



**MINUTES OF ORDINARY COUNCIL MEETING OF THE COUNCIL OF
THE CITY OF RANDWICK HELD ON TUESDAY, 25 MARCH 2008 AT
6:05 PM.**

Present:

The Mayor, Councillor B Notley-Smith (Chairperson) (East Ward)

Councillor M Matson (Deputy Chairperson) (East Ward)

North Ward	- Councillors J Kenny & P Tracey & M Woodsmith
South Ward	- Councillors R Belleli & A White
East Ward	- Councillor D Sullivan (from 6.20 pm)
West Ward	- Councillors S Nash & J Procopiadis
Central Ward	- Councillors A Andrews & C Bastic (from 6.41 pm)

Officers Present:

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoples
Director City Planning	Ms S Truuvert
Director Governance & Financial Services	Mr G Banting
Manager Administrative Services	Mr D Kelly
Communications Manager	Ms D Brien
Manager Strategic Planning	Ms K Armstrong

Prayer & Acknowledgement of Local Indigenous People

The Council Prayer was read by Cr Kenny. The Acknowledgement of Local Indigenous People was read by Cr Woodsmith.

Apologies/Granting of Leave of Absences

Apologies were received from Crs Daley and Seng.

RESOLVED: (Nash/Andrews) that the apologies received from Crs Daley and Seng be accepted and leave of absence from the meeting be granted.

Leave of Absence

Leave of absence had previously been granted to Cr Hughes. See Minute No. CS1/08.

Confirmation of the Minutes**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY 26 FEBRUARY 2008**

'31/08 **RESOLUTION: (Belleli/Nash):** that the Minutes of the Ordinary Council Meeting held on Tuesday 26 February 2008 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting, subject to resolution 29/08 being amended to reflect that it was moved by Cr Belleli and seconded by Cr Nash.

Declarations of Pecuniary and Non-Pecuniary Interests

Cr Tracey declared a non pecuniary interest in item CP4/08 as he knows some of the objectors personally.

Cr Belleli declared a non pecuniary interest in item MM9/08 and did not take part in debating or voting on the matter as the organiser of the event is a member of his wife's performing arts school.

Cr Sullivan declared a pecuniary interest in item CP4/08 and did not take part in debating or voting on the matter as he lives next door to the development.

RESOLVED: (PROCEDURAL MOTION) (Andrews/White) that item CP8/08 be deferred at the request of the applicant and no speakers be heard on the item at this meeting.

Address of Council by Members of the Public

Prior to consideration of the Agenda by the Council, deputations were received in respect of the following matters:

- | | |
|--------|---|
| CP4/08 | 161 - 163 Arden & 112-114 Beach Streets, Coogee |
| | Objector Mr Paul Comyn |
| | Applicant Mr Anthony Betros |
| CP6/08 | 11 Roberts Avenue, Randwick |
| | Applicant Mrs Carolyn Fahy |
| CP7/08 | 198-200 Coogee Bay Road, Coogee |
| | Objector Mr Brett Strahan |
| | Applicant Dr Andrew Watson |
| NM6/08 | Motion Pursuant to Notice by Cr Matson - Maroubra Beach Urban Design Review |
| | For Ms Jacqui Biro
Maroubra Beach Precinct Committee |
| NR1/08 | Notice of Rescission Motion by Councillors Procopiadis, Sullivan & Tracey - Ordinary Council Meeting - 26 February 2008 - Item CP1/08 - Development Application Report - 75 Todman Avenue, Kensington |
| | Against Mr Jim Conomos |

For Mr Bruce Threlfo

NR2/08 Notice of Rescission Motion by Councillors White, Andrews and Tracey - Works Committee - 11 March 2008 - Item W4/08 - Naming of Reserve known as Barwon Park, Matraville as James Matra Park

Against Mr John Van Vliet
For Mr Noel De Souza

The meeting was adjourned at 7.10 pm and was resumed at 7.40 pm.

RESOLVED:(PROCEDURAL MOTION) (Sullivan/Belleli) that the motion pursuant to notice concerning the Maroubra Beach Urban Design Review, all the planning reports and the notice of rescission motions be heard as the first items of business for the benefit of the public gallery.

NM6/08 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr Matson - Maroubra Beach Urban Design Review (F2006/00355)

32/08

RESOLUTION: (Matson/Woodsmith) that Council:

- a) notes the Maroubra Beach and South Maroubra Precinct Committee's issues with the Maroubra Beach Urban Design Review; and
- b) will arrange for a Council report to come to Councillors as soon as possible, both prior to the completion of the assessment process and prior to the next Council election in September, assessing and differentiating both the precincts views and the views of the general community and how they will impact on the exhibited designs.

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

Director City Planning Reports

CP4/08 Director City Planning Report - 161 - 163 Arden & 112-114 Beach Streets, Coogee (DA/1011/2007)

33/08

RESOLUTION: (Andrews/Kenny) that:

- A. Council not support the objections under State Environmental Planning No. 1 (SEPP No.1) in respect to non-compliance with Clauses 32 and 33 of the Randwick Local Environmental Plan 1988, relating to floor space ratio and building heights respectively, on the grounds that the proposed development is not consistent with the objective of the clauses and will adversely affect the amenity of the surrounding residential dwellings.
- B. Council as the responsible authority refuse development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/1011/2007 for demolition of existing buildings at 161-163 Arden Street & construction of 4-5 storey multi-unit housing development comprising of 8x2 bedroom units & demolition of existing buildings at 112-114 Beach Street & construction of a new 4 storey multi-unit housing development comprising of 1x1 bedroom unit and 5x3 bedroom units with basement parking for 17 vehicles for the following reasons:
 1. The proposed on-site car parking is insufficient and will result in adverse

impacts to on-street car parking in the area, increasing demand for such parking and so exacerbating the existing pressures for on-street parking.

The shortfall of on-site car parking spaces fails to satisfy Clause 12(1) of the Randwick Local Environmental Plan 1998 in that the development will compromise the amenity of surrounding residential areas.

2. The development fails to comply with the floor space ratio development standard under Clause 32(1) of Randwick Local Environmental Plan 1998, resulting in a development of excessive bulk and scale and with unacceptable impacts on adjoining and surrounding properties.
3. The development fails to comply with maximum building height and maximum wall height development standards of Clause 33(2) and (4) of Randwick Local Environmental Plan 1998, resulting in a development of excessive bulk and scale and with unacceptable impacts on adjoining and surrounding properties.
4. The development fails to comply with the provisions of Randwick DCP – Multi-Unit Housing relating to building setbacks, and in particular provides inadequate front and side setbacks to the Arden St building and the side setbacks to the Beach St building. The lack of adequate setbacks, combined with the design, location and orientation of the proposed terraces and balconies on the Arden Street building will result in unacceptable privacy and noise impacts on the adjoining properties and residents to the north and south of this building.
5. The application, as a result of non-compliance with building height, wall height and floor space ratio development standards, and the DCP side setback controls, will result in unacceptable view loss to adjoining and surrounding properties.
6. The application has been provided with insufficient information to enable a full and proper assessment of the likely impact of the proposed central open space area, including the proposed swimming pool area and pedestrian walk way, and the potential for impact on adjoining properties, particularly to the south of the site.
7. The application has been provided with insufficient information to enable a full and proper assessment of the likely impacts on existing views enjoyed by properties on the western side of Arden Street and to the north in Arcadia Street.
8. The proposed on-site car parking relies heavily on the use of car stackers to meet parking demand, a mechanical turntable to assist with manoeuvrability and all car parking is located within the eastern half of the consolidated development. The car parking arrangement is therefore likely to result in adverse impacts to the on-street car parking in the area, increasing demand for such parking and so exacerbating the existing pressures for on-street parking.
9. The design of the proposed vehicular entry/exit point and internal driveway ramp fails to meet many of the relevant provisions of AS 2890.1-2004 and Council's Development Control Plan Parking. The deficiencies/variations from accepted standards are likely to have an adverse impact on on-street traffic conditions in the vicinity of the development site, traffic movements within the car park, and pedestrian safety in the vicinity of the development site. The application has been provided with insufficient information to enable an assessment of the impacts of redesigning the

vehicular entry/exit point and internal driveway ramp such that it complies with the relevant provisions of AS 2890.1-2004.

10. The application has been provided with insufficient information to enable a full and proper assessment of the sight distance available to the drivers of vehicles exiting the development site, more particularly whether adequate sight distance can be provided to minimise potential vehicle / pedestrian conflict at the interface of the internal driveway and the Beach Street footpath.
11. The application has been provided with insufficient information to enable a full and proper assessment of the likely impact of the proposed site stormwater drainage system on Council's drainage network external to the site, on the vehicular entry/exit point and the aisle width of the basement car park.

MOTION: (Andrews/Kenny) CARRIED - SEE RESOLUTION.

CP5/08 Director City Planning Report - 32-42 Barker Street, Kingsford (DA/287/2006/A)

'34/08

RESOLUTION: (Andrews/Kenny)

That Council, as the consent authority, grants approval under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Consent 287/2006 for demolition of existing buildings and construction of a part 3-, part 4- and part 5-level multi-unit housing development comprising 3 buildings, 65 dwellings and 2 levels of basement car parking for 85 vehicles, and including a private communal facility containing a library and a swimming pool, at No. 32-42 Barker Street, Kingsford, in the following manner:

- **Modification of Condition No. 1 to read as follows:**

1. The development must be implemented substantially in accordance with the plans numbered DA02 to DA14 all Rev. A and stamped received by Council on 19 April 2006 and the application form and any supporting information received with the application, and as modified by the Section 96 documentation including the following plans:

Plan Number	Dated	Received by Council
27A0537 S96-01(B)	13.12.2007	18 / 27 Dec 2007
27A0537 S96-02(B)	13.12.2007	18 / 27 Dec 2007
27A0537 S96-03(B)	13.12.2007	18 / 27 Dec 2007
27A0537 S96-04(B)	13.12.2007	18 / 27 Dec 2007
27A0537 S96-05(B)	13.12.2007	18 / 27 Dec 2007
27A0537 S96-06(A)	13.12.2007	18 / 27 Dec 2007
27A0537 S96-07(A)	15.02.2008	19 Feb / 4 Mar 2008
27A0537 S96-08(A)	15.02.2008	19 Feb / 4 Mar 2008
27A0537 S96-09(A)	13.12.2007	18 / 27 Dec 2007
27A0537 S96-10(A)	13.12.2007	18 / 27 Dec 2007
27A0537 S96-11(A)	13.12.2007	18 / 27 Dec 2007
27A0537 S96-12(A)	13.12.2007	18 / 27 Dec 2007
27A0537 S96-13(A)	13.12.2007	18 / 27 Dec 2007

, except as may be amended by the details / amendments approved pursuant to the deferred commencement conditions and by the following conditions and as may be shown in red on the attached plans:

- **Modification of Condition No. 3 to read as follows:**

3. Details of bicycle storage providing for **31** bicycle parking spaces as required in the Development Control Plan – Parking shall be submitted to and approved by Council prior to a Construction Certificate being issued for the development.

MOTION: (Andrews/Kenny) CARRIED - SEE RESOLUTION.

CP6/08 Director City Planning Report - 11 Roberts Avenue, Randwick (DA/792/2007)

35/08

RESOLUTION: (Andrews/Kenny) that:

- A. Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No DA/792/2007 for substantial ground and first floor alterations and additions to the existing dwelling, hardstand car park space to the front of the dwelling, demolition of shed to the rear and new front fence and gate at 11 Roberts Avenue, Randwick subject to the following conditions:
 1. The development must be implemented substantially in accordance with the plans numbered 0712 DA.02 to 05 Issue B, dated 3/03/08 and received by Council on 3 March 2008, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:
 2. The proposed hardstand carspace to the front of the dwelling and changes made to the front façade and fence must be deleted as the dimensions of the carspace are insufficient and may result in a parked vehicle protruding onto Council's footpath.
 3. The southern window to Bedroom 3 on the first floor level must be relocated to the east to abut the built-in wardrobe to avoid direct overlooking of the southern adjoining neighbour's window. The maximum width of the above mentioned window shall be limited to 700mm. Details shall be included in the Construction Certificate documentation to the satisfaction of the Principal Certifying Authority, prior to issue of the Construction Certificate.
 4. An amended BASIX Certificate for the revised plan numbered 0712 DA.02 to 05 Issue B, dated 3/03/08 and received by Council on 3 March 2008 is to be submitted to and approved by Councils Director of City Planning prior to the issuing of the Construction Certificate.

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:

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

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

6. Metal roof sheeting is to be painted or colour bonded to minimise reflection and

to be sympathetic and compatible with the building and surrounding environment.

7. Details are to be provided in the Construction Certificate to demonstrate that the proposed works will not encroach onto the adjoining properties, Council's road reserve or any public place, to the satisfaction of the certifying authority.

The following condition is imposed to satisfy relevant requirements of the Sydney Water Corporation.

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

The approved Construction Certificate plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to commencing any building or excavation works, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

If suitable, the plans will be appropriately stamped. For Quick Check agent details please refer to Sydney Water's web site at www.sydneywater.com.au and go to the Building, Developing and Plumbing, then Quick Check or Building and Renovating or telephone 13 20 92.

The principal certifying authority must ensure that a Quick Check Agent/Sydney Water has appropriately stamped the plans **before commencing any works**.

The following condition/s are applied to meet additional demands for public facilities;

9. In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, the following monetary levy must be paid to Council.

Category	Cost	Applicable Levy	S94A Levy
Development Cost More than \$200,000	\$300,000	1.0%	\$3,000

The levy must be paid in cash, bank cheque or by credit card prior to a construction certificate being issued for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment.

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

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

10. In accordance with Section 80A (11) of the Environmental Planning and Assessment Act 1979 and Clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition that all of the required commitments listed in the relevant BASIX Certificate for this development are fulfilled.
11. In accordance with the provisions of the Environmental Planning & Assessment

Regulation 2000, a relevant BASIX Certificate and associated documentation must be submitted to the Certifying Authority with the Construction Certificate application for this development.

The required commitments listed and identified in the BASIX Certificate are to be included on the plans, specifications and associated documentation for the proposed development, to the satisfaction of the Certifying Authority.

The design of the building must not be inconsistent with the development consent and any proposed variations to the building to achieve the BASIX commitments may necessitate a new development consent or amendment to the existing consent to be obtained, prior to a construction certificate being issued.

12. The following provisions are to be implemented in accordance with the relevant BASIX Certificate and details are to be included in the Construction Certificate documentation (as applicable), to the satisfaction of the Certifying Authority:
 - Stormwater management (i.e. rainwater tanks)
 - Water efficiency (i.e. triple A rated taps and showers, dual flush toilets and water re-use)
 - Landscaping provisions
 - Thermal comfort (i.e. construction materials, glazing and insulation)
 - Energy efficiency (i.e. cooling & heating provisions and hot water systems)
13. In accordance with Clause 154B of the Environmental Planning & Assessment Regulation 2000, a Certifying Authority must not issue a final Occupation Certificate for this development, unless it is satisfied that each of the required BASIX commitments have been fulfilled.

Relevant documentary evidence of compliance with the BASIX commitments is to be forwarded to the Council upon issuing the final Occupation Certificate.

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

14. Surface water/stormwater must be drained and discharged to the street gutter or suitably designed absorption pit, to the satisfaction of the Certifying Authority and details are to be included in the construction certificate application for the development.

Absorption pits must be located not less than 3m from any adjoining premises and the stormwater must not be directed or flow onto any adjoining premises or cause a nuisance.

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

15. External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the building, or cause a nuisance or damage to the adjoining premises.

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

16. 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.

17. 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*.

18. **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.

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.

19. **Prior to the commencement of any building works**, the person having the benefit of the development consent must: -

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

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

20. 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.

21. A sign must be erected and maintained in a prominent position on the site for the duration of the works, which contains the following details:
- name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours, or *owner-builder* permit details (as applicable);
 - name, address and telephone number of the *Principal Certifying Authority*; and
 - a statement stating that "unauthorised entry to the work site is prohibited".
22. 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 requirements of the Environmental Planning & Assessment Act 1979 and conditions of development consent must be satisfied prior to the issuing of an occupation certificate.

23. **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 the relevant conditions of development consent have been satisfied.

Details of *critical stage* inspections carried out by the principal certifying authority together with any other certification relied upon and must also be provided to Council with the occupation certificate.

24. In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the provisions of the Home Building Act 1989.

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

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

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

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

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

25. 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 0.35% of the cost of the works.

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

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

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

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

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

The following conditions are applied to ensure that the development satisfies

relevant standards of construction, and to maintain adequate levels of health, safety and amenity during construction:

27. The demolition of buildings and the removal, storage, handling and disposal of building materials must be carried out in accordance with the following regulations:
- The requirements and Guidelines of WorkCover NSW
 - Occupational Health and Safety Act 2000
 - Australian Standard 2601 (2001) – Demolition of Structures
 - The Protection of the Environment Operations Act 1997
 - Protection of the Environment Operations (Waste) Regulation 1996.
28. Any work involving the demolition, storage and disposal of asbestos products and materials must be carried out in accordance with the following requirements:
- a. Relevant Occupational Health & Safety legislation and WorkCover NSW requirements
 - b. Randwick City Council's Asbestos Policy (adopted 13 September 2005)
 - c. A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 50 m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.
 - d. On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.
 - e. Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996.
 - f. A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the principal certifying authority upon completion of the asbestos related works prior to an Occupation Certificate being issued, which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.
- A copy of Council's Asbestos Policy is available on Council's web site at www.randwick.nsw.gov.au in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.
29. 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.
30. A dilapidation report prepared by a professional engineer, accredited building surveyor or other suitably qualified person must be submitted to the satisfaction of the Principal Certifying Authority **prior to commencement** of

any demolition, excavation or building works, in the following cases:

- new dwellings or additions to dwellings sited up to the property boundaries (including additions to a semi-detached dwelling),
- excavations for new dwellings, additions to dwellings, swimming pools or the like which are proposed to be located within the zone of influence of the footings of any dwelling, associated garage or other substantial structure located upon an adjoining premises,
- excavations for new dwellings, additions to dwellings, swimming pools or the like which are within rock and may result in vibration and or potential damage to any dwelling, associated garage or other substantial structure located upon an adjoining premises,
- as otherwise required by the Principal Certifying Authority.

The report (including photographs) is to detail the current condition and status of any dwelling, associated garage or other substantial structure located upon the adjoining premises, which may be affected by the subject works.

31. The adjoining land and buildings located upon the adjoining land must be adequately supported at all times.

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of any building located 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
- effectively support the excavation and building; 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 and particulars of the works to the owner of the adjoining land.

Notes

- This consent and condition does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the principal contractor or owner-builder must obtain:
 - a) the consent of the owners of such adjoining or supported land to trespass or encroach, or
 - b) an access order under the Access to Neighbouring Land Act 2000, or
 - c) an easement under section 88K of the Conveyancing Act 1919, or
 - d) an easement under section 40 of the Land & Environment Court Act 1979, as appropriate.
- Section 177 of the Conveyancing Act 1919 creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).

32. Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all building, demolition and associated site works

(including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and Public Holidays.

33. 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.
34. Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.

If it is proposed to locate any site fencing, hoardings or amenities upon any part of the footpath, nature strip 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.

35. 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;
 - construction traffic management provisions.

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.

36. 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 the Construction Site Management Plan which must be submitted to and approved by the principal certifying authority **prior to the commencement of any site works**.

37. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements

must be complied with:

- a. Building materials, sand, soil, waste materials, construction equipment or other activities 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.
- b. 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.
- c. 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. Applications to place a waste container in a public place can be made to Council's Health Building and Regulatory Services section.
- d. Any part of Council's road, footway or nature strip which is damaged as a result of the work must be repaired or replaced to Council's satisfaction prior to occupation or finalisation of the development.

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

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

ADVISORY MATTERS:

- A1 Building or excavations works must not be commenced until a construction certificate has been obtained from Council's Building Certification Services or an Accredited Certifier and either Council's Building Certification Services or an Accredited Certifier has been appointed as the Principal Certifying Authority (PCA) for this development.

Failure to obtain a Construction Certificate and appoint a PCA before commencing works is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million under the Environmental Planning & Assessment Act 1979.

- A2 A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:
- Install or erect any site fencing, hoardings or site structures
 - Operate a crane or hoist goods or materials over a footpath or road
 - Placement of a waste skip (greater than 3m in length) or any container or other article.

MOTION: (Andrews/Kenny) CARRIED - SEE RESOLUTION.

CP7/08 Director City Planning Report - 198-200 Coogee Bay Road, Coogee (DA/914/2006)

'36/08

RESOLUTION: (Sullivan/White)

That:

- A. Council's original Determination of Development Application No DA/914/2006, dated 15 February 2007 for Council's decision to refuse the application for first floor deck area for use of two existing residential units located towards northern boundary of site at 198-200 Coogee Bay Road, Coogee, be rescinded
- B. Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No DA/914/2006 for permission to extend the first floor deck at 198-200 Coogee Bay Road, Coogee, subject to the following conditions:

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:

1. The development must be implemented substantially in accordance with the plan numbered AWstplotpln.dgn, dated January 2008 and received by Council on 5 February 2008, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:
2. In order to ensure a lightweight and more open appearance to the building and the streetscape, the proposed privacy screen must be limited to a maximum height of 2.4m, must be made of horizontal timber slats that have a maximum gap of 10mm and are angled upwards in order to ensure there is no direct line of sight into the habitable room windows of middle level units located on the adjoining site at 101 Brook Street Coogee.
3. Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the relevant building works.
4. Lighting to the elevated deck area 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.
5. The deck area shall remain common property and is only to be shared between the two residential units and not for the exclusive use of a single unit.

The following conditions are applied to ensure that the development satisfies the provisions of the *Environmental Planning and Assessment Act 1979* and Regulations and to provide for reasonable levels of fire safety:

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

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

7. All new building work must be carried out in accordance with the provisions of

the Building Code of Australia (BCA), in accordance with Clause 98 of the *Environmental Planning and Assessment Regulation 2000*.

8. **Prior to the commencement of any building works** (including necessary upgrading works specified in the conditions of this consent), a construction certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.
9. **Prior to the commencement of any building works**, the person having the benefit of the development consent must: -
 - i) appoint a Principal Certifying Authority for the building work, and
 - ii) appoint a principal contractor for the building work, or in relation to residential building work, obtain an owner-builder permit in accordance with the requirements of the Home Building Act 1989, and notify the Principal Certifying Authority and Council accordingly in writing, and
 - iii) unless the person having the benefit of the consent is the principal contractor (i.e. owner-builder), notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority, and
 - iv) give at least two days notice to the Council, in writing, of the person's intention to commence building works.

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

10. 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.

11. 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".
12. 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 requirements of the Environmental Planning & Assessment Act 1979 and conditions of development consent must be satisfied prior to the issuing of an occupation certificate.

13. **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 the relevant conditions of development consent have been satisfied.

Details of critical stage inspections carried out by the principal certifying authority together with any other certification relied upon must also be provided to Council with the occupation certificate.

14. In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the provisions of the Home Building Act 1989.

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

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

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

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

Details of the principal building contractor and compliance with the provisions

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

15. 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 0.35% of the cost of the works.

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:

16. The demolition, removal, storage, handling and disposal of building products and materials must be carried out in accordance with the relevant requirements of WorkCover NSW, the NSW Department of Environment & Conservation (formerly the Environment Protection Authority) and Randwick City Council policies and conditions, including:

- Occupational Health and Safety Act 2000
- Occupational Health and Safety (Hazardous Substances) Regulation 2001
- Occupational Health and Safety (Asbestos Removal Work) Regulation 2001
- WorkCover NSW Code of Practice for the Safe Removal of Asbestos
- Australian Standard 2601 (2001) – Demolition of Structures
- The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.
- Relevant Department of Environment & Conservation (DEC) / Environment Protection Authority (EPA) and WorkCover NSW Guidelines.
- Randwick City Council Asbestos Policy (adopted 13 September 2005)

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

17. 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.
18. Except with the written approval of Council's Manager of Health, Building & Regulatory Services, all building, demolition and associated site works (including site deliveries) must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive and (except as detailed below) between 8.00am to 5.00pm on Saturdays.

All building, demolition and associated site works are strictly prohibited on Sundays, Public Holidays and also on Saturdays adjacent to a Public Holiday.

In addition, the use of any rock excavation machinery or any mechanical pile drivers or the like is restricted to the hours of 8.00am to 5.00pm (maximum) on Monday to Friday only, to minimise the noise levels during construction and

loss of amenity to nearby residents.

19. 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.
20. 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.

21. 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.

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.

22. 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.

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.

23. 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.

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.

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 any part of the footpath, nature strip or any public place, the written consent from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.

ADVISORY MATTERS:

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

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

- a) Part B1 - Structural provisions
- b) Part D2.16 - Compartmentation and separation

MOTION: (Matson/Nil) that this application be refused as it will detract from the amenity of the adjoining neighbours and is against the public interest. **LAPSED FOR WANT OF A SECONDER.**

MOTION: (Sullivan/White) CARRIED - SEE RESOLUTION.

CP8/08 Director City Planning Report - 1-9 Pine Avenue, Little Bay (DA/915/2007)

37/08

This application was deferred at the request of the applicant.

CP9/08 Director City Planning Report - Draft Administrative Local Environmental Plan 2008 (F2004/08093)

38/08

RESOLUTION: (Andrews/Kenny) that:

- a) Council endorse the draft Randwick Local Environmental Plan 2008 in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and *Regulation 2000*, and forward the draft LEP and maps to the Minister requesting that it be made and the maps signed;
- b) Council endorse the repeal of the Exempt and Complying DCP, upon gazettal of Randwick LEP 2008; and
- c) Agree that the Director City Planning, may make minor modifications to the draft LEP arising from Parliamentary Counsel advice, and to rectify numerical, typographical, interpretative and formatting errors if required, in the completion and printing of the draft plans.

MOTION: (Andrews/Kenny) CARRIED - SEE RESOLUTION.

CP11/08 Director City Planning Report - A New Framework for Council's Combined Grants Program - Building a Stronger and Vibrant

Community Funding Program (F2005/00469)

'39/08

RESOLUTION: (Andrews/Kenny) that Council endorse the attached new program framework and guidelines for 'Building a Stronger and Vibrant Community Funding Program' for implementation at the start of the new financial year 2008/2009.

MOTION: (Andrews/Kenny) CARRIED - SEE RESOLUTION.

Notice of Rescission Motions

NR1/08 Notice of Rescission Motion - Notice of Rescission Motion by Councillors Procopiadis, Sullivan & Tracey - Ordinary Council Meeting - 26 February 2008 - Item CP1/08 - Development Application Report - 75 Todman Avenue, Kensington (DA/304/2006/B)

MOTION: (Procopiadis/Sullivan): that the resolution passed at the Ordinary Council Meeting held on Tuesday, 26 February 2008, reading as follows:

"A. Council as the responsible authority grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to modify Development Consent No.304/2006 on property 75 Todman Avenue, Kensington in the following manner:

1. Amend Condition 1 to read:

"1. The development must be implemented substantially in accordance with the plans numbered DA.01 to DA.04, Issue B, dated July 2006 and received by Council on 10 July 2006, the application form and on any supporting information received with the application, as amended by the:

- Section 96 "A" application determined on 13 April 2007;
- Section 96B plans numbered D20028/CC01, D20028/CC06, D20028/CC04, Issue B, dated 25 October 2007 and received by Council 7 November 2007;

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

2. Add the following conditions:

"48. The proposed carport extension to the approved carport indicated on plans D20028/CC01, D20028/CC06, D20028/CC04, Issue B, dated 25 October 2007 and received by Council 7 November 2007 shall be deleted from the approved plans. Details of compliance are to be submitted to Council and the principal certifying authority prior to the issue of an occupation certificate."

"49. The eastern side boundary fence indicated on plans D20028/CC01, D20028/CC06, D20028/CC04, Issue B, dated 25 October 2007 and received by Council 7 November 2007 shall be limited to a maximum height of 1.8m and shall be located wholly within the subject site.

Details are to be provided in the Construction Certificate to demonstrate that the proposed fence will not encroach onto the adjoining properties, Council's road reserve or any public place, to the satisfaction of the certifying authority."

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

NR2/08 Notice of Rescission Motion - Notice of Rescission Motion by Councillors White, Andrews and Tracey - Works Committee - 11 March 2008 - Item W4/08 - Naming of Reserve known as Barwon Park, Matraville as James Matra Park. (f2005/00218)

40/08 **RESOLUTION: (White/Andrews)** that the resolution passed at the Works Committee meeting held on 11 March 2008 reading as follows:

- a) The name James Matra Park be recommended to the Geographical Names Board for consideration;
- b) Subject to acceptance by the Geographical Names Board appropriate signage be installed to reflect this change; and
- c) parties be thanked for their valued comments and input.

BE AND IS HEREBY RESCINDED.

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

Cr Belleli requested that his name be recorded as opposed to the rescission motion.

41/08 **FURTHER RESOLUTION: (Tracey/Matson)** that:

- a) the name Barwon Park be recommended to the Geographical Names Board for consideration;
- b) subject to acceptance by the Geographical Names Board appropriate signage be installed to reflect this change; and
- c) all parties be thanked for their valued comments and input.

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

General Manager's Reports

GM4/08 General Manager's Report - Affixing of the Seal (F2004/06336)

42/08 **RESOLUTION: (Andrews/Kenny)**

That the Council's Seal be affixed to the signing of agreements between Council and:

1. The Sunnyfield Association in relation to a licence for the purpose of an office at Suite 1, Office 2, Level 3, 669-677 Anzac Parade, Maroubra.
2. The Sunnyfield Association in relation to a licence for the purpose of an office at Suite 4, Office 2, Level 3, 669-677 Anzac Parade, Maroubra.
3. Land Titles Office in relation to an application for the compulsory acquisition of land at Norbar Lane (aka Hay Lane), Kingsford.

MOTION: (Andrews/Kenny) CARRIED - SEE RESOLUTION.

GM5/08 General Manager's Report - Management of Maroubra Senior Citizens Hall (F2004/07593)

'43/08 **RESOLUTION: (Andrews/Kenny)**

That:

- a) Council formally accepts the hand over of the Maroubra Senior Citizens' Hall effective 1 April 2008; and
- b) Council commences hiring of the Maroubra Senior Citizens Hall effective 1 April 2008 in line with the fees & charges as stated in the Pricing Policy & Statement of Fees & Charges.

MOTION: (Andrews/Kenny) CARRIED - SEE RESOLUTION.

Director City Services' Reports

CS7/08 Director City Services Report - Matraville Toilet Options (F2005/00244)

'44/08 **RESOLUTION: (Andrews/Kenny)**

That the Matraville Local Precinct Committee and Matraville Chamber of Commerce be advised that most cost effective and viable option for the provision of public amenities in the short to medium term in the Matraville Commercial Centre remains the provision of facilities within the development site at 495-503 Bunnerong Road, Matraville.

MOTION: (Andrews/Kenny) CARRIED - SEE RESOLUTION.

CS9/08 Director City Services Report - Refurbishment of Randwick Branch Library: Status Report (F2007/00357)

'45/08 **RESOLUTION: (Andrews/Kenny)**

That:

- a) This report be received and noted; and
- b) Council carry over funding allocated to the refurbishment of the Randwick Branch Library to the 2008/9 budget.

MOTION: (Andrews/Kenny) CARRIED - SEE RESOLUTION.

Director Governance & Financial Services Reports

GF8/08 Director Governance & Financial Services Report - Councillors' Expenses & Facilities Policy - Councillors Contributing into Super (F2004/06576)

'46/08 **RESOLUTION: (Andrews/Kenny)**

That the revised Councillors' Expenses & Facilities Policy be adopted and submitted to the Department of Local Government in accordance with legislative requirements.

MOTION: (Andrews/Kenny) CARRIED - SEE RESOLUTION.

GF9/08 Director Governance & Financial Services Report - Internal Reporting System - Protected Disclosures Act (F2005/00303)

'47/08 **RESOLUTION: (Andrews/Kenny)**

That the annual report on Council's Internal Reporting System and Policy in relation to the Protected Disclosures Act be received and noted.

MOTION: (Andrews/Kenny) CARRIED - SEE RESOLUTION.

GF10/08 Director Governance & Financial Services Report - Review of Customer Compliments & Complaints Policy (F2005/00427)

'48/08 **RESOLUTION: (Andrews/Kenny)**

That the proposed changes as outlined in this report and contained in the Customer Compliments and Complaints Policy be adopted.

MOTION: (Andrews/Kenny) CARRIED - SEE RESOLUTION.

GF11/08 Director Governance & Financial Services Report - Financial Operations Policies (F2004/07458)

'49/08 **RESOLUTION: (Andrews/Kenny)**

That the Pensioner Concession Policy, Financial Hardship Policy, Debt Recovery Policy and Borrowings (Loans) Policy be adopted.

MOTION: (Andrews/Kenny) CARRIED - SEE RESOLUTION.

GF12/08 Director Governance & Financial Services Report - Fraud and Corruption Prevention Policy (F2005/00178)

'50/08 **RESOLUTION: (Andrews/Kenny)**

That the draft Fraud and Corruption Prevention Policy be adopted.

MOTION: (Andrews/Kenny) CARRIED - SEE RESOLUTION.

GF13/08 Director Governance & Financial Services Report - Sewerage / Stormwater Drain Blockage Policy (F2005/00178)

'51/08 **RESOLUTION: (Andrews/Kenny)**

That the Sewerage / Stormwater Drain Policy be adopted.

MOTION: (Andrews/Kenny) CARRIED - SEE RESOLUTION.

GF14/08 Director Governance & Financial Services Report - Investment Report- February 2008 (F2004/06527)

'52/08 **RESOLUTION: (Andrews/Kenny)**

That the investment report for February 2008 be received and noted.

MOTION: (Andrews/Kenny) CARRIED - SEE RESOLUTION.

Confidential reports (closed session)

That the meeting move into closed session in order to consider confidential items.

CON10/08 Confidential - T02/08 - Randwick Coastal Walkway Upgrade - Bunya Parade South Coogee (F2008/00027)

This matter is considered to be confidential under Section 10A(2) (d) Of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.

'53/08 **RESOLUTION: (Andrews/Kenny)**

That Council:

- a) Accepts the tender submitted by KK Civil Engineering for the Randwick Coastal Walkway Upgrade – Bunya Parade South Coogee
- b) Authorise the General Manager to sign and affix Councils Common Seal on the contract documents on behalf of Council;
- c) Notify the unsuccessful tenderers of the tender result.

MOTION: (Andrews/Kenny) CARRIED - SEE RESOLUTION.

CON11/08 Confidential - Organisational Structure Review - City Services (F2004/06916)

This matter is considered to be confidential under Section 10A(2) (a) Of the Local Government Act, as it deals with personnel matters concerning particular individuals.

'54/08 **RESOLUTION: (Andrews/Kenny)**

That this report be received and noted.

MOTION: (Andrews/Kenny) CARRIED - SEE RESOLUTION.

CON15/08 Confidential - Sale 222-232 Storey Street, Maroubra (F2004/06326)

This matter is considered to be confidential under Section 10A(2) (d) Of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.

'55/08 **RESOLUTION: (Andrews/Kenny)**

That Council sell 222-232 Storey Street, Maroubra at public auction and invite the successful panel of tenderers for real estate agents, managing agents and valuers to apply to carry out the public auction.

MOTION: (Andrews/Kenny) CARRIED - SEE RESOLUTION.

Open Session

That the meeting move back into open session.

Mayoral Minutes

MM8/08 Mayoral Minute - Maroubra Development Carnival - Des Renford Aquatic Centre - Waiving of the Fees (F2006/00108)

56/08 **RESOLUTION: (Mayor, Cr B Notley-Smith)**

That:

- a) Council vote to waive the \$660.00 to cover pool fees for the Maroubra Development Carnival to be held on Sunday, 25 May 2008 and a \$3,000.00 donation to buy associated items of expenditure.
- b) Maroubra Swimming Club 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.).
- c) the Mayor or the Mayor's representative be given the opportunity to address the event on behalf of Council.

MOTION: (Mayor, Cr B Notley-Smith/) CARRIED - SEE RESOLUTION.

MM 9/08 Mayoral Minute - "Living Local @ La Pa - Celebrate Neighbour Day" to be held at Cann Park on 29th March, 2008 (F2004/07859)

57/08 **RESOLUTION: (Mayor, Cr B Notley-Smith) that:**

- a) Council vote \$1,634.90 to cover the cost of equipment including stage, sound system and generator and Administration Fee associated with the "*Living Local @ La Pa - Neighbour Day*" to be held on Saturday, 29th March, 2008 and that these funds be allocated from the 2007/08 Contingency Fund;
- b) the event organisers 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); and
- c) the Mayor or the Mayor's representative be given the opportunity to address the event on behalf of Council.

MOTION: (Mayor, Cr B Notley-Smith/) CARRIED - SEE RESOLUTION.

MM 10/08 Mayoral Minute - Walking Volunteer Project in Randwick (F2005/00321)

58/08 **RESOLUTION: (Mayor, Cr B Notley-Smith)**

That Council:

- a) endorses and extends a special thanks and appreciation to each of the Walking Volunteers on behalf of the ratepayers of Randwick; and
- b) Council promotes the availability of the maps, brochures and walking notes

through Council's libraries and website.

MOTION: (Mayor, Cr B Notley-Smith/) CARRIED - SEE RESOLUTION.

**MM 11/08 Mayoral Minute - Funding Variation from the Department of
Disability, Ageing & Home Care (F2004/07688)**

59/08 **RESOLUTION: (Mayor, Cr B Notley-Smith)**

That:

1. Council accept the variation in funding from DADHC by signing and stamping Council's common seal to the Variation of Funding document.
2. Council acknowledge the financial support from DADHC by displaying its logo on correspondence pertaining to Randwick HMMS.

MOTION: (Mayor, Cr B Notley-Smith/) CARRIED - SEE RESOLUTION.

**MM 12/08 Mayoral Minute - Footway Licences - Measurement of Leased
Areas (F2004/06351)**

60/08 **RESOLUTION: (Mayor, Cr B Notley-Smith)**

That:

- (a) Council design, purchase and install appropriate footway licence markers throughout Randwick City with \$3,875.00 to be allocated from the Council 2007/08 Budget;
- (b) Council's Property Coordinator prepare an implementation plan to ensure all authorised footway licences in Randwick City are clearly identified; and
- (c) Council's City Services Division undertake the installation of the markers in accordance with the implementation plan.

MOTION: (Mayor, Cr B Notley-Smith/) CARRIED - SEE RESOLUTION.

**MM 13/08 Mayoral Minute - Kooloora Community Centre Request for
Support (F2006/00218)**

61/08 **RESOLUTION: (Mayor, Cr B Notley-Smith)**

That:

- a) Council provide a bench and large deciduous tree for the Kooloora site;
and
- b) Council allocate \$2,200.00 from the contingency fund.

MOTION: (Mayor, Cr B Notley-Smith/) CARRIED - SEE RESOLUTION.

**MM14/08 Mayoral Minute - Donation of SES Vehicle to Temora Shire Council
(F2005/00294)**

62/08 **RESOLUTION: (Mayor, Cr B Notley-Smith)**

that Randwick City Council donate this vehicle to Temora Shire Council and this be funded from Council's Plant Reserve.

MOTION: (Mayor, Cr B Notley-Smith/) CARRIED - SEE RESOLUTION.

MM15/08 Mayoral Minute - CCTV at Coogee (F2004/07501)

63/08

RESOLUTION: (Mayor, Cr B Notley-Smith)

That Randwick City Council writes to the State Members of Coogee and Maroubra and the Federal Member for Kingsford-Smith seeking their support for government funding for the installation of CCTV at Coogee.

MOTION: (Mayor, Cr B Notley-Smith/) CARRIED - SEE RESOLUTION.

Crs Andrews, Bastic, Procopiadis, Sullivan, Tracey and White left the meeting at this stage resulting in a lack of a quorum, the time being 9.09 pm.

The meeting was adjourned at 9.09 pm and was resumed at 9.38 pm.

The meeting was adjourned at 9.39 pm and was resumed at 9.46 pm.

The meeting was adjourned until 6.00 pm on Tuesday 1st April, 2008.

**MINUTES OF RECONVENED ORDINARY COUNCIL MEETING OF THE
COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 1 APRIL
2008 AT 6:03 PM.**

Present:

The Mayor, Councillor B Notley-Smith (Chairperson) (East Ward)

Councillor M Matson (Deputy Chairperson) (East Ward)

North Ward - Councillors J Kenny & M Woodsmith

South Ward - Councillors R Belleli & A White

East Ward - Councillor D Sullivan

West Ward - Councillors B Hughes, S Nash
(from 6.27 pm) & J Procopiadis

Central Ward - Councillors A Andrews, C Bastic
(from 6.25 pm) & T Seng

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 Administrative Services	Mr D Kelly
Communications Manager	Ms D Brien
Manager Technical Services	Mr M Shaw
Manager Corporate & Financial Planning	Ms A Zahra
Manager Organisational Planning & Performance	Ms K Walshaw

Prayer & Acknowledgement of Local Indigenous People

The Council Prayer was read by Cr Sullivan. The Acknowledgement of Local Indigenous People was read by Cr Woodsmith.

Apologies/Granting of Leave of Absences

Apologies were received from Crs Daley and Tracey.

RESOLVED: (White/Procopiadis) that the apologies received from Crs Daley and Tracey be accepted and leave of absence from the meeting be granted.

MM16/08 Mayoral Minute - Late Hour Entry Declarations at the Coogee Bay Hotel and Beach Palace Hotel (F2004/07501)

64/08

RESOLUTION: (Mayor, Cr B Notley-Smith)

That:

1. The General Manager, in conjunction with the Premier's Eastern Beaches Crime Prevention Partnership, undertake the necessary action and prepare a submission to the NSW Director of Liquor, Gaming and Racing requesting that a "Late hour entry declaration" be made to prevent the entry of patrons after 1.00am the following day on Friday and Saturday nights, at:
 - (a) the Coogee Bay Hotel situated at 212 Arden Street, Coogee, and
 - (b) the Beach Palace Hotel situated at 169 -181 Dolphin Street, Coogee, and
2. The above submission is completed and forwarded to the NSW Director of Liquor, Gaming and Racing upon the commencement of the *Liquor Act 2007*.

MOTION: (Mayor, Cr B Notley-Smith) CARRIED UNANIMOUSLY – SEE RESOLUTION.

MM17/08 Mayoral Minute- City Parks Improvement Program (F2004/06495)

65/08

RESOLUTION: (Mayor, Cr B Notley-Smith) that Council will consider an allocation of \$700,000.00 to the City Parks Improvement Program in the 2008/09 budget for parks improvements and storm water reuse projects for these parks.

MOTION: (Sullivan/Andrews) that this matter be deferred until a full report is received on the costings and the program, including whether or not Council should be sourcing the application of funds from other levels of government, reserves or Section 94 funds. **LOST.**

Councillors Sullivan and Andrews called for a **DIVISION.**

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

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

Total (5)**Total (8)****MOTION: (Mayor, Cr B Notley-Smith) CARRIED – SEE RESOLUTION.****Urgent Business**

Nil.

CP10/08 Director City Planning Report - Local Orders & Local Approvals Policy (F2006/00388)

'66/08

RESOLUTION: (Nash/Belleli) that:

- a) the draft *Local Approvals Policy 2008* and draft *Local Orders Policy 2008* be put on public exhibition in accordance with Section 160 of the *Local Government Act 1993* and Clause 77 of the *Local Government (General) Regulation 2005*, and
- b) The draft *Local Approvals Policy 2008* and draft *Local Orders Policy 2008* is to be referred to Council for consideration after receiving and giving consideration to submissions made during the public notice and exhibition period, in accordance with Section 161 of the *Local Government Act 1996*.

MOTION: (Nash/Belleli) CARRIED - SEE RESOLUTION.**General Manager's Reports****GM 6/08 General Manager's Report - Draft Community Consultation Principles and Planning Guide (F2005/00495)**

'67/08

RESOLUTION: (Nash/Andrews) that:

- a) the Draft Community Consultation Principles and the Consultation Planning Guide are put on public exhibition for community comment for one month.; and
- b) at the end of the exhibition period the Draft Community Consultation Principles and the Consultation Planning Guide be reported back to Council for consideration and adoption.

MOTION: (Nash/Andrews) CARRIED - SEE RESOLUTION.**Director City Services Reports****CS6/08 Director City Services Report - Fibro Fragments (Asbestos Issue) (F2004/07462)**

'68/08

RESOLUTION: (Matson/Woodsmith) that the sampling and testing program continue at Heffron Park once per year.**MOTION: (Matson/Woodsmith) CARRIED - SEE RESOLUTION.****CS8/08 Director City Services Report - Concept Design for the Upgrade of Mahon Pool Facilities (F2007/00043)**

'69/08

RESOLUTION: (Matson/Woodsmith) that this matter be deferred to the meeting at which the budget is being considered to allow for consideration by Councillors of a long term financial analysis of the proposal.**MOTION: (Matson/Woodsmith) CARRIED - SEE RESOLUTION.**

Director Governance & Financial Services Reports

GF7/08 Director Governance & Financial Services Report - Amendment to 2008 Council & Committee Meeting Schedule (F2004/06565)

'70/08 **RESOLUTION: (Kenny/Procopiadis)** that the amended Meeting Schedule for the 2008 calendar year be adopted.

MOTION: (Kenny/Procopiadis) CARRIED - SEE RESOLUTION.

Petitions

P5/08 Mayor, Cr Bruce Notley-Smith - Petition Received from Local Residents Requesting Reduced Trading Hours of Licenced Premises in the Coogee Basin (F2004/08009)

'71/08 **RESOLUTION: (Matson/Woodsmith)** that the petition tabled be received and noted.

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

P6/08 Cr Robert Belleli - Petition Received from Matrville Residents Requesting that the Name James Matra Park Remain As Such (F2005/00218)

'72/08 **RESOLUTION: (Belleli/Nash)** that the petition tabled be received and noted.

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

P7/08 Mayor, Cr Bruce Notley-Smith - Petition Received from Malabar Residents Objecting to Development Application for a Chicken Shop at 1220 Anzac Parade Malabar (DA/91/2008)

'73/08 **RESOLUTION: (Mayor, Cr B Notley-Smith/ Belleli)** that the petition tabled be received and noted.

MOTION: (Mayor, B Notley-Smith/Belleli) CARRIED - SEE RESOLUTION.

P8/08 Cr Chris Bastic - Petition Received from Local Residents Objecting to Development Application for Child Care Centre at 91 Paine Street Maroubra (DA/1/2008)

'74/08 **RESOLUTION: (Bastic/Andrews)** that the petition tabled be received and noted.

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

Motion Pursuant to Notice

NM2/08 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr Belleli - Beautifying Bunnerong Road (Botany - Maroubra Roads) (F2004/08226)

'75/08 **RESOLUTION: (Belleli/Nash)** that Council consider in the 2008-2009 budget to beautify the Bunnerong Road medium strip and nature strips from the Kingsford

roundabout to Maroubra Road with either/or trees, plants, shrubs and ground covers where possible and suitable.

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

NM3/08 Motion Pursuant to Notice - Notice of Motion by Crs Tracey, Sullivan, Andrews, Bastic, Daley, Procopiadis & White - Independent Hearing Assessment Panel (F2004/07960)

76/08

RESOLUTION: (Matson/Woodsmith): that:

- a) in order to best maximise transparency and accountability in local decision making, Council resolves not to proceed with consideration of an IHAP mechanism until more detail is available on how the Premier's recent proposal to ban political donations is intended to be applied at the council level; and
- b) Council note that it would be premature to have an IHAP on Randwick Council in circumstances where State Government Planning reforms have not been formalised.

MOTION: (Andrews/Procopiadis) that Council, in supporting the recommendation of the ICAC, proceed with the establishment of an Independent Hearing Assessment Panel ("IHAP"). Further, that a report be presented for Councillors, including an appropriate "Charter" and requirements for the implementation of an IHAP. The report shall include details of the operational, administrative and procedural requirements associated with the IHAP.

AMENDMENT: (Matson/Woodsmith) CARRIED AND BECAME THE MOTION. MOTION CARRIED – SEE RESOLUTION.

Councillors Sullivan and Andrews called for a **DIVISION**.

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Hughes	Councillor Bastic
Councillor Kenny	Councillor Procopiadis
Councillor Matson	Councillor Sullivan
Councillor Nash	Councillor White
Councillor Notley-Smith	
Councillor Seng	
Councillor Woodsmith	
Total (8)	Total (5)

NM4/08 Motion Pursuant to Notice - Motion Pursuant to Notice by Crs Tracey, Sullivan, Andrews, Bastic, Daley, Procopiadis and White - Political Campaign Donations (F2005/00518)

77/08

RESOLUTION: (Woodsmith/Matson) that:

- a) Council notes that the Randwick ALP Councillors have agreed to the following donation policy for local Government elections:

Donations to individual Councillors are not to be accepted but general campaign donations may be directed to the registered State branch of a

party, or in the case of independents to an established account with the State Electoral Office;

No donations be solicited nor accepted from developers (i.e. companies or entities whose primary purpose and trading activity is property development);

That any development application involving an applicant who has made political donations at or subsequent to the 2004 Local Government election be referred to an IHAP;

- b) in relation to previous announcements, this Council congratulate and endorse the view that in the state of NSW we move to a fully funded public donation system where there are no donations and political parties or independents are funded by the state;
- c) Council note that Greens councillors request the ALP councillors to consider including a further point in their policy, namely that no donations be solicited or accepted from hotel proprietors/owners, that is companies and entities whose primary purpose is the operation of licenced premises; and
- d) Council note that the Randwick Liberal candidates at the September 2008 local government elections will be either publicly funded, if the new legislation has been approved, or self funded if the legislation has not been passed.

MOTION: (Andrews/Sullivan): that:

- a) Council notes that the Randwick ALP Councillors have agreed to the following donation policy for local Government elections:

Donations to individual Councillors are not to be accepted but general campaign donations may be directed to the registered State branch of a party, or in the case of independents to an established account with the State Electoral Office;

No donations be solicited nor accepted from developers (i.e. companies or entities whose primary purpose and trading activity is property development);

That any development application involving an applicant who has made political donations at or subsequent to the 2004 Local Government election be referred to an IHAP; and

- b) in relation to previous announcements, this Council congratulate and endorse the view that in the state of NSW we move to a fully funded public donation system where there are no donations and political parties or independents are funded by the state;

**AMENDMENT: (Woodsmith/Matson): CARRIED AND BECAME THE MOTION.
MOTION CARRIED – SEE RESOLUTION.**

NM5/08 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr Matson - Opposition to State Government Plans to Sell Off the State's Electricity System (F2005/00230)

78/08

RESOLUTION: (Matson/Hughes) that Council write to the Premier, the Treasurer, the NSW Local Government and Shires Association and local MP's for Maroubra, Heffron and Coogee opposing the sell off of the electricity system.

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

Cr Andrews requested that his name be recorded as opposed to the resolution.

NM7/08 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr Matson - Aircraft Emissions over Coogee Beach and Randwick City (F2006/00205)

'79/08 **RESOLUTION: (Matson/Hughes) that:**

- a) Council write to the Honourable Peter Garrett MP noting the Coogee Precinct Committee's letter to him of 2 February 2008 on the issue of discharged jet fuel and requests advice from him on the issues' possible health significance to Council residents; and
- b) Council also send copies of this correspondence, with an appropriate covering letter, to the Sydney Airport Community Forum and the Civil Aviation Authority to further raise awareness of our concerns relating to this issue

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

NM8/08 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr Matson - Response to Wollongong Scandal (F2005/00518)

'80/08 **RESOLUTION: (Matson/Hughes) that Council:**

- a) Calls on candidates in the 2008 Local Council Elections for Randwick City to refuse to accept donations from property developers, pubs and clubs and will convey this view to them in writing following their nominations;
- b) Writes to the Minister for Local Government calling for amendment to the electoral laws to ban developer donations and require improved disclosure of all other political donations prior to the 2008 Local Government Elections;
- c) Will have any political donations received by elected Councillors prior to and after the 2008 Local Government Elections posted on the Council web site; and
- d) Will move to oblige the declaration of political donations on Development Applications submitted to Randwick City Council.

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

NM9/08 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr Woodsmith - Anti Social Behaviour (F2005/00515)

'81/08 **RESOLUTION: (Woodsmith/Matson) that, in response to the successful 104 action initiated by the Newcastle Police that has brought restrictions and limits to the alcohol that can be served with cutbacks in the opening hours and a lock out for many pubs in Newcastle;**

- the General Manager forward a letter of support to the group undertaking the ongoing section 104 complaint and organise a meeting between the local police command and interested East and North Ward Councillors to discuss joining this section 104 complaint under the NSW liquor Act 1982 with regard to the Hotels and Clubs within a 500 meter radius of Coogee Beach. The problems are well documented in the area and have been cause for concern for many years.

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

Notices of Rescission Motions

Nil.

There being no further business, His Worship the Mayor, Cr B Notley-Smith, declared the meeting closed at 8.22 pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 22 April 2008.

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CHAIRPERSON