

**MINUTES OF ORDINARY COUNCIL MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY 22ND MARCH, 2005 AT 6:03 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, P. Tracey & M. Woodsmith
South Ward	-	Crs R. Belleli, M. Daley & A. White
East Ward	-	Cr D. Sullivan (from 7.02 p.m.)
West Ward	-	Crs B. Hughes, S. Nash & J. Procopiadis
Central Ward	-	Crs A. Andrews, C. Bastic (from 6.45 p.m.) & T. Seng (from 6.36 p.m.)

OFFICERS PRESENT:

General Manager	Mr. R. Brownlee.
Director, City Services	Mr. J. Frangoules.
Director, City Planning	Ms. S. Truuvert.
Director, Governance & Financial Services	Mr. M. Hummerston.
Acting Public Officer	Mr. D. Kelly.
Communications Manager	Ms. D. Brien.
Manager Development Assessment	Mr. K. Kyriacou.

1. COUNCIL PRAYER

The Council Prayer was read by His Worship the Mayor, Cr M. Matson.

2. APOLOGIES.

Nil.

3. MINUTES

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY, 22ND FEBRUARY, 2005.**

- 118 **RESOLUTION:** *(Andrews/Notley-Smith) that the Minutes of the Ordinary Council Meeting held on Tuesday, 22nd February, 2005 (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, 1ST MARCH, 2005.**

119 **RESOLUTION:** *(Nash/Belleli)* that the Minutes of the Extraordinary Council Meeting held on Tuesday, 1st March, 2005 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

4. DECLARATION OF PECUNIARY & NON-PECUNIARY INTERESTS

- a) Cr Notley-Smith declared a pecuniary interest in Item 6.8, Mayoral Minute 36/2005 – Sydney Airport as his business has contracts with tenants of Sydney Airport.

RESOLVED: (Procopiadis/White) that the meeting be adjourned at 6.05 p.m. to permit members of the public entitled and wishing to address the assembled Councillors.

5. ADDRESSES TO THE COUNCIL BY THE PUBLIC.

1. Ms Lucy Richards, 6/6 Bay Street, Coogee on Item 6.5, Mayoral Minute 33/2005 - Consideration of a Spot Rezoning (LEP) for 10-18 Bay Street, Coogee.
2. Ms Fiona Friend, 18 Cross Street, Bronte on Item 7.2, General Manager's Report 13/2005 - Maroubra Swimming Club Memorandum of Understanding.
3. Ms Lucy Richards, 6/6 Bay Street, Coogee on Item 10.2, Director, City Planning Report 13/2005 - 10-18 Bay Street, Coogee.
4. Mr Sofoclis Michael, 22 Brooke Street, Coogee on Item 10.4, Director, City Planning Report 15/2005 - 214 Clovelly Road, Randwick.
5. Mr Brian Reid, 8 Crana Avenue, Coogee on Item 10.5, Director, City Planning Report 16/2005 - 6 Crana Avenue, Coogee.
6. Mr Laurie Liskowski, 12/686 New South Head Road, Rose Bay on Item 10.5, Director, City Planning Report 16/2005 - 6 Crana Avenue, Coogee.
7. Mr Steven Leyman, 15/1, 50-52 Urunga Parade, Miranda on Item 10.6, Director, City Planning Report 17/2005 - 9 Dacre Street, Malabar.
8. Mr Cameron Habler, 10A Nix Avenue, Malabar on Item 10.6, Director, City Planning Report 17/2005 - 9 Dacre Street, Malabar.
9. Ms Lyn Smith, 32 Read Street, Waverley on Item 12.2, Motion Pursuant to Notice by Councillors White & Daley – Prince Henry Hospital Development.

The meeting was resumed at 7.11 p.m.

PROCEDURAL MOTION: (Andrews/White) that the meeting be further adjourned to consider matters raised by the members of the public. **LOST.**

RESOLVED: (PROCEDURAL MOTION:) **(Nash/Kenny)** that the reports by the General Manager, Director, City Services, Director, Governance & Financial Services and Director, City Planning be dealt with in seriatim. Further, that the Director, City Planning reports be dealt with as the first items of business.

6. MAYORAL MINUTES.

6.1 MAYORAL MINUTE 29/2005 - WAIVING OF FEES -MAROUBRA SURFERS ASSOCIATION AND SOUTHEND BOARDRIDERS. (F2004/08302)

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

- a) *Council vote \$4,025.00 to cover the fees associated with the Maroubra Surfers Organisation and Southend Boardriders and funds be charged to the Contingency Fund 2004/05;*
- b) *the event organisers undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and*
- c) *the Mayor or his representative be given the opportunity to address the event on behalf of Council.*

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

6.2 MAYORAL MINUTE 30/2005 - RANDWICK GIRLS' AND BOYS' HIGH SCHOOL ROCK EISTEDDFOD TEAM. (F2005/00311)

- 121 **RESOLUTION: (His Worship the Mayor, Cr M. Matson)** *that Council resolve to fund the Randwick Girls' and Boys' High School Rock Eisteddfod team \$5,000.00 from the contingency fund for the 2005 event.*

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

6.3 MAYORAL MINUTE 31/2005 - ANZAC DAY CIVIC RECEPTION. (F2004/08326)

- 122 **RESOLUTION: (His Worship the Mayor, Cr M. Matson)** *that Council show its support of Anzac Day, the Returned Servicemen Personnel and the associated RSL sub-branches by hosting a Civic Reception on Wednesday 20th April, 2005, in the Lodge Room at Randwick Town Hall.*

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

6.4 MAYORAL MINUTE 32/2005 - WAIVING OF FEES - WILD STREET, CHURCH FESTIVAL. (F2004/07550)

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

- a) *Council vote \$1,534.80 to cover the fees associated with the event and funds be allocated from the Contingency Fund 2004/05;*
- b) *the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and*
- c) *the Mayor or his representative shall be given the opportunity to address the event on behalf of Council.*

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

6.5 MAYORAL MINUTE 33/2005 - CONSIDERATION OF A SPOT REZONING (LEP) FOR 10-18 BAY STREET, COOGEE. (F2004/07989)

- 124 **RESOLUTION: (His Worship the Mayor, Cr M. Matson)** *that Council officers prepare a report back to Council on the issues, options and process for rezoning the land at 10-18 Bay*

Street and/or any surrounding land, including the cost for preparation of a study, resourcing, and timing for Council consideration.

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

6.6 MAYORAL MINUTE 34/2005 - RE-NAMING OF STREETS IN PRINCE HENRY DEVELOPMENT SITE. (F2004/07140)

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

- a) *notes the submissions from PHHTNA and accepts the need to better record the historical significance of the site by renaming some of the Prince Henry Hospital site streets to recognize the contribution made by former staff;*
- b) *writes to Landcom to inform them of our intent to rename six of the following Prince Henry Hospital development site streets upon their future dedication to Council as follows:*
 - i) *Brodie Avenue to become Meyler Avenue;*
 - ii) *Lister Avenue to become McMaster Avenue;*
 - iii) *Harvey Street to become Carwood Street;*
 - iv) *Pavilion Drive to become Walters Drive;*
 - v) *Newton Street to become Murnaghan Street;*
 - vi) *Gull Street to become Stanley Street; and*
- c) *authorise the Mayor and General Manager to liaise with Landcom to seek their support for the proposed renaming to occur prior to the planned dedication to Council.*

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

6.7 MAYORAL MINUTE 35/2005 - PETITION FROM DOLPHIN STREET RESIDENTS. (R/0238/02-01)

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

- a) *note the petition from nine residents of Dolphin Street requesting relief from difficulties in accessing their garages as a result of new signage implemented by Council; and*
- b) *request that the Traffic Committee reconsider the matter with a view to providing relief for the residents.*

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

6.8 MAYORAL MINUTE 36/2005 – SYDNEY AIRPORT. (F2004/07971)

(Note: Cr Notley-Smith declared a pecuniary interest in this item. (See Item 4a) and left the Chamber, taking no part in discussion of and voting thereon.)

127 **RESOLUTION: (His Worship the Mayor, Cr M. Matson) that Council support placing an advertisement in the Southern Courier (to be funded from the contingency fund) advising of the rally to be held on the 17th April, 2005, subject to endorsement of all other councils**

involved and to the rally proceeding, in order to highlight our concerns relating to this airport development proposal.

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

7. GENERAL MANAGERS' REPORTS.

7.1 GENERAL MANAGER'S REPORT 12/2005 - QUEEN'S BATON RELAY AGREEMENT FOR SERVICES FOR THE MELBOURNE 2006 COMMONWEALTH GAMES. (F2004/07350)

128 **RESOLUTION: (Andrews/Kenny) that:**

- a) *the General Manager be authorised to sign the agreement with Melbourne 2006 Commonwealth Games Corporation on behalf of the Council; and*
- b) *Council Officers liaise with the Melbourne 2006 Commonwealth Games Corporation regarding the details of the Relay.*

MOTION: (Andrews/Kenny) SEE RESOLUTION.

7.2 GENERAL MANAGER'S REPORT 13/2005 - MAROUBRA SWIMMING CLUB MEMORANDUM OF UNDERSTANDING. (98/S/2994 XR F2004/06861)

129 **RESOLUTION: (Hughes/Woodsmith) that:**

- a) *the legal opinions tabled for Council's consideration be received and noted; and*
- b) *the General Manager be delegated authority to complete an operational and organisational review of the Des Renford Aquatic Centre with a report to be brought back to Council. As part of the operational review the General Manager determine the structure and number of swimming clubs that can use the Des Renford Aquatic Centre, bearing in mind Council's complete support for the Maroubra Swimming Club.*

MOTION: (Hughes/Woodsmith) SEE RESOLUTION.

8. DIRECTOR, CITY SERVICES' REPORTS.

8.1 DIRECTOR, CITY SERVICES' REPORT 23/2005 - ASTHMA WEED PROJECT OFFICER. (F2005/00114)

130 **RESOLUTION: (Andrews/Kenny) that Council formally offer to accommodate the part time, temporary position of Asthma Weed Project Officer, at the nursery, for the duration of the grant and in accordance with the requirements of the position as described above, and sign the contract with the Sydney Metropolitan Catchment Management Authority acting on behalf of the Sydney Weeds Committees.**

MOTION: (Andrews/Kenny) SEE RESOLUTION.

8.2 DIRECTOR, CITY SERVICES' REPORT 24/2005 - UNLAWFUL ERECTION AND REMOVAL OF POSTERS. (98/S/0045)

131 **RESOLUTION: (Notley-Smith/Nash)** that Council:

- a) *note that further work is required to integrate the proposed solution and seek the agreement of key stakeholders;*
- b) *note the draft policy with a strong focus on safety as part of the solution;*
- c) *note the summarised legal advice and that Council may issue an order under s 121B (Order 5) of the EP&A Act;*
- d) *write to the Minister responsible for WorkCover to seek the enforcement of the OHS legislation with respect to poster companies that operate without approvals on public land; and*
- e) *note that Council workers currently remove posters whenever discovered on poles and other locations.*

MOTION: (Daley/White) that Council:

- a) note that further work is required to integrate the proposed solution and seek the agreement of key stakeholders;
- b) note the draft policy with a strong focus on safety as part of the solution;
- c) note the summarised legal advice and that Council may issue an order under s 121B (Order 5) of the EP&A Act;
- d) write to the Minister responsible for WorkCover to seek the enforcement of the OHS legislation with respect to poster companies that operate without approvals on public land;
- e) note that Council workers currently remove posters whenever discovered on poles and other locations; and
- f) acknowledge that political posters be accorded the same status as bill posters and all other unauthorised and unlawful posters that are the subject of this report. **LOST.**

DISSENT MOTION: (Sullivan/Andrews) on the Chairperson's handling of the debate on this matter. **LOST**

A division on the motion was called for by Crs Daley and White. Voting was as follows:-

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

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

AMENDMENT: (Tracey/Daley) that Council ask the State Government to bring in legislation to ensure that the beneficiaries of illegal advertising are held responsible for their unlawful actions and can be prosecuted. **LOST.**

8.3 DIRECTOR, CITY SERVICES' REPORT 25/2005 - PROPOSED EXTENSION OF MAROUBRA BEACH AREA - ALCOHOL FREE ZONE. (98/S/1285)

132 **RESOLUTION: (Andrews/White) that:**

- a) *the Maroubra Beach Alcohol Free Zone into Fenton Avenue from McKeon Street to Mons Avenue be established and signposted with an expiration date of 15 October, 2005; and*
- b) *the local area command be advised of the above recommendation and Council seek their co-operation in this matter.*

MOTION: (Andrews/White) SEE RESOLUTION.

8.4 DIRECTOR, CITY SERVICES' REPORT 26/2005 - BLOOMFIELD STREET, SOUTH COOGEE - REMOVAL OF LIGHT POLE AND PROVISION OF STEPS. (F2004/08164)

133 **RESOLUTION: (Andrews/Kenny) that:**

- a) *Council agree to the undergrounding of the electrical cables, the removal of the light and pole outside No.8 Bloomfield Street and the replacement of this lighting with a bollard system of lighting, with all of these works being carried out at no cost to Council; and*
- b) *Council consider the provision of \$80,000 for the steps from upper Bloomfield Street to Ahearn Ave and the minor widening of Bloomfield Street at Ahearn Ave as part of its consideration of the 2005/06 Capital Works Budget.*

MOTION: (Andrews/Kenny) SEE RESOLUTION.

8.5 DIRECTOR, CITY SERVICES' REPORT 27/2005 - TENDER REPORT - T035/05 - RETAINING WALL RECTIFICATION AND FOOTPATH REINSTATEMENT ARCADIA STREET, COOGEE. (PROJ/10069/2004)

134 **RESOLUTION: (Andrews/Kenny) that Council:**

- a) *provides its approval to allow the General Manager, in consultation with the Mayor, to enter into a contract with Antoun Civil Engineering (Australia) Pty Ltd to undertake the retaining wall rectification and footpath reinstatement at Arcadia Street, Coogee;*
- b) *provides its approval to affix Council's Official Seal upon the contract documents;*
- c) *provides its approval to transfer \$58,082 from the Reserves to assist in funding the*

tendered works; and

d) *advises the unsuccessful tenderers of the result of the tender.*

MOTION: (Andrews/Kenny) SEE RESOLUTION.

8.6 DIRECTOR, CITY SERVICES' REPORT 28/2005 - PROPOSED ENERGY AUSTRALIA SUBSTATION EDGECLIFFE AVENUE, SOUTH COOGEE. (F2004/06426)

135 **RESOLUTION: (Andrews/Kenny) that:**

a) *Council provide its concurrence for the installation of an Energy Australia electricity substation on the south west end of Edgecliffe Avenue; and*

b) *Energy Australia be advised of Council's resolution.*

MOTION: (Andrews/Kenny) SEE RESOLUTION.

8.7 DIRECTOR, CITY SERVICES' REPORT 29/2005 - STRATEGIC PLAN FOR PARKING METER OPERATION. (98/S/2714)

(NOTE: A NOTICE OF RESCISSION MOTION WAS HANDED TO THE GENERAL MANAGER PRIOR TO THE CONCLUSION OF THE MEETING AND WILL BE CONSIDERED AT THE ORDINARY COUNCIL MEETING ON TUESDAY, 26TH APRIL, 2005.)

136 **RESOLUTION: (Nash/Seng) that:**

a) *authority be delegated to the General Manager to consult with all residents in the City of Randwick on the implementation of parking meters, by way of direct mailing, as follows:*

(i) *the General Manager is to write to each resident in the City of Randwick outlining all relevant and pertinent aspects of the proposal and inviting written submissions to be made to the General Manager (such a letter is to invite comment on such issues as, amongst others, whether an administrative charge should be made to cover the cost of administering the proposal. The letter should also outline the expected outcomes of the proposal);*

(ii) *the General Manager is to draft a questionnaire/survey which is to be enclosed with such a letter asking for the views of residents on all relevant and pertinent aspects of the proposal, and which invites residents to complete the questionnaire/survey and return it in a pre-paid reply envelope so as to enable Council to collate all responses and report back to Council on the outcomes of the questionnaire/survey;*

b) *the General Manager be authorised to further refine the community feedback received from the consultation meetings undertaken by the Mayor with key stakeholder groups in June 2004, and to further advertise Council's proposals for four consecutive weeks in the Southern Courier inviting public comment;*

- c) *following community consultation, a report comes back to Council reporting on the outcomes of the community consultation for Council's further consideration; and*
- d) *the contents of the Director City Services' Report 29/2005, in particular the outline of the five (5) community precincts under consideration for parking meters, be used as the basis for providing information to the public for their comments.*

MOTION: (His Worship the Mayor, Cr M. Matson/Woodsmith) that:-

- a) the City of Randwick Strategic Plan for Parking Meter Operation be adopted as a concept and guide for the extension of parking meter operation to other parts of the City;
- b) authority be delegated to the General Manager to commence consultation, regarding the proposals to extend the parking meter operation, with other transport agencies such as RTA and Police, as well as the City's Chambers of Commerce, Business Associations, Surf Life Saving, including Nipper organisers, University of New South Wales, Prince of Wales Hospital and Precinct Committees in the relevant areas;
- c) the General Manager be authorised to further refine the community feedback received from the prior consultation meetings undertaken by the Mayor with key stakeholder groups in June 2004;
- d) following Community Consultation, the General Manager be authorised to carry out a staged implementation of the City's Parking Meter Schemes generally in the order of priority of precincts as outlined in the Strategic Plan;
- e) the Mayor and General Manager be delegated authority to source the funding for the staged implementation of the parking meter schemes; and
- f) the Mayor be delegated authority to conduct street by street public meetings prior to any implementation of parking meters in those streets.

AMENDMENT: (Sullivan/Daley) that this matter be placed on public exhibition to allow the residents of Randwick City to have their say on this proposal to introduce parking meters.
LOST.

His Worship the Mayor, Cr M. Matson vacated the Chair at 7.31 p.m. and the Deputy Mayor, Cr B. Notley-Smith assumed the Chair.

A division on the amendment was called for by Crs White and Andrews. Voting was as follows:-

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

AMENDMENT: (Nash/Seng) SEE RESOLUTION.

FURTHER AMENDMENT: (Andrews/Bastic) that the Mayor conduct public meetings at Clovelly, Coogee and Maroubra Surf Clubs to address this issue and that these meetings be advertised in the Southern Courier for three (3) weeks prior to the meetings advising of a community meeting open to all members of the public for community consultation in relation to parking meter layouts. **LOST.**

A division on the amendment was called for by Crs Andrews and White. Voting was as follows:-

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

FURTHER AMENDMENT: (Hughes/His Worship the Mayor, Cr M. Matson) that Council write to all residents in the City of Randwick with respect to the planned introduction of any parking meters at such time as the residential preferred parking scheme for their area so warrants. **LOST.**

The Mayor resumed the Chair at 8.47 p.m.

9. DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORTS.

9.1 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 14/2005 - CATERING SERVICES - TENDER NO. T026/04. (F2004/08360 XR 98/S/0300)

137 **RESOLUTION: (Woodsmith/Nash) that:**

- a) *the tenderer, Hestelow & Bye Pty Ltd, trading as Hestelow James Catering, be awarded a contract for a 3 year term with 2 options for Council to extend for a further term of 12 months each, for the supply of Catering Services for Council and Committee Meetings, and that Council enter into the contract under Clause 19 of the Local Government Tendering Regulation 1999;*
- b) *the tenderer, Hestelow & Bye Pty Ltd, trading as Hestelow James Catering, be awarded a contract for a 3 year term with 2 options for Council to extend for a further term of 12 months each, for the supply of Catering Services for Special Functions, and that Council enter into the contract under Clause 19 of the Local Government Tendering Regulation 1999;*
- c) *that authority be granted for the General Manager and the Mayor, to sign and affix Council's Common Seal to enter into contracts on behalf of Council with the*

recommended tenderer for Catering Services; and

d) the unsuccessful tenderers be notified of the Tender result;

MOTION: (Woodsmith/Nash) SEE RESOLUTION.

9.2 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 15/2005 - ESTABLISHMENT OF OCCUPATIONAL HEALTH AND SAFETY COMMITTEE AND WORKERS' COMPENSATION CLAIMS COMMITTEE. (F2005/00076)

138 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson/Tracey) that Council notes and endorses the proposal to establish an Occupational Health and Safety Committee and a Worker's Compensation Claims Review Committee.*

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

10. DIRECTOR, CITY PLANNING REPORTS.

(Note: All Director, City Planning Reports were considered immediately after the addresses by the members of the public.)

10.1 DIRECTOR, CITY PLANNING REPORT 12/2005 - 7-37 COOGEE BAY ROAD (6R AEOLIA STREET) RANDWICK. (LS-0002/2005)

139 **RESOLUTION:** *(Andrews/Woodsmith) that authority be granted for the Council's Seal to be affixed to the subdivision plan and accompanying Section 88b Instrument that relates to 7-37 Coogee Bay Road (6R Aeolia Street), Randwick.*

MOTION: (Andrews/Woodsmith) SEE RESOLUTION.

10.2 DIRECTOR, CITY PLANNING REPORT 13/2005 - 10-18 BAY STREET, COOGEE. (DA 874/2004)

140 **RESOLUTION:** *(Notley-Smith/Nash) that:*

A. *Council as the responsible authority refuse development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 874/2005 for Demolition of the existing dwellings on the site, and construction of a new multi-unit housing development comprising 15 units (13 x 2 bedroom and 2 x 3 bedroom units) over 4 storeys, basement carparking for 23 vehicles and associated landscaping including a swimming pool at 10-18 Bay Street, Coogee for the following reasons:-*

- 1. The proposed development is not consistent with the Aims and the Objectives of the Randwick Local Environmental Plan 1998 ("the LEP"), in particular clauses 2(g) and 12 (1)(c).*
- 2. The visual bulk of the proposed development will be dominant in the streetscape and to adjacent properties and would constitute an overdevelopment of the site, given its exceedance of the floor space ratio and height standards.*

3. *The State Environmental Planning Policy No. 1 (SEPP 1) objection in relation to the proposed development's departure of 970mm from clause 33(2) Overall Height and the 2.61m departure from clause (4) Wall Height of the LEP is not well-founded.*
4. *No objection under State Environmental Planning Policy No. 1 (SEPP 1) has been lodged in relation to the proposed development's departure (0.91:1) from clause 32(1) Floor Space Ratio (0.9:1) of the LEP. The non-compliance with the FSR standard results in an adverse impact on the streetscape and adjoining properties in terms of visual bulk and scale.*
5. *The impacts of the proposed development on solar access and visual privacy to adjoining properties are unreasonable given that the development fails to meet statutory standards for height and floor space ratio and the objectives, performance requirements and preferred solutions for setbacks to all boundaries.*
6. *The development is unsatisfactory with regard to the design quality principles of SEPP 65 – Design Quality of Residential Flat Development, in particular the principles of scale, built form, energy efficiency, density, amenity and aesthetics.*
7. *The proposal does not meet the objectives of the Landscape Area standards contained within clause 31 of RLEP98, in that the layout of the development does not allow for substantial planting to the southern (front) setback and western (side) setback of the proposal to soften the appearance of the development from the street and adjacent properties.*
8. *The basement carpark layout does not comply with Council's DCP - Parking in relation to the width of carparking spaces and bicycle parking.*

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

10.3 DIRECTOR, CITY PLANNING REPORT 14/2005 – 330 ANZAC PARADE, KENSINGTON. (D/1005/2004)

141 **RESOLUTION: (Andrews/Woodsmith) that:**

- A. *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 1005/2004 for Construction of a new four storey purpose built facility for scientific research and teaching including new accommodation for the School of Chemistry at the University of NSW, Kensington Campus at 330 Anzac Parade, Kensington subject to the following conditions:-*
 1. *The development must be implemented substantially in accordance with the plans prefixed G11-A- and numbered 001-01-DA_A, 003-01-DA_A, 010-01-DA_--, 099-01-DA_A, 100-01-DA_A, 101-01-DA_A, 102-01-DA_A, 103-01-DA_A, 104-01-DA_A, 201-01-DA_A, 202-01-DA_A, 203-01-DA_A, 204-01-DA_A, 250-03-DA_A and 250-04-DA_A all dated 8 November 2004 and the plans prefixed G11-A and numbered 250-01-DA_A, 250-02-DA_A, dated 27 September 2004 and received by Council on 23 November 2004, and the plan numbered G11-A-100-02DARev.—dated 4 February 2005 and stamped received by Council on 7 February 2005, and the supplementary details sent under cover letter dated 3rd*

November 2004 in relation to stormwater for the Law Building, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:

2. *The southern façade at ground floor level, proposed to be constructed of glazing, resin and rocks is to maximise transparency and be designed so as to be at least 25% transparent.*

This condition is imposed to clarify the plans and to achieve the principles of the approved master plan and the requirements of the Urban Design Framework as submitted by the University. Details are to be included with the Construction Certificate application.

3. *A minimum of ten (10) bicycle parking spaces are to be provided in a secure and convenient location, near the northern entry to the building as per the Urban Design Framework for the North Mall Development Zone, for the use of building occupants and visitors. Clear signage is to be provided indicating the location of the spaces from the University Mall entrance to the building.*

The bicycle parking is to be provided in accordance with the guidelines in Council's DCP – Parking. Details of the bicycle parking are to be included in the Construction Certificate application.

The following conditions are applied to ensure adequate environmental protection and occupational health and safety.

4. *All site works shall comply with the occupational health and safety requirements of WorkCover NSW.*
5. *The storage and handling of flammable and combustible liquids must be in accordance with Australian Standards AS1940-1993 The Storage and Handling of Flammable and Combustible Liquids and relevant requirements and guidelines published by the Department of Environment and Conservation and WorkCover NSW.*
6. *Sufficient supplies of appropriate absorbent materials and/or other appropriate spill clean up equipment shall be kept on site to recover any liquid spillage. Liquid spills must be cleaned up using dry methods only and shall not give rise to an offence under the Protection of the Environment Operations Act 1997 (NSW).*
7. *An Emergency Response Management Plan must be prepared by a suitably qualified person and be submitted to Council **prior to the issue of the Occupation Certificate**. The Plan shall include the following:*
 - *list of chemicals and maximum quantities to be stored at the site;*
 - *identification of potentially hazardous situations;*
 - *procedure for incident reporting;*
 - *details of spill stations and signage;*
 - *containment and clean-up facilities and procedures; and*
 - *the roles of all staff in the Plan and details of staff training.*

8. *All wastes arising from demolition, excavation and use of the premises shall be removed, hazardous or intractable wastes arising from the demolition process being removed and disposed of in accordance with the requirements of WorkCover NSW and the Department of Environment and Conservation, and with the provisions of:*

- *New South Wales Occupational Health and Safety Act, 2000;*
- *The Occupational Health and Safety (Hazardous Substances) Regulation 2001;*
- *The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;*
- *Protection Of the Environment Operations Act 1997 (NSW) and*
- *Department Of Environment and Conservation's Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).*

The following conditions have been applied to ensure that noise emissions from the development satisfy legislative requirements and maintain reasonable levels of amenity to the area:

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

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

The following conditions are applied to satisfy the relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to the locality: Nuisance or hazard

10. *The use and operation of the premises shall not give rise to an environmental health or public nuisance.*

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

12. *All proposed mechanical ventilation systems shall comply with the Building Code of Australia and design and operational requirements of the WorkCover Authority and Department of Environment and Conservation.*

13. *A statement / Certificate by a suitably qualified person, shall be submitted to Council before any operation or process is commenced, certifying the emissions comply with the provisions of the Protection of the Environment Operations Act 1997.*

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

14. *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.

15. *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.*
16. *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.*
17. *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.*
18. *An Occupation Certificate must be obtained from the principal certifying authority prior to any occupation of the building work encompassed in this development consent in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*
19. *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:

20. *A Certificate of Adequacy prepared by a professional engineer is to be submitted to the principal certifying authority (and the Council, if the Council is not the principal certifying authority) prior to **occupation of the building**, certifying the structural adequacy of the building and that the building works satisfy the relevant structural design requirements of the Building Code of Australia.*

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:

21. *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 and*

*details of compliance are to be prepared by a suitably qualified person and be submitted to the principal certifying authority, **prior to the commencement of any demolition works.***

22. *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.*
23. *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.

Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person approved by the Principal Certifying Authority) is also required to ensure that the relevant site management, public safety and sediment and erosion requirements specified in Council's consent are being satisfied.

24. *All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and supported to prevent them from being dangerous to life, property or buildings.*

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

Retaining walls, shoring, or piling must be designed and installed in accordance with appropriate professional standards and the relevant requirements of the Building Code of Australia and Australian Standards. Details of proposed retaining walls, shoring or piling are to be submitted to and approved by the Principal Certifying Authority for the development prior to commencing such excavations or works.

25. *A works-as-executed fire services plan is to be submitted to the Council **prior to occupation** of the development, detailing the location of the essential fire safety measures installed within the building premises.*
26. *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 and verifying that the building is being constructed at the approved levels.*
 - b) *On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.*
27. *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.*
28. *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.

29. *Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.*
30. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*

The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.

A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or footway for services or the like.

31. *Any building/demolition works involving asbestos cement are to be carried out in accordance with the Work Cover New South Wales "Guidelines for Practices Involving Asbestos Cement in Buildings".*
32. *Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.*

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geotextile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.

Fences or hoardings are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

*Details of the proposed temporary fences located upon the site are to be submitted to the principal certifying authority and the public safety provisions and temporary fences must be in **place prior to the commencement** of any demolition, excavation or building works and be maintained throughout construction.*

If it is proposed to locate any hoardings, site fencing or amenities upon a footpath or public place, the written consent from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.

33. *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

34. *A warning sign for soil and water management must be displayed in a prominent position on the building site, visible to both the public and site workers. The sign must be displayed throughout the construction period. Copies of a suitable warning sign are available at Council's Customer Service Centre for a nominal fee.*

The following conditions are applied to provide access and facilities for people with disabilities:

35. *Access and sanitary facilities for persons with disabilities being provided to the building in accordance with Parts D3 and F2 of the Building Code of Australia and relevant Australian Standards. Details of compliance is required to be provided in the relevant plans/specifications for the **construction certification**.*

The following conditions are applied to provide adequate provisions for access, transport and infrastructure:

36. *The temporary carpark proposed in DA 668/2004 must be constructed and available for use prior to commencement of work on the proposed analytical building, unless it can demonstrate to the satisfaction of Council that 16 additional parking spaces are available on campus whilst the temporary carpark*

is constructed.

37. *The temporary carpark shall remain available for use by UNSW students and staff until such a time as an alternative parking station is constructed and/or the integrated transport study is completed and the temporary carpark is no longer required.*
38. *The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.*
39. *The applicant shall note that any external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.*
40. *All construction traffic shall be accommodated on-site.*
41. *Provision shall be made for safe transfer of goods between the loading dock in the Applied Science building and the adjoining Analytical Centre.*
42. *The loading dock approved in conjunction with the applied science building (DA 732/2004) shall be constructed and available for use prior to commencement of work on the Analytical Centre.*
43. *The applicant is to undertake, using Council approved contractors, the upgrading of street tree planting along Anzac Parade for that portion of the UNSW frontage outside Warrane and New Colleges (approximately 130m). The scope of work is to be as follows:*
 - *Remove the existing 2 off Brushbox and 6 off Populus Italica Nigre and replace with 12 off Platanus Hybrida (75 litre size) at approximate 10metre centres.*
 - *Provide RCC approved tree surrounds to the replaced trees*
 - *Infill remaining nature strip to create a full width concrete footpath for the extent of the re-planted zone.*

All costs associated with the above works shall be borne by the applicant.

The following conditions are applied to provide adequate consideration for service authority assets:

44. *A Section 73 Compliance Certificate under the Sydney water Act 1994 must be*

obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92.

Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Notice must be issued to the Principal Certifying Authority prior to commencement of work on the site for that component of the works requiring Sydney Water approval.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.

The following conditions are applied to provide adequate provisions for drainage and associated infrastructure:

45. All stormwater runoff from the new Analytical Centre building and surrounds (for all storms up to and including the 1 in 100 year storm event), shall be collected and conveyed through a suitably sized piped system to the Village Green detention basin.

It is noted that the drainage system used/constructed to convey flows from the applied science building to the village green detention area shall be in general accordance with the details supplied in the letter from the University of New South Wales dated 3 November 2004.

46. Percolation via chambers/infiltration pits shall be provided in the village green detention basin (if required) to ensure that the depth of ponding and rate of outflow from the detention area are not increased as a result of the additional flows directed into the area. This work shall be completed prior to occupation of the proposed Analytical Centre.

47. All new floor areas shall be a minimum of 300 mm above any adjoining overland flow or stormwater ponding depths (or suitably protected from stormwater up to this same level).

48. Any overland flows (for storms up to the 1 in 100 year event) currently flowing down Union Road/Science Road, shall be intersected up stream of the proposed Analytical Centre and diverted to the village green detention area.

49. Prior to commencement of work on the site, engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage shall be prepared and forwarded to Council. The drainage design shall be in general accordance with the concept details contained in the letter from the University of New South Wales dated 3 November 2004 (and accompanying documentation). The drawings and details shall include the following information:

a) A detailed drainage design supported by a catchment area plan and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.

b) A layout of the proposed drainage system including pipe sizes, type, grade,

length, invert levels, etc and the connection into the village green detention system.

- d) *The separate catchment areas within the site, draining to each collection point or surface pit.*
 - e) *Where buildings about higher buildings and their roofs are "flushed in" to the higher wall, the area contributing must be taken as: the projected roof area of the lower building, plus one half of the area of the vertical wall abutting, for the purpose of determining the discharge from the lower roof.*
 - f) *Proposed finished surface levels and grades.*
 - g) *The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.*
50. *All stormwater currently draining to and/or through the subject development site (including piped flows) must be collected and discharged through this property's stormwater system. Such drainage must, if necessary, be constructed prior to the commencement of building work.*
51. *The village green detention area must be regularly cleaned and maintained to ensure it functions as required by the design.*
52. *The stormwater detention area must be suitably signposted where required, warning people of the maximum flood level. It is noted that if this signage is already provided, additional signage will not be required.*
53. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
54. *Pump out systems must be designed with a minimum of two pumps being installed, connected in parallel (with each pump capable of discharging at the permissible discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well shall be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working.*

The pump system must also be designed and installed strictly in accordance with "Section 8.4 PUMP SYSTEMS" as stipulated in Randwick City Council's Private Stormwater Code.

55. *All stormwater runoff from the site shall be taken through a sediment/silt arrester pit (or gross pollutant traps such as CDS units or equivalent) prior to discharging by gravity to the village green detention/infiltration area. The gross pollutant trap/s shall be sized to treat runoff from all storms up to the 1 in 3 month storm at a minimum.*

Should a sediment/silt arrester pit be provided to satisfy the above requirement, it shall be constructed in accordance with the following requirements:-

- *The base of the pit located a minimum 300mm under the invert level of the outlet pipe.*

- *The pit constructed from cast in-situ concrete, precast concrete or double brick.*
- *A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.*
- *A galvanised heavy-duty screen located over the outlet pipe/s (Mascot GMS multipurpose filter screen or equivalent).*
- *The grate being a galvanised heavy-duty grate that has a provision for a child proof fastening system.*
- *A child proof and corrosion resistant fastening system provided for the access grate (e.g. spring loaded j-bolts or similar).*
- *A sign adjacent to the pit stating:*

“This sediment/silt arrester pit shall be regularly inspected and cleaned.”

Note: Sketch details of a standard sediment/silt arrester pit may be obtained from Council’s Drainage Engineer.

56. *Suitable bunding is to be provided around the perimeter of the subject development area, where required, to direct all stormwater to the village green detention area via the new piped system.*
57. *Any absorption trenches/infiltration pits must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.*
58. *Prior to occupation of the Analytical Centre building, the applicant shall submit to Council's Director of Asset and Infrastructure Services, a works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced Hydraulic Engineer. The works-as-executed drainage plan shall include details of :*
 - a) *Percolation/infiltration pit details*
 - b) *The location, diameter, gradient and material (i.e PVC, RC etc) of all stormwater pipes;*
 - c) *Details of any pumping systems installed (including wet well volumes).*
59. *Prior to occupation of the refurbished applied science building, the applicant shall submit to Council’s Director of Asset and Infrastructure Services, certification from a suitably qualified and experienced Hydraulic Engineer confirming that the design and construction of the stormwater drainage system complies with the conditions of development consent.*
60. *The proposed NMR pits shall be suitably tanked and waterproofed unless it can be demonstrated (by a suitably qualified geotechnical/hydro-geological consultant) that seasonal/long term fluctuations of the watertable will not result in the watertable rising above the base of the pits.*

A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard and a copy of the certification is to be forwarded to Council.

Note:-

Adequate provision is to be made for the ground water to drain around the NMR pits (to ensure that the pits will not dam or slow the movement of the ground water through the development site).

The following conditions are applied to provide adequate provisions for waste management:

61. *The new waste storage area located at the rear of the proposed loading dock (to be constructed in conjunction with DA 732/2004) shall be completed and available for use prior to the issuing of an occupation certificate for the analytical centre.*
62. *All bin storage areas (excluding areas where bins will temporarily be stored for no more than 24 hours prior to collection) shall be graded and drained to the sewer to the requirements of Sydney Water.*

The following conditions are applied to provide adequate provisions for landscaping and to maintain reasonable levels of environmental amenity:

63. *Approval is granted for the removal of the following trees. (Note: Approval has already been granted for removal of these trees under DA 979/04). Replacements are not deemed necessary given the presence of numerous other significant trees that are to be retained on this site as part of the works.*
 - a. *One Ficus microcarpa var 'Hillii' (Hills Weeping Fig, N50) on the southern side of the existing sandstone wall*
 - b. *One Ficus macrophylla (Moreton Bay Fig, N51) on the southern side of the existing sandstone wall*
 - c. *The northern most Populus deltoides (Poplar, M2) in the paved courtyard to the east of the existing building*
 - d. *Two (2) Allocasurina glauca (She Oaks) against the eastern side of the existing building*
64. *In order to ensure the retention of the recently planted Populus deltoides (Poplar) to the north, the Populus deltoides (Poplar, M1) in the paved courtyard area, and the Eucalyptus species (Gum Tree) near the northeast corner of the existing building in good health, the following measures are to be undertaken:*
 - a. *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation shall show the retention of the existing tree specimens with the position of the tree trunks and full diameter of the tree canopies clearly shown on all drawings.*
 - b. *The trees are to be physically protected by the installation of protective fencing around the trees using 1.8 metre high steel mesh/chainwire fencing. This fencing shall be located to a minimum radius of 3 metres from the outside edge of the tree trunks (except on the southern side of the eucalyptus species where the fence may be installed next to the wall of the existing building).*

This fencing shall be installed prior to the commencement of demolition and

construction works and shall remain in place until all works are completed.

- c. Within this zone there is to be no storage of materials or machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble.*

Any works required within this zone shall be under the direction of, and to the satisfaction of, a suitably qualified Arborist.

- d. Any excavations required for footings, structures, retaining walls, pipes, detention tanks, stormwater infiltration systems, paving etc within 3 metres of the tree trunks shall be undertaken by hand and under the direction of, and to the satisfaction of, a suitably qualified Arborist with all roots being cleanly cut.*

- e. The erection of signage on the fence with the following words clearly displayed: "TREE PROTECTION ZONE", "DO NOT ENTER".*

ADVISORY MATTERS:

- A1. The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA).*

In this regard, the development consent plans do not show compliance with the deemed-to-satisfy provisions of the BCA, including:

- a) Part C2 - Compartmentation and separation*
- c) Part D1 - Provisions for escape*
- d) Part D3 - Access for people with disabilities*
- e) Part E1 - Fire fighting equipment*
- f) Part E2 - Smoke Hazard Management*
- g) Part E4 - Emergency lighting, exit signs and warning systems*
- h) Part F2 - Sanitary and other facilities*
- i) Part F4 - Light and ventilation*

*Details of compliance with the relevant provisions of the Building Code of Australia and conditions of development consent are to be provided in the plans and specifications for the **construction certificate**.*

- A2. The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.*

MOTION: (Andrews/Woodsmith) SEE RESOLUTION.

10.4 DIRECTOR, CITY PLANNING REPORT 15/2005 - 214 CLOVELLY ROAD, RANDWICK. (D1102/2004)

- 142 **RESOLUTION:** *(Andrews/Tracey) that Council as the responsible authority refuse development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 1102/2004 for addition of a new*

stainless steel wire trellis on top of the existing eastern and western side boundary walls at 214 Clovelly Road, Randwick for the following reasons:-

- a) *the trellis structures will be intrusive, excessive in height, will not improve the privacy of the subject and adjoining properties at ground level and will detract from the open nature of the internal courtyard design for the existing buildings at 210-214 Clovelly Road; and*
- b) *the trellis structures with climbing plants will be difficult for the adjoining owners to maintain and are unnecessary.*

MOTION: (Hughes/Seng) that Council as the responsible authority grant development consent under Section 80 & 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 1102/2004 for addition of a new stainless steel wire trellis on top of the existing eastern and western side boundary walls at 214 Clovelly Road, Randwick subject to standard conditions as the trellis would provide additional privacy and amenity to the subject premises and would not impact on the adjoining properties.
LOST.

FURTHER MOTION: (Andrews/Tracey) SEE RESOLUTION.

**10.5 DIRECTOR, CITY PLANNING REPORT 16/2005 - 6 CRANA AVENUE
COOGEE. (1111/2004)**

143

RESOLUTION: (Andrews/Woodsmith) that Council as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 1111/04 for permission to carryout alterations and additions to the dwelling at 6 Crana Avenue Coogee subject to the following conditions: -

1. *The development must be implemented substantially in accordance with the plans numbered 0445, sheets DA-01 to DA-11, inclusive, dated December 2004 and received by Council on the 23rd December 2004, the application form and on any supporting information received with the application, except as may be amended by 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 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.*
3. *The colour and texture of the brickwork is required to match, as closely as possible, the existing external walls of the building.*
4. *Metal roof sheeting is to be painted or colour bonded to minimise reflection and to be sympathetic and compatible with the building and surrounding environment.*
5. *The privacy screen to the northern elevation of the garage roof deck shall be deleted and the solid balustrade to the perimeter of the garage deck shall be replaced with a*

clear glass balustrade to reduce the bulk of the front of the building and improve the appearance of the building within the local streetscape. Plans accompanying the Construction Certificate application are to be amended accordingly.

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

- 6 *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.*
- 7 *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 included in the **construction certificate** application.*
- 8 *Hot water service pipes are to be provided with insulation and must also satisfy any relevant requirements of Building Code of Australia and AS 3500.*

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:

- 9 *Surface water/stormwater must be drained and discharged to the street gutter or suitably designed absorption pit, to the satisfaction of the Certifying Authority and details are to be included in the construction certificate application for the development.*
- 10 *External paths and ground surfaces are to be graded and drained away from the building and adjoining premises in such a manner so as not to result in the entry of water into a building, or cause a nuisance or damage to the adjoining premises.*

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

- 11 *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.

- 12 *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.*

- 13 *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.*
- 14 *Prior to the commencement of any building works, the person having the benefit of the development consent must: -*
- i) appoint a Principal Certifying Authority for the building work; and*
 - ii) appoint a principal contractor for the building work, or in relation to residential building work, obtain an owner-builder permit in accordance with the requirements of the Home Building Act 1989, and notify the Principal Certifying Authority and Council accordingly in writing; and*
 - iii) unless the person having the benefit of the consent is the principal contractor (i.e. owner-builder), notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority; and*
 - iv) give at least two days notice to the Council, in writing, of the person's intention to commence building 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.

- 15 *The building works must be inspected by the Principal Certifying Authority (or another certifying authority if the Principal Certifying Authority agrees), 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 in accordance with section 81A (2) (b1) (ii) of the Environmental Planning & Assessment Regulation 2000 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 consent is to be maintained by the Principal Certifying Authority. Details of critical stage inspections carried out and copies of certification relied upon must also be forwarded to Council with the occupation certificate.

The principal contractor or owner-builder (as applicable) must ensure that the required critical stage and other inspections, as specified in the Principal Certifying Authority's "Notice of Critical Stage Inspections", are carried out to the satisfaction of the Principal Certifying Authority and at least 48 hours notice (excluding weekends and public holidays) is to be given to the Principal Certifying Authority, to carry out the required inspection, before carrying out any further works.

- 16 *A sign must be erected and maintained in a prominent position on the site, 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; and*
- *a statement stating that “unauthorised entry to the work site is prohibited”.*

- 17 *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.*

The relevant requirements of the Environmental Planning & Assessment Regulation 2000 and relevant conditions of development consent must be satisfied prior to the issuing of an occupation certificate.

- 18 *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 provisions 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 principal building contractor and compliance with the provisions of the Home Building Act 1989 (i.e. Details of the principal licensed building contractor and a copy of the Certificate of Insurance) are to be submitted to Council **prior to the commencement of works**, with the notice of appointment of the PCA / notice of intention to commence building work.*

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

At the time of this development consent, Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.2% of the cost of the works.

- 20 *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 Building Code of Australia – 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**.*

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:

- 21 *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.*

- 22 *Any building/demolition works involving asbestos cement are to be carried out in accordance with the Work Cover New South Wales “Guidelines for Practices Involving Asbestos Cement in Buildings”.*

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

- 24 *All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and supported to prevent them from being dangerous to life, property or buildings.*

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

Retaining walls, shoring, or piling must be designed and installed in accordance with appropriate professional standards and the relevant requirements of the Building Code of Australia and Australian Standards. Details of proposed retaining walls, shoring or piling are to be submitted to and approved by the Principal Certifying Authority for the development prior to commencing such excavations or works.

- 25 *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.

- 26 *The use of any rock excavation machinery or any mechanical pile drivers is restricted to the hours of 8.00am to 5.00pm (maximum), Monday to Friday inclusive and from 8.00am to 1.00pm on Saturday, to minimise the noise levels during construction and loss of amenity to nearby residents.*
- 27 *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.*
- 28 *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*

The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.

A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or footway for services or the like.

- 29 *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions, soil and debris at all times.*
- 30 *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council, 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 Development Control Plan for Exempt & Complying Development and Council's Local Approvals Policy. Applications to place a waste container in a public place can be made to Council's Building Services section.*
- 31 *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*
- 32 *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.

33 *A warning sign for soil and water management must be displayed in a prominent position on the building site, visible to both the public and site workers. The sign must be displayed throughout the construction period. Copies of a suitable warning sign are available at Council's Customer Service Centre for a nominal fee.*

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

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5 metres). Temporary fences are to have a minimum height of 1.8 metres and be constructed of cyclone wire fencing, with geo-textile fabric attached to the inside of the fence to provide dust control, or other material approved by Council.

Hoarding or fences are to be structurally adequate, safe and be constructed in a professional manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

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

If it is proposed to locate any hoardings, site fencing or amenities upon a footpath or public place, the written consent from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.

ADVISORY MATTERS:

A1 *The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA).*

In this regard, the development consent plans do not show compliance with the deemed-to-satisfy provisions of the BCA.

Details of compliance with the relevant provisions of the Building Code of Australia and conditions of development consent are to be provided in the plans and specifications for the construction certificate.

You are therefore advised to consult with Council's Building Certification Services or an accredited certifier prior to submitting your construction certificate application to enable these matters to be addressed accordingly.

MOTION: (Andrews/Woodsmith) SEE RESOLUTION.

10.6 DIRECTOR, CITY PLANNING REPORT 17/2005 - 9 DACRE STREET, MALABAR. (00138/2004)

144 **RESOLUTION: (Andrews/Woodsmith) 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. 134/2004 by deleting deferred commencement consent condition 2 and amending Condition no.1 relating to lowering the height of the building by 1m at 9 Dacre Street, Malabar, in the following manner:

- Amend Condition No. 1 to read:

1. The development must be implemented substantially in accordance with the architectural plans drawn by Level 5 Design drawing numbers A001B dated 13.05.04 of Job No. 3303, stamped and received by Council on 2 August 2004, and drawing number A301/C dated 30.07.04, and stamped received by Council on 20 August 2004, the application form and on any supporting information received with the application and as amended by the details faxed and received by Council on 15 February 2005, relating to the height of the garage, the application form and on any supporting information received with the application, except as may be amended by the details submitted to satisfy the deferred commencement conditions and the following conditions and as may be shown on red on the attached plans:

- Deferred commencement condition No. 2 is deleted.

MOTION: (Andrews/Woodsmith) SEE RESOLUTION.

10.7 DIRECTOR, CITY PLANNING REPORT 18/2005 - NOTICE OF INTENTION TO CONSIDER LISTING MALABAR HEADLAND ON THE STATE HERITAGE REGISTER. (F2004/06759)

145 **RESOLUTION: (Daley/Belleli) that:**

a) Council endorse the Notice of Intention from the NSW Heritage Office to consider listing Malabar Headland on the State Heritage Register; and

b) Council write to the NSW Heritage Office:

i) advising of Council's full and unequivocal support for the nomination and listing of Malabar headland on the State Heritage Register;

ii) advising the Heritage Office to contact the Department of Finance and Administration regarding the draft background reports on flora and fauna, European heritage and Aboriginal heritage, which may assist the assessment of significance; and

iii) advising the Heritage Office that it is prepared to offer the Heritage Office any assistance it can in the listing of this matter on the State Heritage Register.

MOTION: (Daley/Belleli) SEE RESOLUTION.

10.8 DIRECTOR, CITY PLANNING REPORT 19/2005 - YOUTH WEEK 2005. (F2004/07708)

146 **RESOLUTION:** *(Andrews/Woodsmith) that Council note and endorse the proposed activities planned for Youth Week 2005 in Randwick City.*

MOTION: (Andrews/Woodsmith) SEE RESOLUTION.

11. PETITIONS.

Nil.

12. MOTIONS PURSUANT TO NOTICE.

12.1 BY COUNCILLOR WHITE – GOORAWAHL AVENUE, LA PEROUSE. (F2005/00171 XR F2004/08222)

147 **RESOLUTION:** *(White/Nash) that Council investigate making Goorawahl Avenue, La Perouse one way North to South by letter boxing all residents in Goorawahl Avenue, asking their opinions of a one way street and referring the results of the survey to the Traffic Committee for action.*

MOTION: (White/Nash) SEE RESOLUTION.

12.2 BY COUNCILLORS WHITE & DALEY – PRINCE HENRY HOSPITAL DEVELOPMENT. (F2004/07141 XR F2005/00171)

148 **RESOLUTION:** *(Belleli/Nash) that:*

- a) *Landcom be approached to consider naming the streets within the private area of the Prince Henry Hospital Development after the first Matrons who worked at Prince Henry after consultation with the Prince Henry Trained Nurses Association; and*
- b) *the Mayor and General Manager be authorised to liaise with Landcom on the option of using the names of the first matrons or other past hospital staff to name the four roads that Landcom indicates will remain as private roads on the Prince Henry Hospital development site.*

MOTION: (White/ Daley) that Landcom be approached to consider naming the streets within the private area of the Prince Henry Hospital Development after the first Matrons who worked at Prince Henry after consultation with the Prince Henry Trained Nurses Association.

AMENDMENT: (Belleli/Nash) SEE RESOLUTION.

12.3 BY COUNCILLOR BELLELI – CORAL SEA PARK ACCESS. (F2004/08288 XR F2005/00171)

149 **RESOLUTION:** *(Belleli/Nash) that a report be brought before the next Works Committee on options for pedestrian access into Coral Sea Park on the Yorktown Parade side near the club house, such report to also address the possible inclusion of a feature to illustrate and recognise this area's history as a Speedway.*

MOTION: (Belleli/Nash) SEE RESOLUTION.

12.4 BY COUNCILLOR ANDREWS – INSTALLATION OF RAMPS AT ALL FOOTPATH INTERSECTIONS. (F2004/06154 XR F2005/00171))

150 **RESOLUTION:** *(Andrews/Belleli) that Council install ramps at all footpath intersections to assist persons in wheelchairs and improve pram access.*

MOTION: (Andrews/Belleli) SEE RESOLUTION.

12.5 BY COUNCILLOR ANDREWS – RAINBOW & BOTANY STREETS INTERSECTION. (F2004/07227 XR F2005/00171)

151 **RESOLUTION:** *(Andrews/White) that the Randwick Traffic Committee investigates the re-opening of the intersection of Rainbow Street and Botany Street, Kingsford. Further, they investigate the implementation of traffic signals or a roundabout at this location with a report to come back to an Ordinary Council Meeting for discussion.*

MOTION: (Andrews/White) SEE RESOLUTION.

12.6 BY COUNCILLOR TRACEY – INSTALLATION OF BUS STOP SEATS AT BUS STOPS IN RANDWICK CITY AREA. (F2004/08393 XR F2005/00171))

152 **RESOLUTION:** *(Tracey/Woodsmith) that bus stop seats be provided at all unsheltered bus stops in the City with a view to encouraging greater usage of public transport.*

MOTION: (Tracey/Woodsmith) SEE RESOLUTION.

AMENDMENT: (Belleli/Nash) that Council write to all affected residents prior to installation, advising them that Council will be installing seats at the unsheltered bus stop nearby. **LOST.**

12.7 BY COUNCILLOR TRACEY – SHADE TREE PLANTING IN SCHOOLS. (F2004/08367 XR F2005/00171)

153 **RESOLUTION:** *(Tracey/Sullivan) that Council encourage shade tree planting in school playgrounds by offering local schools one leaf/tree litter cleanup per year using council staff and equipment.*

MOTION: (Tracey/Sullivan) SEE RESOLUTION.

AMENDMENT: (Notley-Smith/Woodsmith) that Council:

- a) encourages shade tree plantings in playgrounds by offering to provide the trees to schools and;
- b) writes to the State Government asking it remove the green waste litter from its school playgrounds. **LOST.**

FURTHER AMENDMENT: (Hughes/Notley-Smith) that Council encourage shade tree planting in school playgrounds by offering local schools the support of Council officers to give talks to schools annually on the benefits of composting and advising them on how they can best collect the leaves for such use. **LOST.**

FURTHER AMENDMENT: (Hughes/Notley-Smith) that Council seek a report on the financial implications of Cr Tracey's proposal. **LOST.**

12.8 BY COUNCILLOR SULLIVAN – INSTALLATION OF TRAFFIC SIGNALS OUTSIDE COOGEE PUBLIC SCHOOL. (F2004/06170 XR F2005/00171)

154 **RESOLUTION: (Sullivan/Daley)** that Council use its best endeavours to finalise the installation of traffic signals outside Coogee Public School at Coogee Bay Road and Byron Street, as approved 12 months ago.

MOTION: (Sullivan/Daley) SEE RESOLUTION.

12.9 BY COUNCILLOR SULLIVAN – AMENDING RANDWICK LEP TO PROHIBIT BACKPACKER ESTABLISHMENTS. (F2004/06779 XR F2005/00171)

155 **RESOLUTION: (Sullivan/Tracey)** that Council officers report to Council on amending the Randwick LEP to prohibit any further backpacker establishments in the Coogee area.

MOTION: (Sullivan/Tracey) SEE RESOLUTION.

12.10 BY COUNCILLOR SULLIVAN – SECURITY PATROLS IN COOGEE BASIN. (F2004/07600 XR F2005/00171)

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

- (a) Council investigates the introduction of a security patrol in the Coogee Basin area for Friday and Saturday nights to be funded by the State Government and Liquor Accord;
- (b) Council writes to the Premier expressing its dissatisfaction with the level of policing in the Coogee Basin due to the continued staffing cuts in the Eastern Beaches Command; and
- (c) Council calls on the State Government to restore police foot patrols to the levels adequate to protect the residents, their property and visitors to the Coogee Basin.

MOTION: (Sullivan/White) that Council investigates the introduction of a security patrol in the Coogee Basin area for Friday and Saturday nights.

AMENDMENT: (Woodsmith/Hughes) that Council refer this matter to the Liquor Administration Board to seek changes to the liquor licensing conditions of the premises in the Coogee basin area in order to find a revenue stream for Council to fund the security patrols. **LOST.**

FURTHER AMENDMENT: (Notley-Smith/Hughes) SEE RESOLUTION.

FURTHER AMENDMENT: (Tracey/Nil) that the full reply that Council receives from the Premier be published in the Mayoral column. **LAPSED FOR WANT OF A SECONDER.**

12.11 BY COUNCILLOR SULLIVAN – REFURBISHMENTS OF OLDER RESIDENTIAL FLAT BUILDINGS. (F2004/08370 XR F2005/00171)

157 **RESOLUTION:** *(Sullivan/White)* that Council endorse the initiative of the former Mayor, to introduce a pattern book for the refurbishment of older residential flat buildings (3 storey walk-ups), and that a report be brought before Council for its consideration and adoption.

MOTION: (Sullivan/White) SEE RESOLUTION.

12.12 BY COUNCILLOR DALEY – MALABAR HEADLAND. (F2004/06759 XR F2005/00171)

158 **RESOLUTION:** *(Belleli/Seng)* that:

- a) Council prepare a submission supporting the inclusion of the Malabar Headland on the State Heritage Register;
- b) Council officers prepare a report to be brought before Council on the feasibility of Council compulsorily acquiring significant areas of the Malabar Headland; and
- c) Council write to the Premier urging that the State Government purchase the Malabar Headland site or put forward options for financially funding Council to acquire the site.

MOTION: (Daley/Notley-Smith) that:

- a) Council prepare a submission supporting the inclusion of the Malabar Headland on the State Heritage Register; and
- b) Council officers prepare a report to be brought before Council on the feasibility of Council compulsorily acquiring significant areas of the Malabar Headland.

AMENDMENT: (Belleli/Seng) SEE RESOLUTION.

12.13 BY COUNCILLOR BELLELI – ACCESS ISSUES IN THE LGA. (F2004/06574 XR F2005/00171)

159 **RESOLUTION:** *(Belleli/Woodsmith)* that the Council allocate a budget of \$50,000.00 per year to be used specifically to address Access Issues in the LGA that are identified by an annual access audit.

MOTION: (Belleli/Woodsmith) SEE RESOLUTION.

AMENDMENT: (Tracey/Sullivan) that this matter be referred to the Budget Review Working Group. **LOST.**

12.14 BY COUNCILLOR NOTLEY-SMITH – COUNCIL PARKS, PLAYGROUNDS AND PROPERTIES. (F2004/06143 XR F2005/00171)

160 **RESOLUTION:** *(Notley-Smith/Belleli)* that a report be brought before the next Works Committee meeting on options to deal with the installation of treated pine in Council owned parks, playgrounds and properties.

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

**12.15 BY COUNCILLOR NOTLEY-SMITH – DES RENFORD AQUATIC CENTRE.
(F2005/00155 XR F2005/00171)**

161 *RESOLUTION: (Notley-Smith/Belleli) that Council waive the \$680.00 fee for the use of DRAC by Maroubra Swimming Club for their development program on May 1st 2005, such funds to come from the Councillors' contingency fund.*

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

12.16 BY COUNCILLOR NOTLEY-SMITH – NEW LIVERY ON COUNCIL VEHICLES & NEW UNIFORMS FOR OUTDOOR STAFF. (F2004/06234 XR F2005/00171)

162 *RESOLUTION: (Notley-Smith/Belleli) that a report be brought before the Works Committee on options for new livery on Council vehicles and plant, and options for new uniforms for all outdoor staff.*

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

(Note: Cr Tracey requested that his name be recorded as opposed to the resolution.)

12.17 BY COUNCILLOR NOTLEY-SMITH – CORPORATE UNIFORM FOR EMPLOYEES AT CIVIC RECEPTIONS. (F2004/06234 XR F2005/00171)

163 *RESOLUTION: (Notley-Smith/Nash) that Council's staff attending Civic Receptions or Council organised events be supplied with a corporate uniform, at the discretion of the General Manager.*

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

12.18 BY COUNCILLOR NOTLEY-SMITH – STREET IMPROVEMENTS IN HAVELOCK AVENUE, COOGEE. (R0/0365/01 XR F2005/00171)

164 *RESOLUTION: (Notley-Smith/Nash) that a report be brought back to Council on the implementation of a street improvement program in Havelock Avenue, Coogee.*

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

13. URGENT BUSINESS.

Nil.

14. CONFIDENTIAL REPORT.

14.1 CONFIDENTIAL DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 16/2005 - PRIVACY COMPLAINT - ADMINISTRATIVE DECISIONS TRIBUNAL NO. 033361. (F2004/07572)

165 *RESOLUTION: (Tracey/Seng) that Council note the information contained within this report and further note the actions taken to resolve the apparent conflict between section 12 of the Local Government Act 1993 and sections 14 and 18 of the Privacy and Personal*

MOTION: (Tracey/Seng) SEE RESOLUTION.

15. COMMITTEE-OF-THE-WHOLE.

Nil.

16. REPORT OF COMMITTEE-OF-THE-WHOLE.

Nil.

17. NOTICE OF RESCISSION MOTIONS.

A Notice of Rescission Motion was handed to the General Manager prior to the conclusion of the meeting and will be considered at the Ordinary Council meeting on Tuesday, 26th April, 2005, regarding Item 8.7, Director, City Services' Report 29/2005 - Strategic Plan for Parking Meter Operation.

There being no further business, His Worship the Mayor, Cr M. Matson, declared the meeting closed at 10.25 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 26TH APRIL, 2005.

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CHAIRPERSON