

**MINUTES OF ORDINARY COUNCIL MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 22ND NOVEMBER 2005 AT 6:07P.M.**

PRESENT:

His Worship the Mayor, Cr. T. Seng (Central Ward) (Chairperson)

Councillor M. Matson (East Ward) (Deputy Mayor)

North Ward - Crs J. Kenny, P. Tracey & M. Woodsmith

South Ward - Crs R. Belleli, M. Daley & A. White

East Ward Crs B. Notley-Smith & D Sullivan (from 6.23pm)

West Ward - Crs S. Nash & J. Procopiadis

Central Ward - Crs A. Andrews & C Bastic (from 7.55pm)

OFFICERS PRESENT:

General Manager	Mr. R. Brownlee.
Director, City Services	Mr. J. Frangoples.
Director, City Planning	Ms. S. Truuvvert.
Director, Governance & Financial Services	Mr. G. Banting.
Manager Development Assessments	Mr K Kyriacou.
Manager, Administrative Services	Mr. D. Kelly.
Senior Administrative Coordinator	Ms J Hartshorn.
Communications Manager	Ms. D. Brien.
Manager, Policy, Planning & Performance	Ms K Walshaw.
Manager Environmental Health & Building Services	Mr R Wereszczynski.

1. COUNCIL PRAYER

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

2. APOLOGIES.

Nil.

2A. LEAVE OF ABSENCE

450 RESOLUTION: *(Notley-Smith/Matson) that Leave of Absence from the meeting be granted to Cr Hughes (in accordance with Minute No. C26/2005 of 8 November 2005).*

MOTION: (Notley-Smith/Matson) CARRIED – SEE RESOLUTION.

3. MINUTES

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY, 18TH OCTOBER, 2005.

- 451 **RESOLUTION:** *(Matson/Belleli) that the Minutes of the Ordinary Council Meeting held on Tuesday, 18th October, 2005 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.*

MOTION: (Matson/Belleli) CARRIED – SEE RESOLUTION.

4. DECLARATION OF PECUNIARY & NON-PECUNIARY INTERESTS.

Councillor Belleli declared a non-pecuniary interest in the following items:

- Item 6.3 (Mayor's Minute 142/2005 - Peace and Goodwill Festival – Heffron Park) and Item 6.9 (Mayor's Minute 148/2005 – Waiving of Fees – Carols by Candlelight – Pioneer Park) due to he and his spouse being involved in providing free entertainment for these events.
- Item 8.3 (Director, City Services Report 142/2005 – Sydney Beach Volleyball Trials) as the manager of the proposed trials was known personally to him and his father when his father was running a Dance School at Bondi.
- Item 14.2 (Confidential General Manager's Report 61/2005 – Maroubra Beach Pavilion – Café & Kiosk – Lease Tender Evaluation – T036/05) as a member of local Chamber of Commerce and due to some of the tenderers being past clients.

Later in the meeting Councillor Daley declared a conflict of interest in Item 6.5 (Mayoral Minute 144/2005 - Options for reducing the Trading Hours of the Coogee Bay Hotel and Beach Palace Hotel) – see page 5 of these Minutes.

PRESENTATION

Council's Auditor (Mr N Mah Chut) addressed the meeting in relation to the audit of Council's 2004/2005 Financial Statements.

ORDER OF BUSINESS

- 452 **RESOLUTION:** *(Woodsmith/White) that the speakers in relation to Items 12.17 (Notice of Motion – Councillor Woodsmith – Flags for outside the Town Hall), 12.2 (Notice of Motion – Councillor White - Maroubra Beach Promenade) and 12.5 (Notice of Motion by Councillor White – Industrial Relations Law) be heard before the other registered speakers for the convenience of the speakers in question.*

MOTION: (Woodsmith/White) CARRIED – SEE RESOLUTION.

5. ADDRESSES TO THE COUNCIL BY THE PUBLIC.

Councillor Sullivan arrived at this point in the meeting (6.24pm).

1. Councillor D Wykanak, c/- Waverley Council, addressed the Council in relation to Item 12.17 (Notice of Motion by Councillor Woodsmith – Flags for outside the Town Hall).

2. Mr M Thistlewaite, Anzac Parade, Maroubra, addressed the Council in relation to Item 12.2 (Notice of Motion by Councillor White - Maroubra Beach Promenade) and Item 12.5 (Notice of Motion by Councillor White – Industrial Relations Law).
3. Ms R Wade, 4/138 Beach Street, Coogee, addressed the Council in relation to Item 6.5 (Mayor’s Minute 144/2005 – Options for reducing the Trading Hours of the Coogee Bay Hotel and Beach Palace Hotel).
4. Mr K Keady, 147 Brook Street, Randwick, addressed the Council in relation to Item 10.3 (Director, City Planning Report 85/2005 – 145 Brook Street, Coogee).
5. Mr N Ziade, 50 St Paul Street, Randwick, addressed the Council in relation to Item 10.3 (Director, City Planning Report 85/2005 – 145 Brook Street, Coogee).
6. Mr M Mountain, 6 Scott Street, Maroubra, addressed the Council in relation to Item 12.3 (Notice of Motion by Councillor Matson – Pavement implementation scheduling for Scott Street, Maroubra).
7. Mr P Cooper, Goorawahl Avenue, La Perouse, addressed the Council in relation to Item 12.4 (Notice of Motion by Councillor White – Little Congwong Beach)
8. Mr J Wing, 8 Dawes Street, Little Bay, addressed the Council in relation to Item 12.8 (Notice of Motion by Councillor Matson – Ecological Impact of the Common Indian Myna).

ADJOURNMENT

The meeting was adjourned at 7.05pm and was resumed at 7.55pm.

Cr Bastic arrived at the meeting at this point (7.55pm).

ORDER OF BUSINESS

- 453** *RESOLUTION: (Notley-Smith/Matson) that Items 10.2, 10.3, 12.3, 12.12, 6.5 and 6.17 be brought forward for immediate consideration (in the order mentioned).*

MOTION: (Notley-Smith/Matson) CARRIED – SEE RESOLUTION.

10.2 DIRECTOR, CITY PLANNING REPORT 84/2005 - 57 PARTANNA AVENUE, MATRAVILLE. (DA/111/2005)

- 454** *RESOLUTION: (Belleli/Notley-Smith) that Council’s original decision to impose condition No. 4 restricting the width of the proposed carport to 3.5m on Development Consent No. DA/111/2005 dated 24 March 2005 for the erection of a new front carport and rear awning at 57 Partanna Avenue, Matraville, be overturned and condition No. 4 be deleted.*

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

10.3 DIRECTOR, CITY PLANNING REPORT 85/2005 - 145 BROOK STREET, COOGEE. (D1187/2001)

- 455** *RESOLUTION: (White/Belleli) -*

- A. *That Council as the responsible authority grant its development consent under Section 96(2) of the Environmental Planning and Assessment Act 1979 (as amended) to modify Development Consent No 1187/01 to the approved development to extend the terrace at Level 4 to the southern side of the dwelling and replace solid wall cladding with glazing on the southern elevation of Level 4 at 145 Brook Street, Coogee, in the following manner:-*

Condition No.1 is altered to read as follows:

1. *The development must be implemented substantially in accordance with the plans comprising of 8 sheets, numbered 1/8 to 3/8, Issue E, dated 18 November 2002, and 4/8 to 8/8, Issue F, dated 2 December 2002 and received by Council on 3 December 2002, the application form and on any supporting information received with the application, as amended by:*
 - *the Section 96 'A' plans numbered Sheet 1 of 1, Issue A, undated and received by Council on 27 November 2003, and*
 - *the Section 96 'B' plans numbered Sheet 1 of 2 and 2 of 2, Issue A, undated and received by Council on 27 November 2003,*
 - *the Section 96 'C' plans numbered WD01, dated 10 December 2003; WD02, dated 8 December 2003; WD03, dated 10 December 2003; WD04, dated 12 December 2003; WD05, dated 8 December 2003; WD06, dated 8 December 2003; WD07, dated 12 December 2003; and WD08, dated 19 November 2003, all received by Council on 9 March 2005, and*
 - *the Section 96 'D' plans numbered WD 03 and WD 04 received by Council on 19 September 2005,*

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

Condition No.75 is added, to read as follows:

75. *The full length of the southern side of the new (extended) terrace area, shown on the plans numbered WD 03 and WD 04 received by Council on 19 September 2005, shall be fitted with a privacy screen that has a height of 1.5 metres and is constructed of obscure glazing. The glazing is to be of a type that prevents a clear line of sight through it but allows for maximum light transparency and is also to be minimally framed to a suitable structural standard.*

MOTION: (White/Belleli) CARRIED – SEE RESOLUTION.

Crs Matson & Woodsmith requested that their names be recorded as voting against the above resolution.

12.3 BY COUNCILLOR MATSON – PAVEMENT IMPLEMENTATION SCHEDULING FOR SCOTT STREET, MAROUBRA. (F2004/07364 XR F2005/00171)

456 RESOLUTION: (Matson/Belleli) -

1. *That the scheduled construction of a footpath in Scott Street, Maroubra be abandoned and the resources be utilised in the completion of the partially constructed footpath in Chicago Avenue, South Maroubra in the vicinity of house numbers 3, 5 and 7; and*

2. *That the next meeting of the Greening Randwick Committee be requested to advise on a procedure to avoid further clashes with concerned residents arising from the footpath construction program.*

MOTION: (Matson/Belleli) CARRIED – SEE RESOLUTION.

(Note: The Mayor exercised his CASTING VOTE in carrying the above motion).

AMENDMENT: (Andrews/Procopiadis) that the \$30,000.00 allocated to Scott Street be transferred to another South Ward street in the 2006/07 Footpath Maintenance Program.

LOST.

12.12 BY COUNCILLOR MATSON – END OF LIQUOR ADMINISTRATION BOARD. (F2004/07767 XR F2005/00171)

- 457 RESOLUTION: (Matson/Sullivan)** *that the General Manager write, as a matter of urgency, to the local Members of Parliament for Coogee, Heffron and Maroubra and the Minister for Gaming and Racing, urging that the expected rewriting of NSW liquor licensing legislation protect the present ability of resident groups to appeal to the Liquor Administration Board under Section 104 of the Liquor Act 1982.*

MOTION: (Matson/Sullivan) CARRIED – SEE RESOLUTION.

6.5 MAYOR'S MINUTE 144/2005 - OPTIONS FOR REDUCING THE TRADING HOURS OF THE COOGEE BAY HOTEL AND BEACH PALACE HOTEL. (F2004/07767)

At this point in the meeting, Councillor Daley declared a Conflict of Interest in Item 6.5 as the President of the Randwick Rugby Club and indicated that he would not take part in the debate or the vote on the matter. Councillor Daley left the Council Chamber during the debate and the vote on the matter.

- 458 RESOLUTION: (Tracey/Bastic):**

1. *That a Social Impact Assessment (in accordance with the methodology prescribed in the Liquor Act 1982) be undertaken by a suitably qualified and experienced consultant nominated by the General Manager.*
2. *That any further actions contained within Council's resolution Number 403, be held in abeyance pending the completion of the Social Impact Assessment and consideration of a subsequent report to Council.*

MOTION: (His Worship the Mayor, Cr Seng) that:

1. Council request the proprietors of the Coogee Bay Hotel and Beach Palace Hotel to carry out a comprehensive Social Impact Assessment (in accordance with the methodology prescribed in the Liquor Act 1982), by a suitably qualified and experienced consultant nominated by the General Manager, at the expense of the subject premises, and
2. Any further actions contained within Council's resolution Number 403, be held in abeyance pending the completion of the Social Impact Assessment and consideration

of a subsequent report to Council.

AMENDMENT: (Matson/Woodsmith) that in noting the requirements listed under Section 104 of the Liquor Act 1982, as the grounds for a complaint to the Liquor Administration Board, Council authorises the General Manager to recruit an independent external consultant to:

1. carry out surveillance of the Beach Palace, Coogee Bay Hotel and Randwick Rugby Club in reference to:
 - a. the manner in which the business of the licensed premises is conducted;
 - b. the behaviour of persons after they have left the licensed premises; and
 - c. the manner in which the business of the licensed premises is conducted and the behaviour of persons after they have left the licensed premises.
2. carry out the documentation and collation of these observations into a report that shall contain an assessment of whether grounds exist for Council to make a complaint under Section 104 of the Liquor Act 1982. **LOST.**

Crs Matson and Woodsmith rose and demanded a DIVISION. The division was taken and the voting was as follows:

FOR	AGAINST
Cr Belleli	Cr Andrews
Cr Matson	Cr Bastic
Cr Notley-Smith	Cr Kenny
Cr Woodsmith	Cr Nash
	Cr Procopiadis
	His Worship the Mayor, Cr Seng
	Cr Sullivan
	Cr Tracey
	Cr White

(Note: Councillor Daley, having declared a conflict of interest in the above matter, was not present in Chamber for the above division).

AMENDMENT: (Tracey/Bastic) CARRIED & BECAME THE MOTION. MOTION CARRIED – SEE RESOLUTION.

Councillor Daley returned to the meeting at this point (8.50pm).

6.17 MAYOR'S MINUTE 156/2005 – USER PAYS – SUPPLEMENTARY POLICING AT COOGEE AND PATROLS BY COUNCIL'S RANGERS. (F2004/07767)

459 RESOLUTION: (His Worship the Mayor, Cr Seng):

1. *That Council write to the Local Area Commander/NSW Police expressing its support and seeking approval of the provision of a 'User-pays' or 'Supplementary' Policing program in the Coogee area, on weekends, for a trial period of 12 weeks, as detailed in this Mayoral Minute;*

2. *That Council Rangers assist the Police with patrols in the Coogee area, as required, on weekends, up until 10.00pm;*
3. *That a report be provided to Council upon or before the conclusion of the trial period, which provides an evaluation of the outcomes of the program, for consideration; and*
4. *That Council write to the State Member for Coogee and the NSW Police Minister informing them of this resolution and seeking a guarantee that, under no circumstances, will the current Coogee Police numbers be reduced as a result of this trial.*

MOTION: (His Worship the Mayor, Cr Seng) CARRIED – SEE RESOLUTION.

6. MAYORAL MINUTES.

6.1 MAYOR'S MINUTE 140/2005 - USE OF TOWN HALL – RANDWICK & DISTRICT HISTORICAL SOCIETY. (F2004/07674)

460 RESOLUTION: (His Worship the Mayor, Cr Seng):

- a) *That Council agree to support the Randwick & District Historical Society Christmas function to be held in the Randwick Town Hall;*
- b) *That Council agree to waive the hiring costs for use of the Randwick Town Hall for the function;*
- c) *That Council vote \$300.00 from Council's 2005/06 Contingency budget to assist with caretaker costs associated with the function; and.*
- d) *That the Randwick and District Historical Society acknowledge Council's contribution towards this function.*

MOTION: (His Worship the Mayor, Cr Seng) CARRIED – SEE RESOLUTION.

6.2 MAYOR'S MINUTE 141/2005 - LIBRARY AND COMMUNITY BUS - WAIVING OF FEES. (F2004/06574)

461 RESOLUTION: (His Worship the Mayor, Cr Seng) that Councillor Procopiadis be nominated as the authorised driver of the bus for the Carol singing arranged by the Castellorizian Ladies Auxiliary on Friday 16 December (4.00pm – 10.00pm), Saturday 17 December (10.00am – 4.00pm) and Monday 19 December (10.00am – 5.00pm) and that fees totalling \$302.50 be waived on this occasion and be funded from the Contingency Fund for 2005/2006. The refundable deposit for the weekend use of \$250 is to be paid.

MOTION: (His Worship the Mayor, Cr Seng) CARRIED – SEE RESOLUTION.

6.3 MAYOR'S MINUTE 142/2005 - PEACE AND GOODWILL FESTIVAL - HEFFRON PARK. (F2004/07350)

462 RESOLUTION: (His Worship the Mayor, Cr Seng):

1. *That Council vote \$8,697.50 to cover the fees associated with the Pearce and*

Goodwill Festival to be held on 10 December, 2005, and that these funds be allocated from the 2005/06 Contingency Fund budget;

2. *That the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution, prior to and during the event (by Council Logo being prominently displayed on all promotional materials such as flyers, newspaper advertisements etc, Council being mentioned as sponsor in any radio advertisements, sponsorship acknowledged in all local press and publicity);*
3. *That the Mayor or the Mayor's representative be given the opportunity to address the event on behalf of Council; and*
4. *That in recognition of the significant funding provided by Council, the Benevolent Society be requested to provide both details of its own financial funding of the event and the financial contribution from the Stronger Families, Stronger Communities initiatives, and that this information be reported back to a future Council Meeting to allow for an assessment of Council's appropriate role in future events.*

MOTION: (His Worship the Mayor, Cr Seng) CARRIED – SEE RESOLUTION.

Crs Matson and Notley-Smith rose and demanded a DIVISION. The division was taken and the voting was as follows:

FOR	AGAINST
Cr Belleli	Cr Andrews
Cr Kenny	Cr Bastic
Cr Matson	Cr Procopiadis
Cr Nash	Cr Sullivan
Cr Notley-Smith	Cr Tracey
His Worship the Mayor, Cr Seng	Cr White
Cr Woodsmith	-

(Note: Cr Daley was not present at the meeting for the above division).

6.4 MAYOR'S MINUTE 143/2005 - WAIVING OF FEES - EPIPHANY CELEBRATION. (F2004/00784)

463 RESOLUTION: (His Worship the Mayor, Cr Seng):

1. *That Council vote \$3,017.40 to cover the fees associated with the event and funds be allocated from the Contingency Fund 2005/06;*
2. *That the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and*
3. *That the Mayor or the Mayor's representative shall be given the opportunity to address the event on behalf of Council.*

MOTION: (His Worship the Mayor, Cr Seng) CARRIED – SEE RESOLUTION.

6.5 MAYOR'S MINUTE 144/2005 - OPTIONS FOR REDUCING THE TRADING HOURS OF THE COOGEE BAY HOTEL AND BEACH PALACE HOTEL. (F2004/07767)

This item was dealt with earlier in the meeting – See Minute No. 458.

6.6 MAYOR'S MINUTE 145/2005 - WAIVING OF FEES - COOGEE SURF LIFE SAVING CLUB. (F2004/08286)

464 RESOLUTION: (*His Worship the Mayor, Cr Seng*):

1. *That Council vote \$1,856.90 to cover the fees associated with the Express Glass Island Challenge and funds be charged to the Contingency Fund 2005/06;*
2. *That the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and*
3. *That the Mayor or his representative be given the opportunity to address the event on behalf of Council.*

MOTION: (*His Worship the Mayor, Cr Seng*) CARRIED – SEE RESOLUTION.

6.7 MAYOR'S MINUTE 146/2005 - WAIVING OF FEES - 2ND PAUL TRAVINI CUP COMMUNITY CRICKET DAY. (F2004/06051)

465 RESOLUTION: (*His Worship the Mayor, Cr Seng*):

1. *That Council vote \$2,809.00 to cover the fees associated with the event and funds be allocated from the Contingency Fund 2005/06;*
2. *That the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and*
3. *That the Mayor or his representative shall be given the opportunity to address the event on behalf of Council.*

MOTION: (*His Worship the Mayor, Cr Seng*) CARRIED – SEE RESOLUTION.

6.8 MAYOR'S MINUTE 147/2005 - REQUEST FROM PROFESSOR PETER MURPHY TO SUPPORT UNSW'S SUSTAINABLE SCHOOLS AWARDS ON DECEMBER 5, 2005. (F2005/00104)

466 RESOLUTION: (*His Worship the Mayor, Cr Seng*):

1. *That Council support the Sustainable Living Awards conducted by UNSW to an amount of \$4,800.00;*
2. *That funding be provided from the environmental education component of the Sustaining our City program;*
3. *That the appropriate level of acknowledgment be provided to Randwick Council as the main supporter of the Awards; and*

4. *That staff from Sustaining our City work with the organisers of the Awards to maximise the exposure and benefits to Randwick City.*

MOTION: (His Worship the Mayor, Cr Seng) CARRIED – SEE RESOLUTION.

6.9 MAYOR'S MINUTE 148/2005 - "CAROLS BY CANDLELIGHT" AT PIONEER PARK, MALABAR - REQUEST FOR WAIVING OF FEES. (F2004/07731)

467 RESOLUTION: (His Worship the Mayor, Cr Seng):

1. *That Council vote \$2,879.55 to cover the fees associated with the "Carols By Candlelight" to be held on 17 December, 2005, and that these funds be allocated from the 2005/06 Contingency Fund budget;*
2. *That the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and*
3. *That the Mayor or the Mayor's representative be given the opportunity to address the event on behalf of Council.*

MOTION: (His Worship the Mayor, Cr Seng) CARRIED – SEE RESOLUTION.

Crs Andrews and Notley-Smith left the Chamber at 9.25pm.

6.10 MAYOR'S MINUTE 149/2005 - WAIVING OF FEES - COOGEE SURF LIFE SAVING CLUB - ANNUAL OPEN CARNIVAL. (F2004/08286)

468 RESOLUTION: (His Worship the Mayor, Cr Seng):

1. *That Council vote \$2,196.90 to cover the fees associated with the holding of the Coogee Open Surf Carnival that was held on Saturday 4th February, 2006, and that the funds be allocated from the Councillors' Contingency fund;*
2. *That the organiser of the Annual Carnival undertake to appropriately and prominently acknowledge and promote Council's contribution to the Carnival; and*
3. *That the Mayor or his representative shall be given the opportunity to address the event on behalf of Council.*

MOTION: (His Worship the Mayor, Cr Seng) CARRIED – SEE RESOLUTION.

6.11 MAYOR'S MINUTE 150/2005 - WAIVING OF FEES - RANDWICK CITY TOURISM VIDEO FOR VISITORS. (F2005/00797 xr F2004/07099)

469 RESOLUTION: (His Worship the Mayor, Cr Seng):

- a) *That Council vote the sum of \$2,838.00 to cover the fees associated with the filming of the visitor DVD and funds be allocated from the Contingency Fund in the 2005/06 budget;*

- b) *That Randwick City Tourism Inc. undertake to appropriately acknowledge Council's contribution in the credits of the film; and*
- c) *That three (3) copies of the finalised DVD be provided to Council's libraries.*

MOTION: (His Worship the Mayor, Cr Seng) CARRIED – SEE RESOLUTION.

Councillors Matson and Woodsmith requested that their names be recorded as voting against the above resolution.

6.12 MAYOR'S MINUTE 151/2005 - RANDWICK SHIELD AT MAROUBRA BEACH - WAIVING OF FEES. (F2004/08302)

470 RESOLUTION: (His Worship the Mayor, Cr Seng):

- 1) *That Council vote \$741.30 to cover the fees associated with the Randwick Shield to be held at Maroubra Beach on 30 November, 2005, from 8.30am to 11am and funds be allocated from the Contingency Fund;*
- 2) *That the event organisers undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and*
- 3) *That the Mayor's representative shall be given the opportunity to address the event on behalf of Council.*

MOTION: (His Worship the Mayor, Cr Seng) CARRIED – SEE RESOLUTION.

Crs Andrews and Notley-Smith returned to the Chamber at 9.29pm.

6.13 MAYOR'S MINUTE 152/2005 – REQUEST FOR WAIVING OF DISPOSAL OF GREEN WASTE FEES FOR THE GURIWAL ABORIGINAL COMMUNITY AT LA PEROUSE. (F2004/07265)

471 RESOLUTION: (His Worship the Mayor, Cr Seng) that Council supports the Guriwal Aboriginal Community at La Perouse by waiving the fees for disposal of green waste and the cost, in the vicinity of \$6,500.00 per annum, be funded from the Councillors' Contingency Fund.

MOTION: (His Worship the Mayor, Cr Seng) CARRIED – SEE RESOLUTION.

6.14 MAYOR'S MINUTE 153/2005 – RANDWICK CITY – “THE SPORTS COAST”. (F2005/00797)

472 RESOLUTION: (His Worship the Mayor, Cr Seng) –

- 1. *That Council advise Randwick City Tourism Inc. that it accepts its invitation to partner it in identifying Randwick City as “The Sports Coast”; and*
- 2. *That Council recommends that the theme (“The Sports Coast”) be incorporated in the theme of the City Tourism Video for visitors.*

MOTION: (His Worship the Mayor, Cr Seng) CARRIED – SEE RESOLUTION.

AMENDMENT: (Matson/Nil) that this matter be deferred to enable further consideration of the details and ramifications of the theme. **AMENDMENT LAPSED** for the want of a seconder.

6.15 MAYOR'S MINUTE 154/2005 – TRAINING - NEW COUNCILLORS. (F2004/06578)

473 RESOLUTION: (His Worship the Mayor, Cr Seng) -

1. *That a training program for new Councillors be developed by the General Manager and be promoted to all candidates prior to the next local government election;*
2. *That the obligation for all new Councillors to complete this program will be incorporated into the Councillors' Code of Conduct;*
3. *That Randwick City Council will lobby the Minister for Local Government to introduce legislation for mandatory training and assessment; and*
4. *That Randwick City Council will consult with the LGSA with the intention of developing an accredited program for Councillors.*

MOTION: (His Worship the Mayor, Cr Seng) CARRIED – SEE RESOLUTION.

6.16 MAYOR'S MINUTE 155/2005 – CLOVELLY BLUE GROPER. (F2005/00036)

474 RESOLUTION: (His Worship the Mayor, Cr Seng) -

1. That Council condemn the taking of Groper and spear-fishing in Clovelly Bay and Gordons Bay;
2. That Council offer a reward of \$1,000 to the key member of our community whose information leads to a successful prosecution in the future;
3. That Council vote \$1,000 to cover the reward and that these funds be allocated from the General Purpose budget as required; and
4. That Cr Matson be authorised to discuss the proposal to broaden the current prohibitions in Clovelly Bay with the Clovelly Precinct Committee.

MOTION: (His Worship the Mayor, Cr Seng) CARRIED – SEE RESOLUTION.

AMENDMENT: (Tracey/Sullivan) – That Council ask the State Government to ban all fishing in the Clovelly Bay area. **LOST.**

Cr Bastic left the Chamber at 9.38pm.

6.17 MAYOR'S MINUTE 156/2005 – USER PAYS – SUPPLEMENTARY POLICING AT COOGEE AND PATROLS BY COUNCIL'S RANGERS. (F2004/07767)

This matter was considered earlier in the meeting – See Minute No 459.

7. GENERAL MANAGERS' REPORTS.

7.1 GENERAL MANAGER'S REPORT 55/2005 - SEPT 2005 QUARTER REVIEW - 2005-08 MANAGEMENT PLAN. (F2005/00378)

475 RESOLUTION: *(Andrews/Sullivan) that the information contained in the September 2005 Quarterly Progress Report – 2005/08 Management Plan be received and noted.*

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

7.2 GENERAL MANAGER'S REPORT 56/2005 - 2004-05 ANNUAL REPORT. (F2005/00388)

476 RESOLUTION: *(Notley-Smith/Belleli) that the 2004-05 Annual Report be received and noted.*

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

7.3 GENERAL MANAGER'S REPORT 57/2005 - AFFIXING OF COUNCIL SEAL. (F2004/06336, F2004/06862)

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

1. *Lela Radojkovic (T/As Billingsgate Fish Café) in relation to a licence for the purpose of outdoor dining at 36-40 St Pauls Street, Randwick.*
2. *Anastasia & Jeremy Charles Lavis (T/As The Globe Café) in relation to a licence for the purpose of outdoor dining at 203 Coogee Bay Road, Coogee.*
3. *Surfing New South Wales in relation to a licence for Part of Crown Reserve No. D500382 known as Arthur Byrne Reserve Trust, more particularly described as comprising part of Level 1 & the garage located on the ground floor of Maroubra Beach Pavilion building, situated at 3R Marine Parade, Maroubra Beach.*
4. *Coogee Croquet Club Inc in relation to a licence for part of Bardon Park (Reserve Number R89182) comprised of Lots 2 and 3 in Section 25 in the Deposited Plan Number 758272, more particularly described as the Coogee Croquet Club house & grounds.*
5. *Maroubra Diggers Winter Weakies Swimming Club Incorporated in relation to two licences for part of Lots 1211, 7026-7027 DP 752015 more particularly known as the Des Renford Aquatic Centre Club room.*
6. *Learning Links (an Australian Public Company Limited by Guarantee) in relation to a commercial lease for Lot 1, DP 706975 more particularly described as Suite 1/20 Silver Street, Randwick.*
7. *Mr Leopold Feld in relation to a 'Withdrawal of Caveat' form to remove caveat number 'K976807' from the title of property at 10 Hargraves Place, Maroubra (Folio Identifier: 313/231907). This caveat placed a restriction on the re-sale of the said property within a period of three (3) years from the date of its acquisition by the current registered proprietors, Mr Leopold Abraham Feld.*
8. *The Department of Lands, Land & Property Information Division for notification of dedication under the Housing Act 1976 Section 15 (3) & (4) for Lot 218 DP 815807.*
9. *Yair Aviad (T/As ChocolArt Café) in relation to a licence for the purpose of outdoor dining at 56 Belmore Road, Randwick.*

MOTION: (Andrews/Belleli) CARRIED – SEE RESOLUTION.

7.4 GENERAL MANAGER'S REPORT 58/2005 - AFFIXING OF THE COUNCIL SEAL. (F2004/06107)

478 RESOLUTION: (Matson/Belleli) *that authority be granted for the Council's Common Seal to be affixed to the agreements between Council and –*

Jeratha Pty Ltd, Anthony Alexandrou, Maria Alexandrou, Francine Alexandrou, Paul Alexandrou, Christopher Alexandrou, Sutter Holdings Pty Ltd, and Treetrove Investments Pty Ltd in relation to a licence for the elevated platform, stairs and ramp located on the public footway along the Anzac Parade frontage of Lot 1 DP 1082481, also known as 159-171 Anzac Parade, Kensington.

MOTION: (Matson/Belleli) CARRIED – SEE RESOLUTION.

7.5 GENERAL MANAGER'S REPORT 59/2005 - COOGEE CAROLS SPONSORSHIP. (F2004/07731)

479 RESOLUTION: (Andrews/White) *that Council:*

- 1. Note the planned program for the 2005 Coogee Carols Event; and*
- 2. Endorse the sponsorship opportunity proposed by the Palace Group for the 2005 Coogee Carols Event.*

MOTION: (Matson/Woodsmith) *that the sponsorship opportunity proposed by the Palace Group for the 2005 Coogee Carols Event be declined, that alcohol not be sold at the event and Council fund the event on behalf of the community. LOST.*

MOTION: (Andrews/White) CARRIED – SEE RESOLUTION.

AMENDMENT: (Belleli /Nil) *that the Palace Group be requested to sponsor the event without the sale of alcohol and that, if a negative response is received, Council decline the sponsorship and make up the financial short-fall. The AMENDMENT LAPSED for the want of a seconder.*

8. DIRECTOR, CITY SERVICES' REPORTS.

8.1 DIRECTOR, CITY SERVICES' REPORT 140/2005 - LA PEROUSE TOILET BLOCK. (F2004/06044)

480 RESOLUTION: (Belleli/Notley-Smith) -

- 1. That the report be received and noted.*
- 2. That should Council wish to replace the toilet block in a different location, it be moved to the back of the bus shelter in La Perouse, where a sewer already exists.*

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

8.2 DIRECTOR, CITY SERVICES' REPORT 141/2005 - CHRISTMAS AND NEW YEAR ALCOHOL MANAGEMENT STRATEGY ON COOGEE BEACH. (F2005/00515)

481 RESOLUTION: *(Notley-Smith/Matson)* that the report be received and noted.

MOTION: *(Notley-Smith/Matson)* **CARRIED – SEE RESOLUTION.**

8.3 DIRECTOR, CITY SERVICES' REPORT 142/2005 - SYDNEY BEACH VOLLEYBALL TRIALS. (F2004/07550)

482 RESOLUTION: *(Andrews/White)* -

1. *That Council permit the Yarra Bay Sailing Club and Total Beach Volleyball Pty Ltd to conduct six month trials at Yarra Bay beach and Maroubra Beach respectively;*
2. *That at the conclusion of the six month trial a further report be submitted to Council outlining the benefits and impacts associated with the activity;*
3. *That the report recommend whether expressions of interest should be called for the establishment of a seasonal presence at one or more of the City's beaches; and*
4. *That the General Manager be authorised to negotiate appropriate conditions of use and fees for the trial period.*

MOTION: *(Matson/Notley-Smith)* -

1. That the General Manager write to Total Beach Volleyball Pty Ltd informing them that a decision on their proposal for beach volley ball at South Maroubra Beach will be deferred until next year.
2. That Total Beach Volley Ball Pty Ltd's proposal for beach volley ball at South Maroubra Beach be put on public exhibition for a period of 28 days commencing in early February and the company be required to make a presentation to the Maroubra Beach Precinct Committee.
3. That the General Manager write to the Yarra Bay Sailing Club informing them that a decision on their proposal for beach volley ball at Yarra Bay will be deferred until next year and requesting more details from them including:
 - a. The role of Total Beach Volley Ball Pty Ltd in the proposal; and
 - b. The anticipated benefit to the local community flowing from the proposal including the long-term viability of the Club.
4. That the Yarra Bay Sailing Club proposal for beach volley ball at Yarra Bay be put on public exhibition for a period of 28 days commencing in early February and the Sailing Club be required to make a presentation to the La Perouse Precinct Committee.
5. That the General Manager report back to the December 2005 Council Meeting on any replies received from Total Beach Volley Ball Pty Ltd and the Yarra Bay Sailing Club. **LOST.**

Crs Matson and Woodsmith rose and demanded a DIVISION. The division was taken and the voting was as follows:

FOR	AGAINST
Councillor Matson	Councillor Andrews
Councillor Woodsmith	Councillor Belleli
	Councillor Kenny
	Councillor Nash
	Councillor Notley-Smith
	Councillor Procopiadis
	Councillor Seng
	Councillor Sullivan
	Councillor Tracey
	Councillor White

(Note: Crs Bastic and Daley were not present at the meeting for the above division).

MOTION: (Andrews/White) CARRIED – SEE RESOLUTION.

8.4 DIRECTOR, CITY SERVICES' REPORT 143/2005 - UV INDICATOR PROJECT. (F2004/06574)

483 RESOLUTION: *(Sullivan/Matson) that Council resolve not to trial the S2i Communications UV filter at Coogee Beach or any other location within the Randwick LGA.*

MOTION: (Sullivan/Matson) CARRIED – SEE RESOLUTION.

8.5 DIRECTOR, CITY SERVICES' REPORT 144/2005 - STREETSCAPE IMPROVEMENTS - AVOCA STREET FROM BELMORE ROAD TO COWPER STREET, RANDWICK AND ALISON ROAD FROM THE AVENUE TO APPROXIMATELY LINGARD AVENUE. (F2004/07239)

484 RESOLUTION: *(Notley-Smith/Sullivan) that funding be considered in the 2006-07 draft budget for the engagement of specialist consultants to undertake design work for the upgrade of the Avoca Street/Alison Road area.*

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

9. DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORTS.

9.1 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 45/2005 - PROPOSED WARD BOUNDARY ALTERATIONS. (F2004/06561)

485 RESOLUTION: *(Sullivan/Woodsmith)*

(a) That Council adopt the proposed ward boundary alterations as detailed in the independent consultant's report and shown on the ward boundary plans to enable consultations with the Electoral Commissioner and the Australian Statistician, and public exhibition of the proposal to proceed;

(b) That following consultation with, and the concurrence of the Electoral

Commissioner and the Australian Statistician to the ward alterations, the General Manager be and is hereby delegated authority to:-

- (i) place on public exhibition a plan (the ward boundary plan) showing the alteration to ward boundaries, together with the description of the areas to transfer between wards, as detailed in the consultant's report, and that such plan remain on exhibition for a period of 28 days;*
- (ii) give public notice in the Sydney metropolitan newspapers, and in newspapers circulating in the Randwick City Council area:-*
 - of the place where the ward boundary plan may be inspected;*
 - advising that the ward boundary plan will be on exhibition for a period of 28 days from the date of such notice;*
 - advising that written submissions regarding the ward boundary plan may be made for a period of 42 days from the date on which the ward boundary plan is placed on public exhibition;*
- (c) That following closure of the period for written submissions as detailed above, a further report be submitted to Council addressing the subject of any submissions made, and to enable Council to formally adopt the ward boundaries; and*
- (d) That after formal adoption by Council of the new ward boundaries, a metes and bounds description of the ward boundaries be published in the Government Gazette, and the Electoral Commissioner and the Australian Statistician be advised of the revised ward boundaries.*

MOTION: (Sullivan/Woodsmith) CARRIED – SEE RESOLUTION.

9.2 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 46/2005 - 2005/06 BUDGET - REVIEW AS AT 30 SEPTEMBER 2005. (F2004/08433)

486 RESOLUTION: (Nash/Belleli) -

- 1. That the report in relation to the September 2005 budget review be received and noted; and*
- 2. That the proposed September 2005 budget variations shown in the attachment to this report be adopted.*

MOTION: (Nash/Belleli) CARRIED – SEE RESOLUTION.

9.3 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 47/2005 - PRESENTATION - FINANCIAL REPORTS - YEAR ENDED 30 JUNE, 2005. (F2004/06524)

487 RESOLUTION: (Andrews/Woodsmith) that the Director, Governance & Financial Services' Report on the presentation of Financial Reports for the year ended 30th June, 2005 be received and noted.

MOTION: (Andrews/Woodsmith) CARRIED – SEE RESOLUTION.

Cr Bastic returned to the Chamber at 10.21pm.

9.4 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 48/2005 - REVIEW OF CODE OF MEETING PRACTICE. (F2004/06570)

488 RESOLUTION: (Matson/Woodsmith) -

(a) *That the amended Code of Meeting Practice (as distributed) be placed on public exhibition in accordance with Section 361 of the Local Government Act, subject to the following amendments:*

1. *The cross-references clauses being checked and amended as appropriate.*
2. *The changes proposed to Clauses 7(2) and 7(6) being deleted - as Clause 9(2) of the Local Government Act 1993 requires both the "agenda and associated business papers" to be available.*
3. *Sub-Clause (a) in Clause 9(1) being reinstated - as it is required by Clause 240 of the Regulations.*
4. *Clauses 11(1) and 30(4) being deleted – on the basis of legal advice received.*
5. *Clause 43(10) being amended to read as follows –*

“A Councillor may only withdraw his/her signature from a Notice of Motion to Rescind with the consent (in writing) of the other signatories (so as to give the other Councillors an opportunity to obtain another signatory to the rescission motion if necessary). If as a result of a signature being validly withdrawn, the notice of motion to rescind is left with less than three (3) valid signatures, the motion lapses and the matter the subject of the motion will be actioned by the General Manager.”

6. *The words “or their representative” being added after the words “any person” in Clauses 25(a) and 25(c).*
7. *Clause 25(a)(ii) being deleted – which will allow professional representatives to address Council and Committee Meetings.*
8. *Clause 25(c)(iii) being amended as follows:*

*“Applications to speak at any Committee, Ordinary or Extraordinary Meeting of Council, on matters which have been the subject of addresses in the previous three months and are substantially the same matter (including rescission motions) will not be permitted except at the discretion of the **Chairperson**.”*

9. *The acknowledgement of the local indigenous people in Clause 24 being deleted to enable the wording to be referred to the Aboriginal Liaison Committee to consult with the Aboriginal Elders throughout the Randwick City area.*
10. *A new clause to be added to Clause 43 as follows:*

“The General Manager shall notify all Councillors (by telephone, facsimile or e-mail) within 24 hours of the receipt by the General Manager of a valid rescission motion.”

11. *Clause 49(5) and 51(1)(a) of the existing Code (and the current Committee Meeting structure) being retained.*

12. *The changes proposed to Clause 20 being deleted – Councillors will continue to stand to speak at Council Meetings.*

b) *That this matter be reported back to Council at the close of the public exhibition period.*

MOTION: (Matson/Woodsmith) CARRIED – SEE RESOLUTION.

9.5 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 49/2005 - EARLY CLOSING - CHRISTMAS/NEW YEAR 2005. (F2004/06893)

489 RESOLUTION: (Matson/Notley-Smith) that the following arrangements for the 2005 Christmas/New Year period be noted:

- *Friday 23 December 2005 – Council offices to close at 12 midday.*
- *Friday 30 December 2005 – Council offices to close at 3.00pm.*

MOTION: (Matson/Notley-Smith) CARRIED – SEE RESOLUTION.

Cr Bastic left the Chamber at 10.30pm.

9.6 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 50/2005 - ARRANGEMENTS DURING CHRISTMAS/NEW YEAR PERIOD FOR DECISION MAKING & SCHEDULE OF MEETINGS FOR 2006. (F2005/06565)

490 RESOLUTION: (Andrews/Belleli) –

- a) *That the Council Meeting recess commence following the Ordinary meeting scheduled to be held on Tuesday 13 December 2005 and meetings be resumed on Tuesday 14 February 2006 (with Committee meetings being held on that night) and during the recess period Policy No. 1.01.11 (“Council in Recess – Procedure – The Mayor, the General Manager and the relevant Chairperson of either the Health, Building & Planning Committee or the Administration & Finance Committee or the Community Services Committee or the Works Committee, or in his or her absence (or if the Mayor is Chairperson of the Committee) the relevant Deputy Chairperson, jointly be authorised to make decisions which would otherwise be made by the Council or Committees and any such decisions are to be unanimous and circulated to Councillors for their information.”) be utilised, subject to the need for any Extraordinary Meetings which may be called in extenuating circumstances; and*
- b) *That the Meeting Schedule for the 2006 calendar year be adopted.*

MOTION: (Andrews/Belleli) CARRIED – SEE RESOLUTION.

10. DIRECTOR, CITY PLANNING REPORTS.

10.1 DIRECTOR, CITY PLANNING REPORT 83/2005 - 12-32 PINE AVENUE, LITTLE BAY (FORMERLY KNOWN AS 1430 ANZAC PARADE, LITTLE BAY) (D/0004/2005)

491 RESOLUTION: (Andrews/Belleli) -

- A. *THAT Council as the responsible authority grant its development consent as a Deferred Commencement under Section 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No D/0004/2005 for the erection of a 4 level multi-unit development comprising of 70 self-care apartments including basement carparking for 92 resident vehicles at 12-32 Pine Avenue, Little Bay subject to the following conditions:-*

Deferred Commencement Conditions

The consent shall not operate until the following amendments and details have been submitted to and approved by the Director of City Planning:

- 1. An amended basement and ground floor plan showing the proposed revised location of the pipelines AND easements burdening the site. No portion of the development should encroach over any drainage easements.*
- 2. Calculations and written confirmation from Connell Wagner that the realigned pipeline will not adversely affect the hydraulics of the surrounding drainage system.*
- 3. A written statement from Landcom and the certifying authority for the drainage works (Development Engineering and Management Solutions) confirming that they do not object to the proposed pipe relocation.*

Subject to compliance with the deferred commencement conditions, to the satisfaction of the Director Planning and Environment, development consent is granted under Section 80 & 80A of the Environmental Planning and Assessment Act 1979 subject to the following conditions:

REFERENCED PLANS:

- 1. The development must be implemented substantially in accordance with the plans numbered A-L18-1004(1) dated 4 July 2005 and stamped received by Council 25 July 2005, L18-A04-D, L18-A05-C, L18-A06-C, L18-A07-C, L18-A08-B, L18-A09-B, L18-A10-D, L18-A14-B, dated 17 December 2004 and stamped received by Council on 5 January 2005, SK-C-320 stamped received by Council on 25 July 2005, and A4-01-A and A4-02-A (Revision : B) dated 4 May 2005 and stamped received by Council on 25 July 2005, the application form, and on any supporting information received with the application, except as may be amended by the following conditions and the details approved pursuant to the deferred commencement 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 of the new building are to be consistent with that indicated in the sample board accompanying the subject development application and received by Council on 5 January 2005.*
3. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*
4. *The reflectivity index of glass used in the external façade of the development must not exceed 20 percent.*
5. *Lighting to the premises shall be designed so as not to cause a nuisance to nearby residents or motorists and to ensure that light overspill does not affect the amenity of the area.*
6. *The area of cut associated with the partial demolition/cutting back of the existing brick wall in the north-eastern section of the subject site shall be stabilised in accordance with the advice contained in the letter from Bangalay Botanical Surveys dated 6 October 2005 in order to ensure that the existing sand-dune extending through Lots 27 and 31 remains intact and to minimise adverse effects upon the southern extent of the existing Eastern Suburbs Banksia Scrub in this area.*
7. *The existing brick retaining wall located in the north-eastern section of the subject site and along the southern aspect of the existing Eastern Suburbs Banksia Scrub stand in the adjoining Lot 27 shall be repaired in accordance with the advice contained in the letter from Bangalay Botanical Surveys dated 6 October 2005 in order to minimise adverse effects upon the southern extent of the existing Eastern Suburbs Banksia Scrub in this area.*

The following condition/s are applied to satisfy the increased demand for public amenities and public services:

8. *In accordance with Council's Section 94 Contributions Plan effective from 2 September 1999, the following monetary contribution is to be paid to Council.*
 - a) *for open space* \$35,259.94
 - b) *for community facilities* \$15,590.36

*The contribution must be paid in cash or by bank cheque **prior to a construction certificate being issued** for the proposed development, together with payment of the required **Section 94 Administration Fee of \$425.00**. Council's Section 94 Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.*

The following conditions are imposed to ensure the proposal meets accessibility standards:

9. *The development is to comply with all recommendations of the Access Review Report prepared by Morris Goding Accessibility Consulting dated 21 December 2004.*

Details are to be submitted with the Construction Certificate plans.

The following conditions are applied to meet the requirements of the Heritage Council of NSW:

Further Information

10. *The following further information is to be submitted to Director of the Heritage Office to be approved prior to the release of the construction certificate:*
 - a) *A schedule of the proposed external colours and finishes which is to ensure the building respects the significant Pine Avenue setting and nearby heritage buildings. The palette of external colours and finishes should be contemporary but muted, including light to mid-tone neutral colours, for example, sand and stone colours, soft browns, grey-greens and greys. Highly reflective metallic materials should be avoided and large areas of glass should be shaded to prevent reflectivity;*
 - b) *As the proposed entry ramps, stairs and porches, porte-cochere and driveway breach the DCP setback to Pine Avenue and will impinge of the open landscape of the Pine Avenue setback, it is preferred that they are deleted or redesigned to reduce their impact and prevent the removal of any significant infrastructure including the sandstone kerbs. If redesigned, the entry ramps, stairs and porches, porte-cochere are to appear as landscape structures and be more lightweight and transparent to lessen their visual impact on the open landscape setting of the Pine Avenue setback and their retention is to be justified in terms of their benefit to the proposal and the heritage impact.*
 - c) *Details of the species, eventual height and canopy spread of the proposed trees to be located in the view corridor on the alignment of the Coral Avenue to ensure that an unobstructed clear view is retained at eye level;*
 - d) *An engineer's assessment on the immediate and long-term impact of the proposed underground carpark on the former Matron Dickson Building and a construction methodology to prevent the construction of the proposed underground carpark affecting the former Matron Dickson building; and*
 - e) *Written confirmation that seed stock indigenous to the site and/or locality (the Prince Henry site, being weed affected, may not be able to provide sufficient stock) is to be used to generate the proposed new landscaping.*

Aboriginal Archaeology

11. *Should Aboriginal objects be found, the Department of Environment and Conservation (DEC) is to be informed (as required by the provisions of the NSW National Parks and Wildlife Act 1974). Subject to an assessment of the extent, integrity and significance of any exposed objects, applications under either Section 87 or Section 90 of the National Parks and Wildlife Act may be required before work could resume.*
12. *Prior to the commencement of the proposed works, all contractors and relevant personnel involved are to be made aware of the existence of Aboriginal archaeological remains at the Prince Henry site through an induction process, and of the possibility that more as yet undiscovered Aboriginal cultural material may exist there.*
13. *Site contractors are to be advised of their obligations under the National Parks and Wildlife Act 1974 and notification procedures in the event that any Aboriginal cultural material is disturbed or exposed during site works.*
14. *Information is to be included in construction documents so site contractors are advised of their obligations under the National Parks and Wildlife Act 1974 and notification*

procedures in the event that any Aboriginal cultural material is disturbed or exposed during site works.

Historical Archaeology

15. *Prior to the commencement of any subsurface disturbance (excavation), all those involved are to be made aware by way of the potential for historical archaeological relics to survive within the area. This is to be done through a site induction, which also notifies all involved of their obligations under the Heritage Act 1977 (NSW).*
16. *In the event that historical archaeological remains or deposits are exposed during the works, the excavation work shall cease immediately and an evaluation of their potential extent and significance should be undertaken and the Heritage Council of NSW notified under the requirements of the Heritage Act.*

Landscape

17. *The demolition of the brick retaining wall for the north wing of the proposed development shall be minimised. The retaining wall shall be meaningfully integrated and interpreted within the proposed landscape.*
18. *Disturbance to existing indigenous vegetation and subsurface deposits should be limited by appropriate protection measures and all efforts should be made to define a specific development impact footprint that should be adhered to throughout the course of the site works;*

Interpretation

19. *Site specific interpretation (proposed themes and media), proposed way signage and street furniture at the SLSCU site are to be in accordance with the Prince Henry site Interpretation Strategy dated November 2004 prepared by Musecape and submitted to Randwick City Council to be approved prior to the release of the construction certificate. The site specific interpretation should present information about the former buildings and uses on the subject site.*

Works

20. *Significant built and landscape elements, features and fragile materials are to be adequately protected during the works from potential damage. Protection systems must ensure historic fabric is not damaged or removed. Significant fabric in the vicinity of the development and wherever construction vehicles are used are to be protected during excavation and construction work. A methodology describing the protection of significant built and landscape elements during the work is to be prepared in consultation with and to the approval of the nominated heritage consultant. The methodology is to be included in a Master Program and Site Co-ordination Plan (or Work Plan) and submitted to Randwick Council for approval with the Construction Certificate;*
21. *The installation of services shall be carried out in such a manner as to minimise damage to or removal of historic built and landscape fabric and shall not obscure historic features. Service runs should be grouped and concealed within the new work. Proposed service reticulation is to minimise any crossings and interface with retained significant fabric; and*

S60 application

22. *An application under section 60 of the NSW Heritage Act is to be submitted and approved by the NSW Heritage Council prior to work commencing.*

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

23. *The applicant shall:*
- a. *Remove any redundant sections of concrete vehicular crossing and layback and reinstate the area with concrete footpath, turf and integral kerb and gutter; and*
 - b. *Construct a heavy-duty concrete vehicular crossing and layback at the kerb opposite the proposed vehicular entrance to the site in Pavilion Drive (EX1).*

All civil works are to be in accordance with Australian Standard specifications for driveways, and in general accordance with Randwick City Council's 'Standard Kerb and Gutter and Vehicular Crossing Detail' (Drawing SD4).

24. *All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.50m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines.*
25. *The internal driveway must be a minimum 6 metres wide (clear width) for the first 6 metres inside the property boundary, in accordance with AS 2890.1 (2004). Should the driveway narrow after this point it is then to be designed with a minimum 1.5m x 1.5m splay to allow the passing to work.*

Alignment Level Conditions

The following conditions are applied to provide adequate provisions for future civil works in the road reserve:

26. *The Council's Development Engineer has inspected the above site and has determined that the design alignment level (concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, shall match the back of the approved footpath levels along the site frontage in both Pine Avenue and Pavilion Drive (EX1).*

Any enquiries regarding this matter should be directed to Council's Development Engineer on 9399 0923.

27. *The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the footpath must be indicated on the building plans for the construction certificate.*
28. *The top of footings of any structures constructed on the boundary alignment must be at least 150mm below the alignment level as specified for the vehicular access.*

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

29. *A public utility impact assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.*
30. *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*
31. *Documentary evidence from the relevant public utility authorities confirming that their requirements have been satisfied, must be submitted to the certifying authority prior to a construction certificate being issued for the development.*
32. *The applicant shall liaise directly with Sydney Water regarding the proposal to realign the sewer line to facilitate the proposed basement construction. The applicant shall comply with any requirements from Sydney Water regarding the proposed sewer relocation.*
33. *Any electricity substation required for the site as a consequence of this development shall be located within the site and shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications. The applicant must liaise with Energy Australia prior to lodging the construction certificate to determine whether or not an electricity substation is required for the development.*
34. *A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.*

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the website www.sydneywater.com.au then refer to "Water Servicing Coordinator" under Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure 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 the construction certificate being issued.

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:

35. *Engineering calculations and plans with levels reduced to Australian Height Datum in*

relation to site drainage (for Lot 31) shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:

- a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or the accredited certifier, 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., dimensions and types of all drainage pipes and the connection into the underground drainage system in Pine Avenue.*
 - c) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year storm) to the proposed drainage system.*
 - d) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
 - i. Roof areas*
 - ii. Paved areas*
 - iii. Grassed areas*
 - iv. Garden areas**
 - e) Where buildings abut 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 of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.*
 - 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.*
- 36. All stormwater run-off naturally draining to Lot 31 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.*
- 37. All stormwater leaving Lot 31 must be discharged to the new storage pond (located adjacent to Fairway 7 within the Coast golf course), via the street drainage system in Pine Avenue. The stormwater shall be discharged directly to the underground drainage system in accordance with the Prince Henry drainage strategy prepared by Connell Wagner.*
- 38. Any Infiltration systems/Absorption Trenches must be designed in accordance with "Section 8.5 ABSORPTION TRENCHES" as stipulated in Randwick City Council's Private Stormwater Code.*

39. *A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.*
40. *Should a pump system be required to drain any portion of the site the system 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.

41. *A sediment/silt arrester pit must be provided:-*
- a. within the site at or near the street boundary prior to the site stormwater discharging by gravity to the street drainage system; and*
 - b. prior to stormwater discharging into any absorption/infiltration system.*

The sediment/silt arrester pit 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.*
- 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.

42. *A minimum of three covered car washing bays shall be provided for this development.*

- a) *The car washing bays must be drained to sewer to the requirements of Sydney Water and proof of compliance is to be submitted to the certifying authority, prior to a construction certificate being issued for the proposed development.*
 - b) *The car washing bays must be located outside any required/approved stormwater detention system.*
 - c) *The car washing bays must be signposted with 'Exclusive Carwash Bay Use Sat 2:00pm – 5:00pm and Sunday 10:00am – 2:00pm, Visitor parking at other times'*
 - d) *The car washing bays must be constructed with a minimum 20mm bund around the perimeter of the car washing bays (or equivalent)*
 - e) *A water tap shall be located adjacent to the car washing bays.*
43. *Prior to the issuing of an occupation certificate, the applicant shall submit to Council 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 be to the satisfaction of the Principal Certifying Authority (PCA) and shall include the following details:*
- a. *Finished site contours at 0.2 metre intervals (over Lot 31);*
 - b. *The location, diameter, gradient and material (i.e PVC, RC etc) of all stormwater pipes;*
 - c. *Details of any infiltration/absorption systems; and*
 - d. *Details of any pumping systems installed (including wet well volumes).*
44. *Prior to the issuing of an occupation certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council 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. The certification must be provided following inspection/s of the site stormwater drainage system by the certifying engineers and shall be provided to the satisfaction of the PCA.*
45. *Should significant continual seepage flows be encountered within the depth of the basement excavation, the basement carpark shall be suitably tanked and waterproofed. 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.*

Notes:-

- a) *Adequate provision is to be made for the seepage water to drain around the basement carpark (to ensure that the basement 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:

- 46. *Wastes shall be managed in general accordance with the Waste Report by Elephant's Foot compactors received 1 August 2005.*

47. *The garbage room shall be sized to contain the compactor (with safe working area) plus an additional 19 x 240 litre bins with adequate provision for access to the bins. The compactor system shall be managed by a caretaker and the compactor is to be located in an area that is not readily accessible by residents.*
48. *A minimum of 2 of the 19 x 240 litre garbage bins shall be provided outside of the compactor area to facilitate disposal of non-recyclable residential garbage which cannot fit into the garbage chute system.*
49. *The garbage chute rooms shall be sized to contain 2 x 240 litre bins.*
50. *The residential recycling room shall be sized to contain a total of 35 X 240 litre recycling bins with adequate provision for access to all bins.*
51. *The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.*
52. *The waste storage areas shall be clearly signposted.*

The following conditions are applied to satisfy the provisions of Council's environmental plans, policies and codes for subdivision works:

53. *The applicant shall submit for approval and have approved by Council a formal subdivision application to allocate the northern wing of the carpark to Lot 27.*
54. *The applicant shall create suitable rights of way, rights of carriageway, easements for services and internal stormwater lines, as required.*

Note: This shall include:

- *Creating of a right of carriageway over the driveway from Pavilion Drive (EX1) over Lot 31 to the entrance of the Matron Dixon carpark.*
- *Relocating the existing 3 metre wide drainage easement in accordance with the revised pipe location approved in the deferred commencement condition.*

55. *The basement carpark shall be constructed prior to endorsement of the subdivision plans.*
56. *The applicant shall provide Council with a survey plan of the property (including appropriate sections through the basement carpark) prior to endorsement of the subdivision plans.*

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

57. *The landscaped areas shown on the Landscape Masterplan, drawn by MK of EDAW Gillespies, drawing number LA050 (issue C) dated 16/12/2004 shall be the subject of detailed landscape drawings and specifications, which are to be submitted to, and approved by, the certifying authority, prior to the issuing of a construction certificate. The landscape drawings and specifications are to be prepared by a qualified Landscape Architect who is eligible for membership with the Australian Institute of Landscape Architects (AILA). The documentation is to include:*

- a. *A site plan (for Lot 31) at an appropriate scale showing existing site boundaries, existing trees within the property (clearly identified as being retained or removed), existing street trees (clearly identified as being retained or removed), features on adjoining sites within 6 metres of the common property boundary (buildings, trees, other structures etc), council's footway, existing and proposed ground levels shown as spot heights and/or contours over the site,.*

The plan shall clearly show the position, canopy spread (location of dripline), trunk diameter, height and names of all existing trees upon the site and adjoining sites within 6 metres of the common property boundary which are likely to be affected by the development.

- b. *A planting plan at a scale of 1:100 or 1:200 indicating the location of all proposed planting and existing trees and areas of bushland to be retained (on Lot 31). All plants are to be drawn at their mature size with a dense planting of shrubs, accent plants and ground covers within all garden beds so that a continuous planted cover is achieved.*

Notes:

- *The *Betula pendula* (Silver Birch) shall be deleted from the indicative plant schedule, and shall be replaced with a more appropriate species that is in keeping with the coastal location and planting schedule.*
 - *The *Melaleuca quinquinervia* (Broad Leafed Paperbark) shall be restricted to areas not adjacent to infrastructure such as retaining walls, paths and stormwater systems, given the invasive and aggressive root system.*
 - *The planting plan and schedule shall not contain any invasive species or those which may threaten the areas of Eastern Suburbs Banksia Scrub (ESBS).*
 - *The plan shall respect the prevailing coastal influences and the coast's special design considerations and requirements, and shall be designed accordingly. Generally, species selection shall be restricted to local indigenous coastal species which require minimal watering once established or species with water needs that match rainfall and drainage conditions.*
- c. *An amended planting schedule listing all plants by botanic & common names, plant numbers and proposed staking methods when applicable.*
- d. *Additional notation showing soil and mulch details, irrigation details, edging, paving, fencing details, surface finishes, retaining wall details and any other landscape elements in sufficient detail to fully describe the proposed landscape works.*
- e. *Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.*
- f. *Sectional elevations through Lot 31 showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.*

Note:

1. *All garden beds constructed on slab must have a minimum soil depth of 600mm and all lawn areas must have a minimum soil depth of 300mm.*

g. Location of easements within the site and upon adjacent sites (if any).

58. *The landscaping shall be installed in accordance with the approved documentation prior to the issue of a final occupation certificate and shall be maintained in accordance with those plans.*
59. *To ensure satisfactory maintenance of the landscaped areas, an automatic irrigation system shall be installed throughout all planted areas. Such system shall provide full coverage to all the planted areas with no overspray onto hard surfaces.*

Details of the automatic irrigation system shall be shown on the detailed landscape plans and specifications, and shall comply with all Sydney Water requirements.

60. *The naturestrip upon the footway (adjacent to Lot 31) shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.*
61. *The naturestrip around the development shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but not be limited to, watering, mowing, fertilising, and the removal of weeds.*
62. *Any substation required shall be suitably screened from view. The proposed location, elevation and screening method shall be shown on all detailed landscape drawings and specifications.*
63. *All detention tanks and stormwater infiltration systems located within the landscaped areas shall have a minimum soil cover of 600mm to ensure sufficient soil depth to permit the establishment of landscaping on top of these services as stipulated by these conditions of development consent.*

All stormwater documentation submitted for the construction certificate application shall show the top of the detention tanks and stormwater infiltration devices being 600mm below the finished ground level of the landscaped areas.

Tree Management

64. *The applicant shall be required to ensure the retention and long term health of all trees located on adjoining properties adjacent to the proposed development. As a general guide there shall be minimal excavation or root pruning within the driplines of the subject trees.*
65. *The applicant will be required to provide an Arborists Report, prepared by a suitably qualified and professional Arborist who is a registered member of a nationally recognized association, detailing the current health, condition and life expectancy of the Araucaria heterophylla (Norfolk Island Pine) immediately to south of the existing water tower. The report shall detail the causes for dieback to its apex and any*

appropriate measures to manage its ongoing health now and into the future. This report shall be submitted for the approval of the certifying authority prior to the issue of a construction certificate.

66. *The applicant shall implement any measures recommended in the Arborists Report to manage the health of the Norfolk Island Pine tree.*
67. *Permission is granted for the selective pruning of those damaged and overhanging branches from the southeastern quarter of the Ficus macrophylla (Moreton Bay Fig) located on the adjoining property to the northwest (Lot 26). This approval does not imply any right of entry onto a neighbouring property nor does it allow pruning beyond a common boundary. However, where such measures are desirable in the best interests of correct pruning procedures, it shall be necessary for the applicant to negotiate with the tree owner. All pruning must be undertaken by a qualified Arborist, with suitable qualifications in Arboriculture and to Australian Standard AS 4373-1996 'Pruning of Amenity Trees.'*
68. *A refundable deposit in the form of cash, cheque or bank guarantee for the amount of \$10,000.00 shall be lodged with Council prior to a construction certificate being issued for the proposed development to ensure the implementation and maintenance of the landscape works in accordance with the approved landscape documentation.*
 - a. *The refundable deposit will be released twelve (12) months after the issue of a final occupation certificate by the principle certifying authority providing the landscape works have been successfully implemented and maintained in accordance with the approved landscape documentation. Throughout the maintenance/bond period, the applicant shall be responsible for all routine maintenance such as grass cutting, weeding, watering, fertilising, spraying, staking and replacement of all failed plant stock. There must be no alteration to the original design, including substitution of trees and shrubs, without the prior approval of the Principal Certifying Authority.*
 - b. *Any contravention of Council's landscape conditions at any time during the construction period or prior to the expiration of a period of twelve (12) months from the date a final occupation certificate is issued will result in the Council claiming all or part of the lodged security.*

Advisory Matters

69. *In order to organise for an inspection for the release of the security deposit, the applicant shall contact the Principal Certifying Authority for the development to liaise with Council's Landscape Technician to arrange for an inspection of the landscaping to be carried out. Should the landscaping be found to be unsatisfactory, thus necessitating further inspections, the applicant is advised that each additional inspection will be charged at \$55.00 (incl.GST) and that this amount shall be paid into Account Number 41901939, Code RGJ at the Cashier on the Ground Floor of the Administrative Centre prior to any further inspection being carried out.*
70. *The applicant shall present the receipt to Council's Landscape Technician to organise for a further inspection to be undertaken.*

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:

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

72. *A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council prior to an **occupation certificate** being issued for the development, which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager Environmental Health & Building Services.*

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:

73. *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.*

74. *Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials.*

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

75. *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.

76. *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.*

77. ***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.***

78. ***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 persons 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.

79. *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.

80. *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,*
 - *a statement stating that "unauthorised entry to the work site is prohibited".*

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

An Occupation Certificate must not be issued for the development if the development is inconsistent with the development consent. The relevant requirements of the Environmental Planning & Assessment Act 1979 and conditions of development consent must be satisfied prior to the issuing of an occupation certificate.

82. *Prior to the issuing of an interim or final occupation certificate, a statement is required to be obtained from the Principal Certifying Authority, which confirms that the development is not inconsistent with the development consent and conditions of consent.*
83. *In accordance with clause 98 of the Environmental Planning & 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.*

84. *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.*
85. *The building is required to be provided with a smoke alarm system complying with Clause 3 of Specification E2.2a of the Building Code of Australia or a smoke detection*

system complying with Clause 4 of Specification E2.2a of the Building Code of Australia or a combination of a smoke alarm system within the sole-occupancy units and a smoke detection system in areas not within the sole-occupancy units. The smoke detectors located within the stairway, corridors or the like must be interconnected.

Additional requirements regarding the design and installation of the smoke detection and alarm system may be specified in the construction certificate for the development.

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

86. *Documentary evidence prepared by a suitably qualified professional geotechnical engineer shall be submitted to the certifying authority **prior to the issuing of a construction certificate**, certifying the suitability and stability of the site for the proposed building and certifying the suitability and adequacy of the proposed design and construction of the building for the site.*

87. *A report shall be prepared by a professional engineer and submitted to the certifying authority **prior to the issuing of a construction certificate**, detailing the proposed methods of excavation, shoring or pile construction, including details of potential vibration emissions. The report, must demonstrate the suitability of the proposed methods of construction to overcome any potential damage to nearby land/premises.*

*Any practices or procedures specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises, must be fully complied with and incorporated into the documentation for the **construction certificate**.*

A copy of the engineers report is to be submitted to the Council, if the Council is not the certifying authority.

88. *Driven type piles/shoring must not be provided unless a geotechnical engineer's report is submitted to the certifying authority, **prior to the issuing of a construction certificate**, which demonstrates that damage should not occur to any adjoining premises and public place as a result of the works.
Any practices or recommendations specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises or land must be fully complied with and incorporated into the documentation for the **construction certificate**.*

89. *A dilapidation report prepared by a professional engineer or suitably qualified and experienced building surveyor shall be submitted to the certifying authority **prior to the commencement of demolition, excavation or building works** detailing the current condition and status of the Matron Dixon building*

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

90. *The installation of ground or rock anchors underneath any adjoining premises including a public roadway or public place must not be carried out without specific written consent of the owners of the affected adjoining premises and (where applicable)*

*details of compliance must be provided to the certifying authority **prior to the commencement of any excavation or building works.***

91. *A Certificate of Adequacy prepared by a professional engineer shall be submitted to the certifying authority (and the Council, if the Council is not the 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:

92. *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.*
93. *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.

94. *If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:*
- preserve and protect the building /s on the adjoining land from damage; and*
 - if necessary, underpin and support the building and excavation in an approved manner; and*
 - at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land (including a public road or public place), give notice of the intention to do so to the owner of the adjoining land. Particulars of the excavation are to be provided to the owner of the adjoining land and also the owner of the land where the building is being erected or demolished.*
95. *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.*

96. *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.*
97. *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.*
98. *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 first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being construction 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.*
99. *Temporary toilet facilities are to be provided, at or in the vicinity of the work site throughout the course of demolition and construction, to the satisfaction of WorkCover NSW and the toilet facilities must be connected to a public sewer or other sewage management facility approved by Council.*
100. *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.*
101. *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.*
102. *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.

103. *A Construction Site Management Plan is to be submitted to and approved by the principal certifying authority prior to the commencement of demolition, excavation or building works. The site management plan must include the following measures, as applicable to the type of development:*

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

The site management measures are to be implemented prior to the commencement of any site works and be maintained throughout the works, to maintain adequate levels of public health and safety. A copy of the approved Construction Site Management Plan must be maintained on site and be made available to Council officers upon request.

104. *During demolition excavation and construction works, dust emissions must be minimised, so as not to result in a nuisance to nearby residents or result in a potential pollution incident.*

Adequate dust control measures must be provided to the site prior to the works commencing and the measures and practices must be maintained throughout the demolition, excavation and construction process, to the satisfaction of Council.

Dust control measures and practices may include:-

- *Provision of geotextile fabric to all perimeter site fencing (attached on the prevailing wind side of the site fencing).*
- *Covering of stockpiles of sand, soil and excavated material with adequately secured tarpaulins or plastic sheeting.*
- *Installation of a water sprinkling system or provision hoses or the like.*
- *Regular watering-down of all loose materials and stockpiles of sand, soil and excavated material.*
- *Minimisation/relocation of stockpiles of materials, to minimise potential for disturbance by prevailing winds.*
- *Revegetation of disturbed areas.*

105. *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*

*Details of the proposed sediment control measures are to be detailed in a site management plan and must be submitted to and approved by the principal certifying authority **prior to the commencement of any site works**. The sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction. A copy of the approved details must be forwarded to the Council and a copy is to be maintained on-site and be made available to Council officers upon request.*

Details of proposed sediment and erosion control measures shall include; a site plan; indicating the slope of land, access points & access control measures, location and type of sediment & erosion controls, location of existing vegetation to be retained, location of material stockpiles and storage areas, location of building operations and equipment, methods of sediment control, details of drainage systems and details of existing and proposed vegetation.

106. *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.

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.

107. *A temporary timber crossing is to be provided to the site entrance across the kerb and footway area, with splayed edges, to the satisfaction of Council, unless access is via an existing concrete crossover.*
108. *The applicant/builder is required to hold Public Liability Insurance, with a minimum liability of \$5 million and a copy of the Insurance cover is to be provided to Council.*
109. *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.

If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient or the building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected sufficiently to prevent any substance from, or in connection with, the work from falling into the public place or adjoining premises.

Hoardings and 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.

The following conditions are applied to provide reasonable levels of access for people with disabilities and visitors to the premises:

110. *Access, facilities and car parking for people with disabilities must be provided in accordance with the relevant provisions of the Building Code of Australia and AS1428.1, AS4299 and 2890.1 and Council's development control plan for multi-unit housing. Details of the proposed access, facilities and car parking for people with disabilities are to be submitted to and approved by Council's Director of Planning & Community Development in accordance with Section 80 A (2) of the Environmental Planning and Assessment Act 1979 **prior to a construction certificate being issued** for the development.*
111. *An intercom system connected to all sole occupancy units should be accessible from the vehicular access driveway to enable visitors ready access to the available visitors carspaces*

The following conditions are applied to maintain reasonable levels of environmental amenity and public health safety.

112. *The land must be remediated in accordance with Council's Development Consent 1188/02 (as amended). If not already furnished to Council, copies of the relevant Clearance Instructions or Site Audit Statements for the relevant land must be provided to the Council prior to any infrastructure works commencing.*
113. *No infrastructure or construction works are permitted to be undertaken unless the subject land has been remediated in accordance with consent 1188/02 (as amended) and all contamination and cross contamination issues have been addressed and the land is the subject of either a Site Audit Statement or a Clearance Instruction.*
114. *The applicant is to engage the services of a suitably qualified environmental consultant to respond to enquiries and complaints made by the Community or Council in relation to contamination, remediation and construction site management matters.*

A specific contact number is to be made available for such enquiries and complaints (including an after hours emergency contact number) and a complaints register is to be

maintained to record all such enquiries, complaints and actions taken in response to same, which is to be made available to Council officers upon request.

115. *The works shall not give rise to environmental pollution or public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 or NSW Occupational Health and Safety Act 2000 and Regulations there under.*
116. *Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council immediately.*

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:

117. *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).

118. *The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises.*
119. *The internal acoustic amenity criteria for the proposed Aged Care facility is to be provided as detailed in AS 2107 and the Noise Impact Assessment (report 2004778/2311A/R1/GP) titled "Prince Henry Lot 9, 18 and 58 Aged Care Development" dated 21 December 2004, which was submitted with this development application.*
120. *A report/correspondence prepared by a suitably qualified and experienced consultant in acoustics shall be submitted to Council **prior to a construction certificate being issued for the development**, which demonstrates that noise and vibration emissions from the development will comply with the relevant provisions of the Protection of the Environment Operations Act 1997, Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and relevant conditions of approval.*
121. *A report, prepared by a suitably qualified and experienced consultant in acoustics, shall be submitted to the Council **prior to an occupation certificate** being issued for the development, which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Environmental Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's approval, to the satisfaction of Council's Manager of Environmental Health & Building Services.*

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:

122. *The location and height of the discharge of any mechanical ventilation and exhaust systems are required to satisfy the relevant provisions of the Building Code of Australia and AS 1668 and details are to be provided in the relevant plans / specifications for the **construction certificate**.*
123. *There are to be no emissions or discharges from the premises which give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.*
124. *Warm water systems and/or Cooling Towers must be designed, installed and maintained in accordance with the requirement of the Public Health Act 1991 (Part 4 Microbial Control) and Regulations. The air handling system cooling tower must be designed, installed and operated in accordance with the relevant requirements of AS/NZS 3666.1 (2002), AS/NZS 3666.2 (2002) and AS/NZS 3666.3 (2000).*

Details of compliance must be provided with the construction certificate application.

Waste water from cooling tower warm water systems are to be discharged to the sewer under a Trade Waste Agreement from Sydney Water.

The following conditions have been applied to ensure compliance with Local Government Legislation and Policies of Council:

125. *Legionella control – cooling towers, warm water systems and water cooling systems must be registered with the Council prior to occupation and on an annual basis and the systems are to be maintained and certified in accordance with the provisions of the Public Health Act, 1991.*

The premise is to be registered with Council together with payment of the approved fee, prior to occupancy of the building.

126. *Hairdressers, Beauty salons must comply with the Local Government (Orders) Regulations 1999 and the Public Health Act & Regulations 1991, and the premises is to be registered with Council prior to occupation and on an annual basis and the approved registration/inspection fee is to be forwarded to the Council **prior to occupation**.*

The following conditions are applied to ensure compliance with the Food Act 2003 and to ensure public health and safety:

127. *The premises is to be designed, constructed and operated in accordance with the Food Act 2003, Food Regulation 2004 and Food Standards Code and details of compliance are to be included in the documentation for the **construction certificate** to the satisfaction of the certifying authority.*
128. *Food safety practices and operation of the food premises must be in accordance with the Food Act 2003, Food Regulation 2004, Food Standards Code and Food Safety Standards at all times, including the requirements and provisions relating to:*

Food handling – skills, knowledge and controls.

Health and hygiene requirements.

Requirements for food handlers and businesses.

Cleaning, sanitising and maintenance.

Design and construction of food premises, fixtures, fitting and equipment.

A failure to comply with the relevant food safety requirements is an offence and may result in legal proceedings, service of notices and/or the issuing of on-the-spot penalty infringement notices.

129. *The food premises/commercial kitchen must be registered with Council's Environmental Health section and the NSW Food Authority must also be notified of the food business in accordance with the Food Safety Standards, **prior to commencement of food business operations.***
130. *Upon completion of the work and **prior to the issuing of an occupation certificate**, the premises must be inspected by Council's Environmental Health Officer to ascertain compliance with relevant Food Safety Standards and the written approval of Council (being the relevant Food Authority for this food business) must be obtained prior to the operation of the food business.*
131. *The Proprietor of the food business and all staff carrying out food handling and food storage activities must have appropriate skills and knowledge in food safety and food hygiene matters, as required by the Food Safety Standards.*
132. *The design and construction of food premises must comply with the following requirements, as applicable:-*
 - *The floors of kitchens, food preparation areas and the like are to be constructed of materials which are impervious, non slip and non abrasive. The floor is to be finished to a smooth even surface, graded and drained to a floor waste connected to the sewer.*
 - *The intersection of walls with floor and plinths is to be coved, to facilitate cleaning.*
 - *Walls of the kitchen preparation areas and the like are to be of suitable construction finished in a light colour with glazed tiles, stainless steel, laminated plastics or similar approved material adhered directly to the wall adjacent to cooking and food preparation facilities or areas, to provide a smooth even surface.*
 - *The glazed tiling or other approved material is to extend up to the underside of any mechanical exhaust ventilation hoods and a minimum of 450mm above bench tops or other facilities and equipment.*
 - *Walls where not tiled are to be cement rendered or be of rigid smooth faced non-absorbent material (i.e. fibrous cement sheeting, plasterboard or other approved material) and finished to a smooth even surface, painted with a washable paint of a light colour or sealed with other approved materials.*
 - *The ceilings of kitchens, food preparation areas, storerooms and the like are to be of rigid smooth-faced, non absorbent material i.e., fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material.*

- *All stoves, refrigerators, bain-maries, stock pots, washing machines, hot water heaters, large scales, food mixers, food warmers, cupboards, counters, bars etc.... to be supported on wheels, concrete plinths a minimum 75mm in height, metal legs minimum 150mm in height, brackets or approved metal framework of the like.*
- *Cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particleboard or similar material is not permitted unless laminated on all surfaces.*
- *Adequate fly screens and doors with self-closing devices, (where applicable), are to be provided to all external door and window openings. An electronic insect control device must also be provided within the food premises.*
- *Garbage storage enclosures are to be fitted with a hose cock and the floor is to be graded and drained to an approved floor waste connected to the sewer.*
- *A mechanical ventilation exhaust system hood is to be installed where cooking or heating processes are carried out in the kitchen or in food preparation areas, in accordance with the relevant requirements of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2.*
- *Wash hand basins must be provided in convenient positions, with hot and cold water, together with a sufficient supply of soap and clean towels. Such hot and cold water shall be supplied to the wash hand basins through an approved mixing device.*
- *Ceramic tiles being provided to a height of 450mm above bench tops, wash hand basins and similar fittings.*
- *A numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius being provided to refrigerators, cool rooms, other cooling appliances and bain-maries or other heated food storage/display appliances. The thermometer is to be located so as to be read easily from the outside of the appliance.*
- *All food that is to be kept hot should be heated within one (1) hour from the time when it was prepared or was last kept cold, to a temperature of not less than 60C and keep this food hot at or above the temperature. Food that is to be kept cold should be cooled, within four (4) hours from the time when it was prepared or was last kept hot, to a temperature of not more than 5C and keep this food cold at or below that temperature.*

133. *Details of proposed mechanical ventilation systems, detailing compliance with the relevant requirements of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2 (including exhaust air quantities and discharge location points) are to be submitted to and approved by the Certifying Authority with the construction certificate and a copy of relevant documentation is to be provided to Council.*

134. *Liquid trade waste materials are to be disposed of in accordance with the requirements of the Sydney Water, Trade Waste Department and details of compliance are to be submitted to the certifying authority **prior to the commencement of works***

ADVISORY MATTERS:

1. *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 B1 - Structural provisions*
- b) *Part C1 - Fire resistance and stability*
- c) *Clause D1.7 - Travel via fire-isolated exits*
- d) *Clause D.2 - Number of exits required from the Matron Dixon carpark*
- e) *Part D3 - Access for people with disabilities*
- f) *Clause D3.5 - Car parking for people with disabilities*
- g) *Part E1 - Fire fighting equipment*
- h) *Part E2 - Smoke Hazard Management*
- i) *Part E4 - Emergency lighting, exit signs & warning systems*
- j) *Part F1 - Damp and weatherproofing*
- k) *Part F2 - Sanitary and other facilities*
- l) *Part F4 - Light and ventilation*
- m) *Part F5 - Sound Transmission and Insulation*

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.

2. *The applicant/owner is advised that this approval does not guarantee compliance with the provisions of the Disability Discrimination Act 1992 and the applicant should therefore consider their liability under the Act. In this regard, the applicant is advised that compliance with the requirements of the Building Code of Australia and Australian Standard 1428.1 - Design for Access and Mobility does not necessarily satisfy the objectives of the Disability Discrimination Act 1992.*

MOTION: (Andrews/Bellili) CARRIED – SEE RESOLUTION.

10.2 DIRECTOR, CITY PLANNING REPORT 84/2005 - 57 PARTANNA AVENUE, MATRAVILLE. (DA/111/2005)

This matter was considered earlier in the meeting – See Minute No. 454.

10.3 DIRECTOR, CITY PLANNING REPORT 85/2005 - 145 BROOK STREET, COOGEE. (D1187/2001)

This matter was considered earlier in the meeting – See Minute No. 455.

11. PETITIONS.

11.1 PETITION SUBMITTED BY CR BELLELI ON BEHALF OF THE RESIDENTS OF SCOTT STREET, RANDWICK IN RELATION TO THE FOOTPATH IN SCOTT STREET. (F2004/06108 xr F2005/00172)

492 RESOLUTION: *(Belleli/Notley-Smith) that the tabled petition be received and noted.*

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

12. MOTIONS PURSUANT TO NOTICE.

12.1 BY COUNCILLOR BASTIC – INTERNATIONAL DAY OF ACTION ON CLIMATE CHANGE. (F2005/00324 XR F2005/00171)

493 RESOLUTION: *(Andrews/Belleli) that Randwick City Council supports the International Day of Action on Climate Change on December 3rd 2005 by:*

- 1. Erecting a banner across Coogee Bay Road informing residents about the International Day of Action on Climate Change and the Sydney event on December 3rd;*
- 2. Displaying posters about the event in all Council community places (Posters to be supplied by the NSW Nature Conservation Council);*
- 3. Issuing Media Releases about the event in local papers; and*
- 4. Lobbying Federal Government to ratify the Kyoto Protocol by writing to the Prime Minister, Deputy Prime Minister, Federal Opposition Leader, Minister for the Environment and Shadow Minister for the Environment urging them to ensure Australia ratifies the Kyoto Protocol and commits to significant reductions in greenhouse gases and a clean energy future.*

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

12.2 BY COUNCILLOR WHITE – MAROUBRA BEACH PROMENADE. (F2005/00603 XR F2005/00171)

494 RESOLUTION: *(White/Belleli) that a report be prepared in relation to developing the Maroubra Beach Promenade as the “Australian Surfing Walk of Fame” in similar style to Huntington Beach California which has the “World Surfing Walk of Fame”. This will further develop civic pride amongst the Maroubra Beach community and tie in with other developments in the eventual declaration of the Surfing Reserve.*

MOTION: *(White/Belleli) CARRIED – SEE RESOLUTION.*

12.3 BY COUNCILLOR MATSON – PAVEMENT IMPLEMENTATION SCHEDULING FOR SCOTT STREET, MAROUBRA. (F2004/07364 XR F2005/00171)

This item was considered earlier in the meeting – See Minute No. 456.

12.4 BY COUNCILLOR WHITE – LITTLE CONGWONG BEACH. (F2005/00881 XR F2005/00171)

495 RESOLUTION: *(Belleli/Woodsmith) that:*

- (a) *Council oppose any plans to turn Little Congwong Beach into a Nudist Reserve by it being declared “a clothing optional beach”; and*
- (b) *the General Manger write to the Labor State Government that controls the National Parks & Wildlife Service (that has erected a sign indicating that the beach is not a Nudist Beach and on which there is a Crime Stopper telephone number for the local Police) and to the Local Member of Parliament protesting in the strongest terms about the failure of the signage to enforce the correct and current restrictions on nude bathing at Little Congwong Beach.*

MOTION: **(White/Andrews)** that Council oppose any plans to turn Little Congwong Beach into a Nudist Reserve by it being declared “a clothing optional beach” and that the Mayor withdraw his support for this proposal.

AMENDMENT: **(Belleli/Woodsmith) CARRIED & BECAME THE MOTION. MOTION CARRIED – SEE RESOLUTION.**

12.5 BY COUNCILLOR WHITE – INDUSTRIAL RELATIONS LAW. (F2004/08042 XR F2005/00171)

496 RESOLUTION: *(White/Sullivan) that this Council condemns the Federal Governments industrial relations law in usurping the industrial laws of the States and furthermore this Council guarantees that its employees will be “no worse off” than they are at present after the enactment of the Federal Government’s Legislation.*

MOTION: **(White/Sullivan) CARRIED – SEE RESOLUTION.**

Cr Nash requested that his name be recorded as voting against the above resolution.

AMENDMENT: **(Belleli/Nash)** that, in relation to the Federal Government’s proposed new industrial relations laws, Council takes on board the General Manager’s comments that, after the enactment of the Federal Government’s Legislation, Council’s employees will be “no worse off” than they are at present. **LOST.**

Cr Daley returned to the Chamber at 11.03pm.

12.6 BY COUNCILLOR MATSON – INTERNATIONAL DAY OF ACTION ON CLIMATE CHANGE – WALK AGAINST WARMING – DECEMBER 3RD, 2005. (F2005/00324 XR F2005/00171)

497 RESOLUTION: *(Matson/Sullivan) that Council:*

- (a) *supports and promotes the International Day of Action on Climate Change on December 3rd 2005 by authorizing the General Manager to issue an appropriate media statement about the event in the local media;*
- (b) *continues to implement its resolution of the 28th June 2005 by authorizing the Deputy Mayor to write to the Mayors of other Councils noting the Local Government*

Association's endorsement and calling for them to sign up to the "Australian Mayors Climate Protection Agreement" by committing to:

- i. strive to meet or beat the Kyoto Protocol targets in our own communities,
- ii. urge State and Federal Governments to enact policies and programs in line with Prime Minister Howard's 2002 commitment to meet the greenhouse gas emission reduction target set for Australia in the Kyoto Protocol, and
- iii. Participate in a bipartisan national debate on ways in which Australia may achieve a 5% reduction in its 1990 baseline of greenhouse gas emissions.

MOTION: (Matson/Sullivan) CARRIED – SEE RESOLUTION.

12.7 BY COUNCILLOR MATSON – IMPLEMENTING A BULLETIN BOARD ON COUNCIL'S WEB SITE. (F2005/00757 XR F2005/00171)

498 RESOLUTION: (Matson/Belleli) that Council authorises the General Manager to establish a bulletin board on its website for communication between residents and the Council, after liaising with the Precinct Committees and bringing a report back to a Council Meeting.

MOTION: (Matson/Belleli) CARRIED – SEE RESOLUTION.

12.8 BY COUNCILLOR MATSON – ECOLOGICAL IMPACT OF THE COMMON INDIAN MYNA. (F2004/06488 XR F2005/00171)

499 RESOLUTION: (Matson/Woodsmith) that feedback be sought from Environment ACT on the outcome of the Myna minimisation trials and a report be brought before a future Council Meeting detailing options for working through SSROC to implement a regional Myna Minimisation Campaign in this area of Sydney.

MOTION: (Matson/Woodsmith) CARRIED – SEE RESOLUTION.

AMENDMENT: (Kenny/Tracey) that a report be prepared investigating methods available to increase the number of native birds in the area. **LOST.**

12.9 BY COUNCILLOR MATSON – FRENCH FESTIVAL. (F2005/00531 xr F2005/00171)

500 RESOLUTION: (Matson/Woodsmith) that Council informs the Executive Officer of the Friends of the La Perouse Museum of its' decision to:

- (a) decline to fund banner placement for the French School open day and fete, or to host an official function for the proposed French Festival event volunteers;
- (b) seek guidance from Council's Aboriginal Consultative Committee before committing either financial or non-financial support for the Aboriginal First Encounter re-enactment; and
- (c) ask Council's Multicultural Advisory Committee for assessment on the remaining components of the proposal including funding of the Fun Bike Day event.

MOTION: (Matson/Woodsmith) CARRIED – SEE RESOLUTION.

12.10 BY COUNCILLOR MATSON – MARCEL AVENUE CONSERVATION ZONE. (F2005/00217 xr F2005/00171)

- 501** *RESOLUTION: (Matson/Woodsmith) that the Deputy Mayor be authorised to convene a briefing for Marcel Avenue residents to further clarify the principles and objectives underlying the proposed Conservation Zone status for that area.*

MOTION: (Matson/Woodsmith) CARRIED – SEE RESOLUTION.

12.11 BY COUNCILLOR MATSON – FOLLOWING UP SBAR RESOLUTION OF COUNCILLORS HUGHES AND DALEY OF 24TH MAY, 2005. (F2004/07079 XR F2005/00171)

- 502** *RESOLUTION: (Daley/Sullivan) that, in following up its resolution of the 24th May 2005 to the motion put by Councillors Hughes and Daley to invite participation in next years SBAR charity fund ride, Council will:*

- (a) allocate \$3,000 from this year's contingency fund for next year's SBAR event provided the organisers of the event provide an undertaking to Council, in writing, prior to the event, that the participants will not be riding either nude or semi-nude; and*
- (b) subject to part (a) (above), write letters of support on SBAR's behalf to key stakeholders, such as the Australian Jockey Club, local Members of Parliament, South Maroubra Surf Club, and the Traffic Committee, to ensure that the event is another great success.*

MOTION: (Matson/Belleli) that, in following up its resolution of the 24th May 2005 to the motion put by Councillors Hughes and Daley to invite participation in next years SBAR charity fund ride, Council will:

- (a) allocate \$3,000 from this year's contingency fund for next year's SBAR event; and**
- (b) write letters of support on SBAR's behalf to key stakeholders, such as the Australian Jockey Club, local Members of Parliament, South Maroubra Surf Club, and the Traffic Committee, to ensure that the event is another great success.**

Cr Bastic returned to the Chamber at 11.22pm.

**AMENDMENT: (Daley/Sullivan) CARRIED & BECAME THE MOTION.
MOTION CARRIED – SEE RESOLUTION.**

12.12 BY COUNCILLOR MATSON – END OF LIQUOR ADMINISTRATION BOARD. (F2004/07767 XR F2005/00171)

This item was considered earlier in the meeting – See Minute No. 457.

PROCEDURAL MOTION

- 503** *RESOLUTION: (Daley/White) that the closing time for the meeting be extended to 12 midnight.*

MOTION: (Daley/White) CARRIED – SEE RESOLUTION.

12.13 BY COUNCILLOR SULLIVAN – OPPOSING THE BANNING OF SWIMMING POOLS IN THE RANDWICK CITY COUNCIL AREA. (F2005/00171)

504 RESOLUTION: (Sullivan/Belleli)

1. *That Council oppose any proposals (such as those being advanced by the Waverley Greens) to ban swimming pools in the Randwick City Council area; and*
2. *That the General Manager bring forward a report to Council outlining options to enable Council to promote the more sustainable use of water in swimming pools.*

MOTION: (Sullivan/Belleli) CARRIED – SEE RESOLUTION.

12.14 BY COUNCILLOR SULLIVAN – COUNCIL’S AUDITED FINANCIAL STATEMENTS. (F2004/06526 XR F2005/00171)

MOTION: (Sullivan/Daley) that, in future, Council ensure that the Audited Financial Statements (together with the relevant report by the Council’s Auditors) which are forwarded to the Department of Local Government, are first presented to the Council for its endorsement. **LOST.**

12.15 BY COUNCILLOR BASTIC – COUNCILLOR CONDUCT. (F2004/06569 XR F2005/00171)

MOTION: (Bastic/Andrews) that:

- (a) this Council call upon Councillor John Kenny to stand aside until the Court has ruled on the charges he is currently facing; and
- (b) Council calls upon the Minister for Local Government to review the Local Government Act 1993 to address the serious anomaly which allows a Councillor to continue in public office even if convicted of a serious indictable offence.

The Mayor ruled the above motion out of order on the basis of legal advice received.

Cr Kenny declared an interest in Item 12.15 and immediately left the Chamber. Cr Kenny took no further part in the debate or the vote on the matter.

505 RESOLUTION: (Bastic/Andrews) that the Mayor’s ruling that Notice of Motion 12.15 is Out of Order, be dissented to.

MOTION: (Bastic/Andrews) CARRIED – SEE RESOLUTION.

A division was called for by Crs Bastic & Sullivan. Voting was as follows:

FOR	AGAINST
Cr Andrews	Cr Belleli

Cr Bastic	Cr Matson
Cr Daley	Cr Nash
Cr Procopiadis	Cr Notley-Smith
Cr Sullivan	His Worship the Mayor, Cr Seng
Cr Tracey	Cr Woodsmith
Cr White	-

(Note: Cr Kenny was not present at the meeting during the vote on the above division).

At this point in the meeting the following Councillors left the Chamber:

Cr Belleli
 Cr Matson
 Cr Nash
 Cr Notley-Smith and
 Cr Woodsmith.

506 RESOLUTION: *(Daley/White) that the closing time for the meeting be extended by a further two (2) hours.*

MOTION: (Daley/White) CARRIED – SEE RESOLUTION.

Cr Sullivan left the Chamber at 12.12am, resulting in the lack of a quorum to continue the meeting.

Due to the lack of quorum, the meeting was adjourned to a time, date and place to be fixed.

THE ORDINARY COUNCIL MEETING OF THE COUNCIL OF THE CITY OF RANDWICK WAS RESUMED ON TUESDAY, 29ND NOVEMBER 2005 AT 6:25 P.M.

PRESENT:

His Worship the Mayor, Cr. T. Seng (Central Ward) (Chairperson)

Councillor M. Matson (East Ward) (Deputy Mayor)

North Ward - Crs J. Kenny, P. Tracey & M. Woodsmith

South Ward - Crs R. Belleli, M. Daley & A. White

East Ward Crs B. Notley-Smith & D Sullivan

West Ward - Crs B. Hughes, S. Nash & J. Procopiadis

Central Ward - Crs A. Andrews & C Bastic

OFFICERS PRESENT:

General Manager

Mr. R. Brownlee.

Director, City Services
Director, City Planning
Director, Governance & Financial Services
Manager, Administrative Services
Communications Manager
Manager, Policy, Planning & Performance

Mr. J. Frangoples.
Ms. S. Truvert.
Mr. G. Banting.
Mr. D. Kelly.
Ms. D. Brien.
Ms K Walshaw.

PROCEDURAL MOTION: (Bastic/Andrews) that confidential items 14.1 and 14.2 be dealt with prior to concluding item 12.15. **WITHDRAWN WITH THE CONSENT OF COUNCIL.**

MAYOR'S MINUTE 157/2005 – LEAVE OF ABSENCE COUNCILLOR JOHN KENNY. (F2004/06569)

507 *RESOLUTION: (His Worship the Mayor, Cr T. Seng) that Councillor Kenny's application for leave of absence from Council meetings for a period of four months expiring on 31st March, 2006 be granted under Section 234 of the Local Government Act.*

MOTION: (His Worship the Mayor, Cr T. Seng) CARRIED – SEE RESOLUTION.

This resolution was carried unanimously by Council.

Cr Kenny then left the chamber at 7.45pm, taking no further part in the meeting.

MOTION: (Sullivan/Daley) that the Mayor's ruling that he is not obliged to put questions through to the General Manager under Council's Code of Meeting Practice, be dissented to. **LOST.**

At 7.06pm the following Councillors left the Chamber resulting in a lack of quorum to continue the meeting:

Cr Andrews
Cr Bastic
Cr Daley
Cr Propopiadis
Cr Sullivan
Cr Tracey
Cr White

The meeting was resumed at 7.34pm.

12.15 CONTINUATION OF MOTION BY COUNCILLOR BASTIC – COUNCILLOR CONDUCT. (F2004/06569 XR F2005/00171)

508 *RESOLUTION: (Matson/Notley-Smith) that Council notes the resolution of Mayor's Minute 157/2005 granting leave of absence to Councillor Kenny until 31st March, 2006 and affirms that resolution.*

MOTION: (Bastic/White) that:

- a) this Council call upon Councillor John Kenny to stand aside until the Court has ruled on the charges he is currently facing.

- b) this Council calls upon the Minister for Local Government to review the Local Government Act 1993 to address the serious anomaly which allows a Councillor to continue in public office even if convicted of a serious indictable offence.

AMENDMENT: (Matson/Notley-Smith) CARRIED AND BECAME THE MOTION. MOTION CARRIED – SEE RESOLUTION.

MOTION: (Daley/Sullivan) that the Mayor’s ruling to allow the amendment be dissented to. LOST.

A division on the dissent motion was called for by Crs Sullivan & Daley. Voting was as follows:-

FOR	AGAINST
Cr Andrews	Cr Belleli
Cr Bastic	Cr Hughes
Cr Daley	Cr Matson
Cr Procopiadis	Cr Nash
Cr Sullivan	Cr Notley-Smith
Cr Tracey	His Worship the Mayor, Cr T. Seng
Cr White	Cr Woodsmith

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

FOR	AGAINST
Belleli	Andrews
Hughes	Bastic
Matson	Daley
Nash	Procopiadis
Notley-Smith	Sullivan
His Worship the Mayor, Cr Ted Seng	Tracey
Woodsmith	White

12.16 MOTION BY COUNCILLOR MATSON - ENSURING EFFECTIVENESS OF COUNCIL’S RAINWATER SUSTAINABILITY INITIATIVE. (F2004/07744 XR F2005/00171)

509 RESOLUTION: *(Matson/Belleli) that in order to maintain credibility for Council’s rainwater sustainability initiatives, the General Manager be authorised to:*

- a) *seek advice on a simple but effective way of diverting presently lost rainwater run-off from the northern side of the Town Hall roof back into the central down pipe that fills the northern rainwater tank; and*
- b) *fund this improvement from the appropriate capital works improvement program in this year’s budget.*

MOTION: (Matson/Belleli) CARRIED – SEE RESOLUTION.

12.17 MOTION BY COUNCILLOR WOODSMITH – FLAGS FOR OUTSIDE THE TOWN HALL. (F2005/00171 XR F2004/07744)

510 *RESOLUTION: (Woodsmith/Belleli) that Council allocate in the 2006-2007 budget, funds to cover the cost of erecting five flagpoles outside the administration building on Frances Street. For the purpose of flying everyday, the Australian, the Aboriginal, the Torres Strait and either the State or Council's own flag.*

MOTION: (Woodsmith/Belleli) CARRIED – SEE RESOLUTION.

13. URGENT BUSINESS.

Nil.

14. CONFIDENTIAL REPORTS.

15. COMMITTEE-OF-THE-WHOLE.

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

EXCLUSION OF PRESS AND PUBLIC.

At the commencement of the meeting, the Committee-of-the-Whole **RESOLVED**, pursuant to Section 10 A (2)(a), 10 A (2) (d) & 10 A (2) (g) of the Local Government Act, 1993, that the press and public be excluded from the whole of this meeting of the Committee as the matters under consideration concerned respectively personnel matters concerning particular individuals other than Councillors, commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor of the council or reveal a trade secret, and advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege, on which publicity or disclosure of the proceedings of the Committee would, in the opinion of the Committee, be prejudicial and on balance would be contrary to the public interest.

RESOLVED: (Andrews/Matson) that the Ordinary Meeting of the Council be adjourned at 7.58 p.m. to consider the confidential items in closed session.

RESOLVED: (Andrews/Notley-Smith) that the Ordinary Meeting of the Council be resumed at 8.10 p.m.

16. REPORT ON CONFIDENTIAL ITEMS CONSIDERED IN CLOSED SESSION.

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

CONFIDENTIAL GENERAL MANAGER'S REPORT 60/2005 – ORGANISATIONAL STRUCTURE. (F2005/00524)

511 *RESOLUTION: (Andrews/Belleli) that:*

1. *the structure within Governance and Financial Services be altered to create the positions of Manager, Financial Operations and Manager, Corporate and Financial Planning;*
2. *the position of Manager, Financial Services be removed from the Governance and Financial Services organisational structure;*
3. *these positions be advertised internally and externally; and*
4. *the Director, Governance and Financial Services be specified as the responsible Accounting Officer under the Local Government Act.*

MOTION: (Andrews/Belleli) CARRIED – SEE RESOLUTION.

14.2 CONFIDENTIAL GENERAL MANAGER'S REPORT 61/2005 - MAROUBRA BEACH PAVILION - CAFE & KIOSK - LEASE TENDER EVALUATION - T036/05. (F2004/06336)

Councillor Belleli declared a non-pecuniary interest and left the Chamber taking no part in discussion of and voting thereon.

512 RESOLUTION: (Bastic/White) that:

1. *the officers recommendation contained in the previous General Manager's Report 48/2005 be adopted and See to Shore be accepted for Maroubra Beach Kiosk Tender T036/05 in conjunction with the signing of the personal guarantee and that Council enter into a Contract under Clause 19 of the Local Government (Tendering) Regulation 1999, for a lease agreement in it's current format as proposed in Tender T036/05 variable only due to any conditions enforced by the Minister of Lands;*
2. *authority be granted for the General Manager in conjunction with the Mayor, to sign and affix Council's Common Seal to enter into contracts on behalf of Council with the recommended tenderer for Maroubra Beach Kiosk Tender T036/05; and*
3. *the unsuccessful tenderer(s) be notified of the Tender result.*

MOTION: (Bastic/White) CARRIED – SEE RESOLUTION.

A division was called for by Councillors Matson & Nash. Voting was as follows:-

FOR	AGAINST
Cr Andrews	Cr Hughes
Cr Bastic	Cr Matson
Cr Daley	Cr Nash
Cr Procopiadis	Cr Notley-Smith
Cr Sullivan	His Worship the Mayor, Cr T. Seng
Cr Tracey	Cr Woodsmith
Cr White	

**14.3 CONFIDENTIAL DIRECTOR, GOVERNANCE & FINANCIAL SERVICES'
REPORT 51/2005 - ALLEGED BREACH OF PRIVACY ACT -
SETTLEMENT OF LEGAL ACTION. (F2004/07572)**

513 RESOLUTION: *(Notley-Smith/Matson)* that the report be received and noted.

MOTION: (Notley-Smith/Matson) **CARRIED – SEE RESOLUTION.**

17. NOTICE OF RESCISSION MOTIONS.

Nil.

There being no further business, His Worship the Mayor, Cr T. Seng, declared the meeting closed at 8.11 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 13TH DECEMBER, 2005.

.....
CHAIRPERSON