Randwick On-Street Parking Policy be adopted by Council;*
- b) *The Policy Register be updated accordingly; and*
- c) *Council seek the support of other agencies such as RTA, Police and State Transit Authority, as well as State Members of Parliament for Heffron, Coogee and Maroubra, for the gradual implementation of the Policy.*

MOTION: *(Notley-Smith/Tracey) SEE RESOLUTION.*

7.2 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 41/2004 - LOCAL DISASTER PLANS - EMERGENCY RISK MANAGEMENT. (98/S/1474(2))

157 **RESOLUTION:** *(Notley-Smith/Kenny) that Council notes the report and endorses the package of documents to be used in Stage 1 of the Community consultation process.*

MOTION: *(Notley-Smith/Kenny) SEE RESOLUTION.*

7.3 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 42/2004 - 2004-2005 REGIONAL ROADS BLOCK GRANT AGREEMENT. (98/S/0813)

158 **RESOLUTION:** *(Notley-Smith/Sullivan) that:*

- a) *Council accept the Block Grant of \$203,000 for Regional Roads Maintenance Programme 2004-2005;*
- b) *The Agreement of Block Grant of Assistance to Council for Regional Roads be executed and forwarded to Road and Traffic Authority; and*
- c) *Council not accept the Traffic Facility grant of \$191,000 and notify the Roads and Traffic Authority accordingly.*

MOTION: *(Notley-Smith/Sullivan) SEE RESOLUTION.*

7.4 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 43/2004 - SSROC SUPPLY OF ROAD CONSTRUCTION MATERIALS AND SERVICES. (98/S/3028)

159 **RESOLUTION:** *(Notley-Smith/Woodsmith) that:*

- a) *The Tender Assessment Report for the Supply of Road Construction Materials and Services be noted; and*

- b) Council accept the offers tendered by the preferred tenderers as detailed below, subject to the preferred tenderers submitting all necessary documentation required to carry out their obligations under the contract, and a successful financial analysis being returned for Tropic Asphalts;

<i>Good/Service</i>	<i>Preferred Tenderer</i>
<i>Recycled Concrete Supply Only (3 tenders max.)</i>	<i>Metropolitan Demolition Concrete Recyclers</i>
<i>Recycled Concrete Delivery (1 tender max)</i>	<i>Concrete Recyclers</i>
<i>Spray Seal</i>	<i>SAMI</i>
<i>Foam Stabilisation</i>	<i>Stabilised Pavements</i>
<i>Asphalt Supply (3 tenders max.)</i>	<i>Pioneer Road Services Boral Asphalt Emoleum</i>
<i>Asphalt Supply, Deliver, Lay</i>	<i>Emoleum</i>
<i>Mill & Fill</i>	<i>Emoleum</i>
<i>Pavement Patching</i>	<i>Tropic Asphalts</i>
<i>Profiling</i>	<i>Pavement Salvage</i>

- c) The General Manager, in consultation with the Mayor, be authorised to sign the contracts with preferred tenderers for the commencement of services on 1 July 2004 or thereafter, and expiring on 30 September 2006; and
- d) The official seal of Randwick City Council be affixed to the Contract Documents.

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

7.5 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 44/2004 - KENSINGTON/WEST KINGSFORD LOCAL AREA TRAFFIC MANAGEMENT SCHEME. (98/S/4405)

160 **RESOLUTION: (Procopiadis/Tracey) that:**

- a) The West Kingsford Local Area Traffic Management Scheme incorporating traffic calming measures at several locations within the area, as detailed in Attachment - A, be approved for implementation, and funding for these works be included in the next year's (2005 - 2006) budget;
- b) The RTA's concurrence be sought for the design details of proposed works in Anzac Parade, Randwick, in the vicinity of Boronia Street and Todman Avenue, as detailed in Attachment - B; and

- c) *Following the concurrence of the RTA, the works outlined in (b) be implemented as soon as practical during the current financial year, for which a sum of \$160,000 has already been allocated by the RTA as part of the year 2004 - 2005 National Black Spot Program.; and*
- d) *The West Kensington proposals be reviewed when the results of RTA's traffic modelling associated with the proposals to upgrade the road network and key intersections along South Dowling Street and Southern Cross Drive are available.*

MOTION: (Procopiadis/Tracey) SEE RESOLUTION.

AMENDMENT: (Hughes/Woodsmith) that the recommendation in the Director Asset & Infrastructure Services' Report 44/2004 be adopted subject to the shared right hand turn lane from Anzac Parade into Todman Avenue being the subject of community consultation, including the Precinct Committee. **LOST.**

7.6 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 45/2004 - OLD BUS TERMINUS KIOSK/CAFE, MARINE PARADE, MAROUBRA BEACH. (98/S/2526)

- 161 **RESOLUTION: (Bastic/Andrews)** that this item be deferred to allow discussions between the Central Ward and other interested Councillors to further review the matter, including heritage and other considerations.

PROCEDURAL MOTION: (Bastic/Andrews) SEE RESOLUTION.

7.7 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 46/2004 - GRAFFITI MANAGEMENT PROGRAMME - SIX MONTH TRIAL. (98/S/2143)

- 162 **RESOLUTION: (Sullivan/Notley-Smith)** that this matter be deferred and the specification be reviewed by Council prior to any further action taking place.

MOTION: (Andrews/Daley) that:

- (a) a trial for graffiti removal be undertaken by all final tenderers, for three (3) months at a time, at prices to be negotiated by the Director Asset & Infrastructure Services; and
- (b) a Committee be set up to monitor the trial. **LOST.**

FURTHER MOTION: (Sullivan/Notley-Smith) SEE RESOLUTION.

7.8 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 47/2004 - LOCAL ROAD REHABILITATION INCLUDING ROADS TO RECOVERY. (98/S/3626)

- 163 **RESOLUTION: (Notley-Smith/Belleli)** that 2004-2005 Local Roads Rehabilitation and Roads to Recovery Programmes be implemented in accordance with the priorities listed in the Director Asset and Infrastructure Services' Report.

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

7.9 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 48/2004 - STATUS REPORT - SUPPORT FOR ANTI-SMOKING BAN ON COUNCIL BEACHES, PLAYGROUND AND OVALS. (98/S/1116)

164 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson/Woodsmith) that the Director Asset & Infrastructure Services Report dated 22nd July, 2004 in relation to support for Anti-Smoking Ban on Council's Beaches, Playgrounds and Ovals, be noted.*

MOTION: (Daley/Andrews) that Council take no further action in respect to banning smoking on beaches, playgrounds and ovals. **LOST.**

FURTHER MOTION: (Matson/Woodsmith) SEE RESOLUTION.

(The Mayor indicated that he used his casting vote against the motion which was lost.)

7.10 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 49/2004 - PUBLIC PATHWAY ADJACENT TO PROPERTY 15 FENTON AVENUE, MAROUBRA. (R/0284/00)

165 **RESOLUTION:** *(Bastic/Andrews) that Council confirm its previous decision to establish the public pathway adjacent to property number 15 Fenton Avenue, Maroubra and the property owners be advised accordingly.*

MOTION: (Bastic/Andrews) SEE RESOLUTION.

8. ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORTS.

8.1 ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 45/2004 - PRINCE HENRY HOSPITAL SITE DRAFT LOCAL ENVIRONMENTAL PLAN (LEP) (AMENDMENT NO. 28) AND DRAFT DEVELOPMENT CONTROL PLAN (DCP). (98/S/4151/4)

166 **RESOLUTION: (Daley/White) that Council:**

1. *Endorse the following amendments to the draft plans:*

- a) *the FSR controls contained in the draft LEP Amendment No. 28 for Lots 6-7, 9, 16 and 17 the FSR be amended to be 1.0:1; and for Lots 5 and 22-30 the FSR be amended to be 1.2:1; and that the draft DCP be amended to reflect this change;*
- b) *the draft LEP be amended to permit a maximum FSR of 1.2:1 for Lots 18 and 19, and that the draft DCP be amended accordingly to reflect this change; and*
- c) *the LEP built form control map (Sheet 3 of 3) be amended so that a maximum of 5 stories is allowed for Type F (Lot 32 – Delaney building extension), and that the DCP figures (6 and 7) and the cross section in Figure 20 be amended to show a maximum of 5 storeys, instead of 6, to be consistent with the DCP text.*

2. *Endorse the draft Local Environmental Plan 1998 (Amendment No. 28)(as amended) for the Prince Henry site and agree to forward the draft LEP to the Minister for Infrastructure and Planning (Planning Administration) requesting that the draft LEP be made;*
3. *Adopt the draft Development Control Plan (as amended) for the Prince Henry site, to commence in accordance with the requirements of the Act and Regulation upon public notification of the LEP gazettal and DCP commencement date; and*
4. *Agree that the Director, Planning and Community Development, may make minor modifications to rectify any numerical, typographical, interpretation and formatting errors if required, in the finalisation and printing of the DCP.*

MOTION: (Daley/White) SEE RESOLUTION.

8.2 ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 46/2004 - 4A EASTBOURNE AVENUE, CLOVELLY. (DA-226/2004)

167 **RESOLUTION: (Daley/White) that:**

- a) *Council as the responsible authority grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 226/04 for alterations and first floor additions to existing semi-detached dwelling house at 4A Eastbourne Avenue, Clovelly, subject to the following conditions:-*

DEFERRED COMMENCEMENT CONDITIONS

The consent is not to operate until the following material has been submitted to and approved by the Director of Planning and Community Development:

1. *The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjoining semi-detached dwelling to maintain the integrity and amenity of the building and the streetscape. Details of the proposed colours, materials and finishes shall be submitted in the form of a sample board keyed to the elevations of the proposed building.*
2. *Detailed design and samples of the proposed louvres are to be provided demonstrating their effectiveness for prevention of overlooking from the eastern side elevation windows and the first floor rear deck.*

Evidence required to satisfy these conditions must be submitted to Council within 6 months of the date of this consent.

DEVELOPMENT CONSENT CONDITIONS

- B. *Subject to compliance with the deferred commencement conditions, to the satisfaction of Council, Council grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 226/04 for alterations and first floor additions to existing semi-detached dwelling house at 4A Eastbourne Avenue, Clovelly, subject to the following*

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conditions:-

1. *The development must be implemented substantially in accordance with the plans numbered DA102 to DA104 and DA 200 to DA 203 and DA 300, Issue B, dated 25 and 26 May 2004 and received by Council on 27 May 2004, the application form and on any supporting information received with the application, except as may be amended by the details approved pursuant to the deferred commencement conditions and the following conditions and as may be shown in red on the attached plans:*

The following conditions are imposed to promote ecologically sustainable development and energy efficiency.

2. *The consumption of water within the building shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be noted in the construction certificate plans or specifications.*
3. *Hot water service pipes are to be provided with insulation, in accordance with the relevant requirements of Building Code of Australia and AS 3500.*
4. *External timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturer's details.*

Details of compliance with the requirements for insulation are to be noted in the construction certificate application.

The following group of conditions have been applied to ensure that adequate drainage is provided from the premises and to maintain adequate levels of health and amenity in the locality:

5. *Surface water/stormwater must be drained and discharged to the street gutter or a suitably designed absorption pit and details are to be included in the construction certificate application. Absorption pits or soaker wells shall only be provided if soil conditions are suitable to facilitate the absorption of stormwater and must be located not less than 3m from any adjoining premises. Stormwater must not be directed to any adjoining premises or cause a nuisance.*

Details of any excavation or drainage works proposed to be carried out in or on a public road/footway are to be submitted to and approved by Council's Director of Assets & Infrastructure Services prior to commencement of works.

The following conditions are applied to ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulations:

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

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

7. *All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*
8. *Prior to the commencement of any building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
9. *Prior to the commencement of any building work, a principal certifying authority must be appointed and Council is to be notified accordingly and, at least 2 days notice of the intention to commence building work must be given to Council, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
10. *In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the requirements of the Home Building Act 1989.*

Where the work is to be done by a licensed contractor, excavation or building work must not be carried out unless the Principal Certifying Authority (PCA):

- *has been informed in writing of the licensee's name and contractor number; and*
- *is satisfied that the licensee has complied with the insurance requirements of Part 6 of the Home Building Act 1989, or*

Where the work to be done by any other person (i.e. an owner builder), excavation or building work must not be carried out unless the Principal Certifying Authority:

- *has been informed of the person's name and owner-builder permit number, or*
- *has been given a declaration, signed by the owner of the land that states that the market cost of the labour and materials involved in the work does not exceed \$5,000.*

Details of the builder and compliance with the provisions of the Home Building Act 1989 are to be submitted to Council prior to the commencement of works, on the Notice of appointment of the PCA / Notice of Intention to commence building work.

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

The following group of conditions have been applied to ensure the structural adequacy and integrity of the proposed building and adjacent premises:

12. *A Certificate of Adequacy supplied by a professional engineer shall be submitted to the*

certifying authority (and the Council, if the Council is not the certifying authority) prior to a construction certificate being issued for the development, certifying the structural adequacy of the existing structure to support the additional storey.

The following conditions are applied to ensure that the development satisfies relevant standards of construction, and to maintain adequate levels of health, safety and amenity during construction:

13. *All demolition work is to be carried out in accordance with the provisions of AS2601-1991. The Demolition of Structures, as in force at 1 July 1993.*
14. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.*
15. *The building works are to be inspected by the Principal Certifying Authority (or other suitably qualified person approved by the Principal Certifying Authority), to monitor compliance with the relevant standards of construction and Council's development consent.*

The Principal Certifying Authority shall 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).

Documentary evidence of the building inspections carried out and details of compliance with Council's approval is to be maintained by the Principal Certifying Authority. Details of critical phase inspections carried out and copies of certification relied upon, shall be forwarded to Council with the occupation certificate or, upon finalisation of works if no occupation certificate is issued.

16. *Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.*
17. *All building, demolition and associated site works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.*
18. *A sign must be erected on the site in a prominent, visible position, prior to commencing any demolition, excavation or building works, stating that 'unauthorised entry to the site is prohibited' and showing the name of the person in charge of the work site and a telephone number at which the person may be contacted outside working hours.*

In the case of residential building work, the sign is also required to detail the licence number of the building contractor or the permit number of the owner-builder, in accordance with the Home Building Act 1989 and Regulations.

19. *During construction stages, sediment laden stormwater run-off shall be controlled*

using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing.

20. *Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line or any public place and the stockpiles must be protected with adequate sediment control measures.*

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.

The following conditions are applied to ensure that reasonable levels of fire safety are provided in the building:

21. *Smoke alarms are required to be installed in each Class 1 building or dwelling in accordance with the relevant provisions of Part 3.7.2 of the B.C.A. – Housing Provisions.*

Smoke alarms must comply with AS3786 – Smoke alarms and be connected to the consumer mains electric power supply and provided with a battery back-up.

The smoke alarms are to be installed in suitable locations on or near the ceiling, in any storey containing bedrooms; located between each part of the dwelling containing the bedrooms and the remainder of the dwelling, or where bedrooms are served by a hallway, the smoke alarms are to be located in that hallway; and smoke alarms are to be installed in any other storey not containing bedrooms, to the satisfaction of the certifying authority.

Smoke alarms are not to be located in ‘dead-air-spaces’, in the corner junction of walls and ceilings between exposed rafters/joists or at the apex of raked ceilings, as detailed in Part 3.7.2 of the B.C.A. – Housing Provisions.

*Details of compliance with the provisions of the Building Code of Australia must be included in the plans / specification for the **construction certificate**.*

MOTION: (Daley/White) SEE RESOLUTION.

8.3 ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 47/2004 - 172 BEACH STREET, COOGEE. (D/0203/2004)

- 168 **RESOLUTION: (Notley-Smith/Sullivan)** *that Council as the responsible authority refuse its consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 0203/2004 for permission to construct a spa pool and timber balustrade at front deck level of the existing dwelling at 172 Beach Street, Coogee, for the following reasons: -*

- 1. The proposed development does not comply with the objective of Part 4.5 Visual and Acoustic Privacy of Development Control Plan for Dwelling Houses and Attached Dual Occupancies in that the proposed development will adversely affect the visual and acoustic privacy of the adjoining neighbours and the streetscape.*

2. *The siting of the spa pool is inappropriate in that it will have the adverse impact upon the amenity of the adjoining neighbours.*
3. *The proposed location of the spa pool on the front terrace area of the subject site increases its potential as a safety hazard to young children.*

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

8.4 ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 48/2004 - 2A STEPHEN ST RANDWICK. (DA 290/2003)

169 **RESOLUTION: (Daley/White) that:**

- A. *Council, as the responsible authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to modify Development Consent No. 290/03 for the demolition of the existing house and structures and the construction of a two storey dwelling house with semi-basement garage at 2A Stephen Street, Randwick, as follows:-*

Condition No. 1 is amended to read:

1. *The development must be implemented substantially in accordance with the plans numbered with Job No. 1516-03 and drawing numbers 01C-04C with amendment date 29 August, 2003 and received by Council on 12 September, 2003, the application form and on any supporting information received with the application, as amended by Front Gate Detail Drawing, Amendment A, dated 5 February, 2004 and the sample board received by Council on 30 January, 2004, **as may be amended by the Section 96 modification 'A' plans numbered with Job No. 1516-03 and drawing numbers 01 E through to 04E with amendment date 5 April, 2004 and Landscape Plans with Job No. 0146 and drawing numbers L01 and L02, Issue C dated 23 April, 2004, all submitted to Council on the 30 April 2003, only in so far as they relate to the modifications highlighted on those 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:***

Condition No. 2 is amended to read:

2. *The dining room western windows shall have opaque glass to a height of 1.5m above the ground floor level to minimise privacy impacts to 2 Stephen Street. Amended plans in compliance with the above shall be submitted with the construction certificate application.*

Condition No. 7 is amended to read:

7. *The pool and spa surrounds (coping) shall have an RL of 61.27, which is approximately 620mm above the RL of the rear terrace. Amended plans in compliance with the above shall be submitted with the construction certificate application.*

Condition No. 23 is amended to read:

23. *A rainwater tank shall be provided at ground level for the collection and reuse of*

*roof water designed and constructed in accordance with Council's Rainwater Tank Policy and shall be connected for the internal purpose of toilet flushing and clothes washing (cold water only) and also allow for other authorised uses such as landscape watering. Overflow shall be directed to Council's approved Stormwater System or a suitable absorption area (design by professional engineer). Details of the location of the pump, and colour of the tank, structural engineer's specifications for installation and plumbing shall be provided to the Director Planning & Community Development, in accordance with Section 80A (2) of the Environmental Planning & Assessment Act 1979, **prior to the issue of the construction certificate.***

Condition No. 80 is amended to read:

80. *Landscaping shall be provided to the site to enhance its amenity and reduce the impact of the development upon neighbouring properties. A landscape plan prepared by a qualified landscape architect or horticulturalist shall be submitted to and approved by the Director of Planning & Community Development, in accordance with section 80A(2) of the Environmental Planning and Assessment Act 1979, **prior to a construction certificate being issued.** The landscaping plan shall reflect the amended architectural plans as conditioned by this consent and shall include the following:-*
1. *Landscaping beds with a minimum clear width of 600mm along the eastern and western boundaries of the rear yard from the southern end of the rear terrace to the rear southern boundary and along the length of the (rear) southern boundary.*
 2. *A planter box with a minimum clear width of 500mm shall be located along the western boundary of the garage roof returning 1500mm along the southern and northern boundaries of the garage roof with appropriate screening species to soften the junction between the garages at 2 and 2a Stephen Street and minimise overlooking.*
 3. *A planting schedule that utilises predominantly local indigenous species that require minimal watering once established or species with water needs that match rainfall and drainage conditions, their mature heights, supply size and planting details.*
 4. *An area and facilities dedicated for onsite composting.*
 5. *Porous paving in all pathways, wherever practicable, and in the rear yard to maximize on-site absorption of rainwater.*

Delete the following conditions:

Condition 6 – DELETED

Condition 3 - DELETED

Additional conditions

88. *Windows (W1 and W12) in the eastern and western elevations of the family room shall be deleted from the construction certificate plans prior to the issue of the construction certificate.*
89. *The eastern wall of the ground floor WC shall be set back 2.4m from the eastern*

boundary and shall be shown as such on the construction certificate plans prior to the issue of the construction certificate.

90. *The length of the window (W 11) to the ground floor WC shall be relocated 500mm to the east and shall be shown as such on the construction certificate plans prior to the issue of the construction certificate.*

MOTION: (Daley/White) SEE RESOLUTION.

8.5 ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 49/2004 – 28 WINCHESTER RAOD, CLOVELLY. (D1204/2003)

170 **RESOLUTION:** *(White/Andrews) that Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 1204/2003 for alterations and first floor addition to the existing semi-detached dwelling house at 28 Winchester Road subject to the following conditions:-*

- 1 *The development must be implemented substantially in accordance with the plans numbered 137.10.03 Sheet 01 dated 23/06/04 and stamped received by Council on 25/06/04, the application form and on any supporting information received with the application, the following conditions and as may be shown in red on the attached plans:*

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

2. *The consumption of water within the building shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be provided in the construction certificate plans or specifications.*
3. *The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape. Face brick shall be retained to the ground floor and any rendered treatment to the first floor shall be matched as closely as possible to the existing brick colour.*

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

4. *The pergola shown to the northern boundary and to the rear first floor deck shall be deleted and replaced with a retractable and removable sail cloth. Details shall be submitted to and approved by Council's Director of Planning and Community Development in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the relevant building works.*

5. *The rear first floor balcony shall be fitted with privacy screens to the northern perimeter with a minimum height of 1500mm to preserve privacy to adjoining properties. Details of the privacy screen shall be submitted to Council as part of amended plans.*

The following group of conditions have been applied to ensure that adequate drainage is provided from the premises and to maintain adequate levels of health and amenity in the locality:

7. *Surface water/stormwater must be drained and discharged to the street gutter and details are to be included in the **construction certificate details** for the development.*

Details of any works proposed to be carried out in or on a public road/footway are to be submitted to and approved by Council's Director of Planning and Environment prior to commencement of works.

The following conditions are applied to ensure that the development satisfies the provisions of the Environmental Planning and Assessment Act 1979 and Regulations:

8. *All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA), in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000.*
9. *In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the requirements of the Home Building Act 1989.*

Where the work is to be done by a licensed contractor, excavation or building work must not be carried out unless the Principal Certifying Authority (PCA):

- *has been informed in writing of the licensee's name and contractor number; and*
- *is satisfied that the licensee has complied with the insurance requirements of Part 6 of the Home Building Act 1989, or*

Where the work to be done by any other person (i.e. an owner builder), excavation or building work must not be carried out unless the Principal Certifying Authority:

- *has been informed of the person's name and owner-builder permit number, or*
- *has been given a declaration, signed by the owner of the land that states that the market cost of the labour and materials involved in the work does not exceed \$3,000.*

Details of the builder and compliance with the provisions of the Home Building Act 1989 are to be submitted to Council prior to the commencement of works, on the notice of appointment of the PCA / Intention to commence building work.

The following group of conditions have been applied to ensure the structural adequacy and integrity of the proposed building and adjacent premises:

10. *A Certificate of Adequacy supplied by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the certifying authority) **prior to a construction certificate being issued** for the development, certifying the structural adequacy of the existing structure to support the additional storey.*

The following conditions are applied to ensure that the development satisfies relevant standards of construction, and to maintain adequate levels of health, safety and amenity during construction:

11. *All demolition work is to be carried out in accordance with the provisions of AS2601-1991. The Demolition of Structures, as in force at 1 July, 1993.*
12. *Prior to the commencement of any building works, a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
13. *Prior to the commencement of any building work, a principal certifying authority must be appointed and Council is to be notified accordingly and, at least 2 days notice of the intention to commence building work must be given to Council, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
14. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.*
15. *The building works are to be inspected by the principal certifying authority (or other suitably qualified person on behalf of the applicant) to monitor compliance with Council's approval and the relevant standards of construction.*

Documentary evidence of compliance with Council's approval and relevant building inspections, is to be maintained by the principal certifying authority.

16. *A Registered Surveyor's check survey certificate or compliance certificate is to be forwarded to the principal certifying authority (and a copy is to be forwarded to the Council, if the Council is not the principal certifying authority), detailing compliance with Council's approval at the **following stage/s of construction:***
 - (a) *Prior to construction of the footings or first completed floor slab (prior to the pouring of concrete), showing the area of the land, building and boundary setbacks.*
17. *Building and demolition works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.*
18. *A sign must be erected on the site in a prominent, visible position, prior to commencing any demolition, excavation or building works, stating that 'unauthorised entry to the site is prohibited' and showing the name of the person in charge of the*

work site and a telephone number at which the person may be contacted outside working hours.

In the case of residential building work, the sign is also required to detail the licence number of the building contractor or the permit number of the owner-builder, in accordance with the Home Building Act 1989 and Regulations.

19. *Noise emissions during the construction of the building and associated site works must comply with the relevant provisions of the Protection of the Environment Operations Act 1997 & the Noise Control Manual published by the Environment Protection Authority, except as may be amended by the conditions of this approval.*
20. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions at all times.*
21. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written consent of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Council's Local Approvals Policy.*
22. *A dilapidation report prepared by a professional engineer or suitably qualified and experienced building surveyor shall be submitted to the certifying authority **prior to the commencement of demolition, excavation or building works** detailing the current condition and status of all buildings, including ancillary structures (i.e. including dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandah's, fences, retaining walls, swimming pools and driveways etc.) located upon:*

a) 30 Winchester Rd

*The report is to be supported with photographic evidence of the status and condition of the buildings and a copy of the report must also be forwarded to the Council and to the owners of each of the above stated premises, **prior to the commencement of any works.***

The following conditions are applied to ensure that reasonable levels of fire safety are provided in the building:

23. *Smoke alarms are required to be installed in each Class 1 building or dwelling in accordance with the relevant provisions of Part 3.7.2 of the B.C.A. – Housing Provisions.*

Smoke alarms must comply with AS3786 – Smoke alarms and be connected to the consumer mains electric power supply and provided with a battery back-up.

The smoke alarms are to be installed in suitable locations on or near the ceiling, in any storey containing bedrooms; located between each part of the dwelling containing the bedrooms and the remainder of the dwelling, or where bedrooms are served by a hallway, the smoke alarms are to be located in that hallway; and smoke alarms are to be installed in any other storey not containing bedrooms, to the satisfaction of the

certifying authority.

Smoke alarms are not to be located in 'dead-air-spaces', in the corner junction of walls and ceilings between exposed rafters/joists or at the apex of raked ceilings, as detailed in Part 3.7.2 of the B.C.A. – Housing Provisions.

*Details of compliance with the provisions of the Building Code of Australia must be included in the plans / specification for the **construction certificate**.*

ADVISORY MATTERS:

The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia (BCA) – Housing Provisions.

MOTION: (Tracey/Procopiadis) that Council as the responsible authority refuse the development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 1204/2003 for alterations and first floor addition to the existing semi-detached dwelling house at 28 Winchester Road for the following reasons:-

- (a) proposed floor space ratio is excessive;
- (b) proposed development would result in unacceptable loss of sunlight, amenity and privacy to neighbouring properties;
- (c) proposed development would result in excessive bulk and mass;
- (d) proposal would set an undesirable precedent for future two storey development in the street. **LOST.**

FURTHER MOTION: (White/Andrews) SEE RESOLUTION.

AMENDMENT: (Tracey/Procopiadis) that:

- (a) a deferred commencement condition be inserted that requires the submission of amended plans that reduce the length of the upper level by 3.2 metres on the western side. This may be achieved by eliminating, reducing or amending the proposed ensuite bathroom and walk-in robe. If the applicant desires, these plans may reduce the proposed extra setback on the northern wall to accommodate a wider bathroom and ensuite. Any revised set back to that section is not to exceed 1.5 metres; and
- (b) the applicant not be required to paint the house red in colour. **LOST.**

8.6 ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 50/2004 - COMMUNITY FACILITIES HIRE POLICY. (F2004/07752 xr 98/0385)

171 **RESOLUTION: (Procopiadis/Notley-Smith)** that:

- a) *Council support the adoption of a Community Facility Policy that addresses the Management and Operational issues critical to the effective utilisation of Council's Community Facilities; and*
- b) *The Policy Register be updated accordingly.*

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

8.7 ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 51/2004 - AFFIXING COUNCIL'S SEAL TO DOCUMENTATION. (F2004/06275 xr 98/S/1999)

172 *RESOLUTION: (Sullivan/Hughes) that authority is granted for the Council's Common Seal to be affixed to DADHC Acceptance of Funding Variation (2)*

MOTION: (Sullivan/Hughes) SEE RESOLUTION.

8.8 ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 52/2004 - AFFIXING COUNCIL'S SEAL TO DOCUMENTATION. (98/S/0018)

173 *RESOLUTION: (Sullivan/Bastic) that authority is granted for the Council's Common Seal to be affixed to NSW Department of Community Services CSGP Service Specifications for Community Workers 1 & 2, Youth Worker and Community Development positions as outlined in the report.*

MOTION: (Sullivan/Bastic) SEE RESOLUTION.

8.9 ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 53/2004 - COUNCIL'S SMALL GRANTS' PROGRAM (SECTION 356) TO NON-PROFIT COMMUNITY GROUPS AND ORGANISATIONS. (F2004/07673)

174 *RESOLUTION: (Notley-Smith/Sullivan) that the Report on the allocation of Council's 2004-2005 Small Grants' Program under Section 356 of the Local Government Act (1993) be received and the recommendations made in the Summary of Applications and Recommendations (Attachment 1) be accepted.*

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

9. PETITIONS.

9.1 PETITION SUBMITTED BY CR MATSON ON BEHALF OF RESIDENTS REQUESTING THE CONSTRUCTION OF A NEW FOOTPATH AT BOUGAINVILLE COURT, MAROUBRA. (98/S/1173 xr R/0103/01)

175 *RESOLUTION: (His Worship the Mayor, Cr M. Matson/Bastic) that the petition be referred to the appropriate Committee and/or the Councillors' Bulletin with a report from the relevant officer.*

MOTION: (Matson/Bastic) SEE RESOLUTION.

10. MOTIONS PURSUANT TO NOTICE.

10.1 NOTICE OF RESCISSION MOTION BY COUNCILLORS SULLIVAN, WHITE, ANDREWS, PROCOPIADIS & TRACEY – HEALTH, BUILDING & PLANNING COMMITTEE MEETING, TUESDAY, 13TH JULY, 2004 – ITEM 5.1 - DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT

**42/2004 – 308-310 ARDEN STREET AND 3 ALEXANDER STREET,
COOGEE. (D/0420/2003)**

(Cr Hughes declared a pecuniary interest on this item as his mother was an objector to the development and he left the chamber and took no part in the discussion or voting.)

- 176 **RESOLUTION: (Daley/Sullivan)** that the resolution passed at the Health, Building & Planning Committee Meeting held on Tuesday, 13th July, 2004, reading as follows:-

that the Council endorse the recommendation of the Development Application Report for 308-310 Arden St and 3 Alexander St Coogee dated 7 June 2004 that was deferred at Council's Ordinary Council meeting of 22nd June 2004 and grant delegated authority to the Director Planning and Community Development to amend the reasons for refusal to reflect the revised calculations of floor space ratio and height.

be and is hereby rescinded.

A division was called for by Crs Matson and Woodsmith. Voting was as follows:-

For	Against
Cr Andrews	Cr Belleli
Cr Bastic	Cr Kenny
Cr Daley	His Worship the Mayor, Cr M. Matson
Cr Procopiadis	Cr Notley-Smith
Cr Sullivan	Cr Seng
Cr Tracey	Cr Woodsmith
Cr White	

- 177 **RESOLUTION (FURTHER): (Sullivan/Daley)** that Council as the responsible authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify condition 1 and include additional conditions No. 112 through to 116 of Development Application No. 420/2003 for permission for four storey multi-unit housing development containing 17 dwellings with basement car parking including parking for two vehicles for 27 vehicles and a detached two storey studio dwelling at 308-310 Arden St and 3 Alexander St Coogee for the following reasons:-

Vary condition No. 1

1. *The development must be implemented substantially in accordance M-Arden-02B dated 29/4/03 and received 24/11/03, M-Arden – 00, 01, 03, 04, 05, 06 & 07 Rev C, dated 29/4/03 and received by Council on 19/12/03 (plans submitted to satisfy deferred commencement conditions) and the application form and on any supporting information received with the application, as amended by the **Section 96 'A' plans dated M-ARDEN-01, 03, 04 Rev A, dated 12/02/04 and received by Council on 5 May 2004, excluding all works shown to the Alexander St building, 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 conditions 112 through to 116

112. *The inspection and maintenance schedule of the mechanical car stacker is to be supplied with the Construction Certificate application. This schedule is to be incorporated in the strata management plan for the site.*

Training of all residents using the mechanical car stackers will be required as part of the strata management. The training of the residents is to be conducted by suitably qualified instructor.

A copy of the proposed strata management plan, incorporating the above issues in this condition, is to be approved by the Certifying Authority prior to the issuing of an Occupation Certificate.

113. *A statement setting out the specification and safety requirements for the proposed mechanical car stackers must accompany any contract of sale for units that require the use of the proposed mechanical car stackers within the above property.*

114. *The Certifying Authority shall obtain for approval a detailed specification for the mechanical car stacker prior to the issuing of a Construction Certificate.*

The manufacturer shall submit to the Certifying Authority, certification that the mechanical car stacker has been installed to the approved specification prior to the issuing of an Occupation Certificate.

115. *The internal driveway gradients and carpark layout shall comply with AS 2890.1 2004.*

116. *The Certifying Authority shall obtain for approval and approve the following:*

- a) vehicle manoeuvring diagrams for vehicles using the mechanical car stackers*
- b) location of the vehicle waiting area/s prior to entering the car stackers*
- c) the waiting and working times for the car stackers*
- d) safety and training requirements for the use of the car stackers*
- e) the maintenance requirements of the mechanical car stackers*

prior to the issuing of a Construction Certificate.

10.2 BY COUNCILLOR WHITE – CONGRATULATIONS TO RESIDENTS SELECTED FOR OLYMPIC GAMES. (98/S/0178 xr 98/S/1064).

- 178 **RESOLUTION:** *(White/Daley) that the Mayor write a letter of congratulations to all the residents who were chosen to represent Australian in the Athens Olympic Games and invite the local Olympic athletes to attend the Sporting Hall of Fame Civic Reception which will be held later this year.*

MOTION: *(White/Daley) SEE RESOLUTION.*

10.3 BY COUNCILLOR SULLIVAN – GRANT RESERVE PLAYGROUND. (98/S/1219 (4) xr 98/S/0178)

- 179 **RESOLUTION:** *(Sullivan/Andrews) that a report be tabled at the next Council meeting:*

- a) *Detailing the reasons for delay in refurbishing the climbing net in the Grant Reserve playground; and*
- b) *Providing a detailed programme for its immediate reconstruction.*

MOTION: (Sullivan/Andrews) SEE RESOLUTION.

**10.4 BY COUNCILLOR SULLIVAN – PARKING METERS IN RANDWICK CITY.
(98/S/2714 XR 98/S/0178)**

180 **RESOLUTION: (Sullivan/Daley)** *that the detailed minutes of the Mayor’s recent meetings with various representative bodies and individuals, in relation to his proposal to introduce parking meters, be circulated to all Councillors.*

MOTION: (Sullivan/Daley) SEE RESOLUTION.

**10.5 BY COUNCILLOR SULLIVAN – PARKING METERS IN RANDWICK CITY
– PUBLIC MEETING. (98/S/2714 xr 98/S/0178)**

MOTION: (Sullivan/Daley) that the Acting General Manager advise the Council of the status of Council’s resolution requiring the holding of public meetings in relation to parking meters and whether any officer has had discussions with either the Mayor or Deputy Mayor as to how/why this resolution of Council should not be implemented. **LOST.**

(Crs Sullivan and Andrews requested that their names be recorded as opposed to the resolution.)

10.6 BY COUNCILLOR DALEY – ESTABLISHMENT OF PARTNERSHIP REGISTER. (98/S/5137 xr 98/S/0178)

MOTION: (Daley/Sullivan) that Randwick City Council proceed no further with its prior resolution to establish a “partnership register within the City of Randwick.” **LOST.**

11. URGENT BUSINESS.

11.1 URGENT BUSINESS - CR BASTIC – PASSING OF FORMER ALDERMAN NICK JAMES. (98/S/0080)

181 **RESOLUTION: (Bastic/Sullivan)** *that permission is hereby granted to Cr Bastic to bring forward to the meeting and transact business of great urgency, concerning the recent passing of former Alderman Nick James.*

182 **RESOLUTION (FURTHER): (Bastic/Sullivan)** *that it be noted that former Alderman Nick James recently passed away, that his funeral will be held tomorrow at St. Spyridons’ Church, that Council send a wreath to the funeral and that the Mayor submit a Mayoral Minute to the next Council Meeting as a mark of respect for his service on the Council and to allow Councillors to comment on his contribution to the community.*

MOTION: (Bastic/Sullivan) SEE RESOLUTION.

His Worship the Mayor, Cr M. Matson, ruled that the business proposed to be brought forward, concerning the recent passing of former Alderman Nick James, was of great urgency.

FURTHER MOTION: (Bastic/Sullivan) SEE RESOLUTION (FURTHER)

12. CONFIDENTIAL REPORTS.

(Note: These items were dealt with earlier in the meeting.)

12.1 CONFIDENTIAL MAYORAL MINUTE 52/2004 - OFFER OF APPOINTMENT AS GENERAL MANAGER TO PREFERRED CANDIDATE OF SELECTION PANEL. (H01753)

12.2 DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES' REPORT 19/2004 - COURT ORDERS IN DEFAMATION & NEGLIGENCE ACTIONS - N&L SHALHOUB AND J BUCHANAN (FURTHER REPORT). (98/S/2653)

13. COMMITTEE-OF-THE-WHOLE.

The Mayor invited members of the Public Gallery to address the Council on the proposal by the Council to proceed into a closed Committee-of-the-Whole. No persons indicated they wished to avail themselves of this opportunity.

RESOLVED: (Matson/Notley-Smith) that the Ordinary Meeting of the Council be adjourned at 8.00 p.m. and that the Council meet and sit as a Committee-of-the-Whole.

The Mayor declared the Ordinary Meeting of the Council resumed at 8.15 p.m.

14. REPORT OF COMMITTEE-OF-THE-WHOLE.

14.1 REPORT OF THE ACTING GENERAL MANAGER TO THE ORDINARY MEETING OF THE COUNCIL, RELATING TO THE COUNCIL MEETING AS A COMMITTEE-OF-THE-WHOLE ON TUESDAY, 27TH JULY, 2004.

The Acting General Manager reported that the following matters had been considered and the following recommendations to the Council had been formulated by the Committee-of-the-Whole.

14.2 EXCLUSION OF PRESS AND PUBLIC.

At the commencement of the meeting, the Committee-of-the-Whole **RESOLVED**, pursuant to Section 10 A(2) (a) and 10 A(2) (g) respectively of the Local Government Act, 1993, that the press and public be excluded from the whole of this meeting of the Committee as the matters under consideration concerned personnel matters concerning particular individuals (other than Councillors) and advice concerning litigation, or advice that would otherwise be privileged in legal proceedings on the grounds of legal professional privilege and on which publicity or disclosure of the proceedings of the Committee would, in the opinion of the Committee, be prejudicial and, on balance, would be contrary to the public interest.

14.3 RECOMMENDATIONS.

CONFIDENTIAL MAYORAL MINUTE 52/2004 - OFFER OF APPOINTMENT AS GENERAL MANAGER TO PREFERRED CANDIDATE OF SELECTION PANEL. (H01753)

That :

- a) The Mayor be authorised to offer the position of General Manager to the preferred candidate identified in the Confidential Report of July 26th 2004 prepared by Mr Jim Mitchell of Employment Solutions tabled at this meeting; and
- b) The Mayor and Deputy Mayor be authorised to negotiate a salary package to a maximum of \$220,000 with the preferred candidate.

DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES' REPORT 19/2004 - COURT ORDERS IN DEFAMATION & NEGLIGENCE ACTIONS - N&L SHALHOUB AND J BUCHANAN (FURTHER REPORT). (98/S/2653)

That:

- a) Council agree, in accordance with Clause (xiv) of Part 5 of its Policy No. 1.03.10 (Councillors' Payment of Expenses and Provision of Facilities Policy), following the handing down of verdict and judgement by the Supreme Court of NSW in Doctor Buchanan's favour, to exercise its discretion, without precedent, and indemnify Doctor John Buchanan to a maximum of \$100,000 being \$50,000 relating to Proceedings No. 19213 of 1993 and \$50,000 relating to Proceedings No. 20145 of 2002;
- b) Authority be granted for Doctor Buchanan to be reimbursed by Council and cheques be drawn in his favour to a maximum of \$100,000; and
- c) The source of funds for this expenditure be the Risk & Insurance budget.

14.4 ADOPTION OF THE REPORT OF THE COMMITTEE-OF-THE-WHOLE.

183 **RESOLUTION:** *(Sullivan/Daley)* that the recommendations made by the Committee-of-the-Whole at its meeting held on Tuesday, 27th July, 2004 be adopted.

MOTION: *(Sullivan/Daley)* SEE RESOLUTION.

15. NOTICE OF RESCISSION MOTIONS.

Nil.

There being no further business, His Worship the Mayor, Cr M. Matson, declared the meeting closed at 10.00 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 24TH AUGUST, 2004.

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CHAIRPERSON