



**MINUTES OF ORDINARY COUNCIL MEETING OF THE COUNCIL OF
THE CITY OF RANDWICK HELD ON TUESDAY, 24 JUNE 2008 AT
6:08 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 7.40 pm)
West Ward	- Councillors B Hughes, S Nash & J Procopiadis
Central Ward	- Councillors A Andrews, C Bastic (from 7.40 pm) & T Seng

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
Manager Development Assessment	Mr K Kyriacou
Communications Manager	Ms D Brien
Manager Organisational Performance	Ms K Walshaw

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

An apology was received from Cr Daley.

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

Confirmation of the Minutes

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY 27 MAY 2008**

152/08

RESOLUTION: (Hughes/Nash) that the Minutes of the Ordinary Council Meeting held on Tuesday 27 May 2008 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

Declarations of Pecuniary and Non-Pecuniary Interests

- (a) Crs Andrews, Procopiadis, Sullivan, Tracey and White declared a non pecuniary interest in item CP23/08 as the objector is a member of the Labor Party.
- (b) Cr Seng declared a non pecuniary interest in item CP25/08 as when he was Mayor he received a tie as a gift from the owner which he kept, as well as two bottles of wine which he donated to council.
- (c) Cr Andrews declared a non pecuniary interest in item CP25/08 as he received a bottle of wine as a gift from the owner which he donated to council.
- (d) Cr Sullivan declared a non pecuniary interest in item CP23/08 as he knows the objector.
- (e) Cr Sullivan declared a non pecuniary interest in item CP25/08 as a related entity of the company he works for has been in discussions with the AJC.
- (f) Cr Belleli declared a non pecuniary interest and will not be voting on item MM45/08 as his wife's dance school has previously provided free entertainment at this event.
- (g) Cr Sullivan declared a non pecuniary interest in item MM45/08 as he is the current patron of DRAC.

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:

CP23/08 7 NORTHUMBERLAND STREET, CLOVELLY

Objector Anthony Betros

Applicant Pillar Aberasturi - Archicorp Architects

CP 25/08 66A DONCASTER AVENUE, RANDWICK

Objector David O'Donnell

Applicant John Whitehouse – Solicitor for Applicant

CS 21/08 MOVERLY CHILDREN'S CENTRE AND RANDWICK CARE FOR KIDS (ROCK)

For Jenny Trinca

GF28/08 OUTDOOR DINING LICENCE AGREEMENT RENEWAL - THE BEACH PALACE HOTEL

Against Maree McMahon

For Chris Warhurst

GF29/08 BURNIE PARK COMMUNITY CENTRE - HOURS OF OPERATION

Against Rae Morgan

For Dianne Kersting-Nevery

The meeting was adjourned at 7.21 pm and was resumed at 7.40 pm.

RESOLVED: (PROCEDURAL MOTION) (Nash/Belleli) that the items for which members of the public addressed the Council be brought forward for immediate consideration for the benefit of the public gallery.

Mayoral Minutes

MM41/08 Mayoral Minute - Coogee Hotels Late Hour Entry Declaration (F2004/07501)

153/08

RESOLUTION: (Mayor, Cr B Notley-Smith) that:

- a) the General Manager write to the Eastern Beaches Local Area Commander to request that Council and Police conduct a joint analysis of the data collected during the recent observations of the Coogee Bay Hotel and Beach Palace Hotel and surrounding public areas to determine the sufficiency of this information, prior to making a submission to the Director of Liquor and Gaming in respect to making a 'Late hour entry declaration' pursuant to the *Liquor Act 2007*; and
- b) the General Manager writes to the Liquor Administration Board to ascertain the proper process in which Council may make this information available to the Board in respect to the current resident complaint pursuant to s.104 of the *Liquor Act 1982*, concerning the Coogee Bay Hotel, the Beach Palace Hotel and Randwick Rugby Club.

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

MM42/08 Mayoral Minute - Fred Hollows Foundation Donation (F2004/08302)

154/08

RESOLUTION: (Mayor, Cr B Notley-Smith) that Council vote \$3,750.00 to the Fred Hollows Foundation to save the vision of 150 people and funds be allocated from the 2008/09 Contingency Fund.

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

MM43/08 Mayoral Minute - United Nations Association of Australia - World Environment Day Awards (F2007/00485)

155/08

RESOLUTION: (Mayor, Cr B Notley-Smith) that the report be received and noted.

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

MM44/08 Mayoral Minute - Sponsorship - 2008 Children's Circus Spectacular for Disadvantaged Children (F2004/08174)

156/08

RESOLUTION: (Mayor, Cr B Notley-Smith) that Council sponsor a group of ten disadvantaged children (at \$50.00 per child) to attend the Leukemia Foundation's 2008 Children's Circus Spectacular and the funds be allocated from the 2008/09 Contingency Fund.

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

MM45/08 Mayoral Minute - 9th Annual Des Renford Chair of Heart Research Family Gala and Charity Day - Use of Des Renford Aquatic Centre (F2006/00108)

157/08

RESOLUTION: (Mayor, Cr B Notley-Smith) that Council vote \$7,500.00 to cover the costs associated with Council's contribution towards the organising and staging of the Des Renford Family Day and Swim Challenge to be held on Sunday 2 November

2008 for the purpose of raising money for the Victor Chang Cardiac Foundation and this be funded from the 2008/09 Contingency Fund.

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

MM46/08 Mayoral Minute - Randwick City Council Sporting Awards 2008 - Proposed Change to Judging Panel (F2008/00012)

'158/08 **RESOLUTION: (Mayor, Cr B Notley-Smith)** that Council agree to engage a panel of independent sporting professionals to judge Councils Sporting Awards.

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

MM47/08 Mayoral Minute - 48 - 58 Maroubra Road, Maroubra - Liquor Act 1982 - Application by Coles Liquor for Conditional Removal of Off-Licence (Retail) (F2004/07767)

'159/08 **RESOLUTION: (Mayor, Cr B Notley-Smith)** that:

- (a) Randwick City Council resolve to formally object to the granting of the application to the Licensing Court of NSW made by Curtis Field (Coles Liquor) for the conditional removal of the Off-Licence (Retail) – Licence No. 354690 – currently situated at 497 – 503 Bunnerong Road, Matraville (known as Theo's Liquor market) to be removed to proposed premises at 48 – 58 Maroubra, Road, Maroubra to be known as "1st Choice Liquor Superstore"; and
- (b) the General Manager instruct Council's legal representatives to file and serve a Notice of Objection in accordance with Division 5 of Part 3 of the *Liquor Act 1982*, on grounds which include, but are not limited to, that the granting of the application would not be in the public interest.

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

MM48/08 Mayoral Minute - Local Government Chief Officers Group (F2008/00390)

'160/08 **RESOLUTION: (Mayor, Cr B Notley-Smith)** that Council endorse the General Manager's membership application for the Local Government Chief Officers Group as outlined in this report.

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

MM49/08 Mayoral Minute - Waiving of Fees - Banner - Our Lady of the Sacred Heart School (F2004/08174)

'161/08 **RESOLUTION: (Mayor, Cr B Notley-Smith)** that:

- a) the fees associated with the installation and dismantling of a banner for the Our Lady of the Sacred Heart School (on the flagpole on the corner of Arden Street and Malabar Road, Coogee), be waived and \$3,712.28 be allocated from the Council Contingency Fund 2007/08;
- b) the fundraising event organiser undertakes to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event.

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

MM50/08 Mayoral Minute - Waiving of Fees - Banner - Rainbow Street Public School (F2004/06257)

'162/08 **RESOLUTION: (Mayor, Cr B Notley-Smith)** that:

- a) the fees associated with the installation and dismantling of a banner for the Rainbow Street Public School (on the flagpole on the corner of Alison Road and Doncaster Avenue, Randwick), be waived and \$2,717.00 be allocated from the Council Contingency Fund 2007/08;
- b) the fundraising event organiser undertakes to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event.

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

Urgent Business

Nil.

Director City Planning Reports

CP23/08 Director City Planning Report - 7 Northumberland Street, Clovelly (DA/950/2007)

163/08 **RESOLUTION: (Matson/Tracey)** that this application be deferred for the following reasons: -

- (a) to allow the applicant to submit amended plans which seek the maximisation of the retention of the iconic views of wedding cake island from the neighbouring property and to have the roof at the lowest possible grade;
- (b) to offer the applicant and objector the opportunity to attend mediation should they be agreeable; and
- (c) for councillors to seek more planning advice from council officers regarding the potential view loss.

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

CP24/08 Director City Planning Report - 173-177 Coogee Bay Road Coogee (DA/300/2008)

164/08 **RESOLUTION: (Tracey/Nash)**

That Council as the consent authority grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/300/2008 for permission to fit out and use the existing vacant commercial tenancy for the purposes of Thai Therapeutic massage at 173-177 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 floor plan and sign detail received by Council on the 30th April 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 operation of the premises is restricted to therapeutic massage only. The premises must not to be used for the purpose of offering any sexual services, including "body to body" massage.
3. All massage beds being of a maximum width of 800mm.

- 4 The maximum number of employees operating from the subject premises is restricted to 2, and their relevant remedial and therapeutic massage qualifications are to be submitted to and approved by Council's Director City Planning prior to the commencement of the use. Council will keep a record of the employees and their relevant qualifications, and at no time are the employees to vary without the approval of Council's Director City Planning.
- 5 The hours of operation of the business are restricted to **10.00am to 9.00pm** seven days a week.
- 6 The under awning sign is to be a minimum of 2.6m above footpath level.

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

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

- 8 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.

- 9 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*.
- 10 **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.

- 11 **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.

- 12 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.

- 13 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".

- 14 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.

- 15 **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.

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 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.

- 17 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.

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.

- 18 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.

- 19 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.

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: (Woodsmith/Matson) that the development consent be granted subject to a twelve month trial period, the massage beds being of a maximum width of 800mm, the hours of operation being Monday to Saturday from 10am – 7pm and Sunday 10am – 5pm and council monitoring the business to guard against any illegal activity. **LOST.**

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

AMENDMENT: (Andrews/Procopiadis) that the development consent be granted subject to a twelve month trial period. **LOST.**

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

CP 25/08 Director City Planning Report - 66a Doncaster Avenue, Randwick (DA/1097/2006/1)

165/08

RESOLUTION: (White/Kenny)

Part 1 THAT Council as the responsible authority consent to development application 1097/2006/1, subject to a deferred commencement as follows:

This consent does not operate until the applicant satisfies the Council, in accordance with the Regulations, as to all matters specified in this condition:

- a) Enter into a voluntary planning agreement (VPA) to the satisfaction of the council generally in accordance with the Draft VPA annexed to this development consent providing for:

- 1) The dedication of lands;
 - 2) The construction and dedication of a community facility in accordance with detailed architectural drawings which details and drawings are to be to the satisfaction of the Council;
 - 3) The carrying out of public works; and
 - 4) The creation of any easements for drainage as is required by the Council over the said land as generally described and provided for in the Draft VPA.
- b) Immediately upon execution the applicant shall register upon the title to the land the VPA.
- c) Council has acknowledged compliance with this condition in writing.

Period within which evidence must be produced

The applicant must produce evidence to Council sufficient enough to enable it to be satisfied as to those matters above within 365 days (1 year) of the date of determination.

Clause 95(4) of the Regulation:

"The applicant may produce evidence to the consent authority sufficient to enable it to be satisfied as to those matters and, if the consent authority has specified a period for the purpose, the evidence must be produced within that period."

If the evidence is not produced within 365 days (1 year) of the date of determination, this deferred commencement consent will lapse in accordance with s95(6) of the Environmental Planning and Assessment Act 1979. No development can lawfully occur under this consent unless it operates.

Note: Nothing in the Act prevents a person from doing such things as may be necessary to comply with this condition. (See section 80(3) of the Act)

Note: Implementing the development prior to written confirmation of compliance may result in legal proceedings. If such proceedings are required Council will seek all costs associated with such proceedings as well as any penalty or order that the Court may impose. No Construction Certificate can be issued until all conditions including this condition required to be satisfied prior to the issue of any Construction Certificate have been satisfied.

Part 2 The following conditions are to be satisfied prior to the lodgement of development applications for the construction of building or civil works associated with the Stage 1 approval:

1. The development must be implemented substantially in accordance with the Stage 1 DA Amendment Submission A numbered DA-01B, DA-02-B, DA-05B, DA-06B, DA-07B, DA-08B, DA-09B, all dated 8 April 2008, and stamped received by Council on 10 April 2008, in addition to amended plans DA-03C and DA-04C (amended 23.05.08) and the application form, and on any supporting information received with the application, except as may be amended by the details/amendments approved pursuant to the deferred commencement conditions and by the following conditions and/or as may be shown in red on the attached plans:
2. This consent is limited to approval for the building envelopes, community facility, car parking and open space and does not authorise the carrying out of development on the subject site unless consent is subsequently granted to carry out development on the site subject to further development applications for civil works, infrastructure and subdivision in accordance with section 83B

- (3) of the Environmental Planning and Assessment Act 1979 (as amended).
3. The Stage 1 Development Application Submission Plans (as amended) shall be further amended to incorporate the following details:
- (a) the location of blocks C1 and C2 shall be moved to the west to further increase the space in front of the tramway turnstile building. The western extent of relocation shall be determined by the need to provide an appropriate setback to the large Moreton Bay fig located along the western boundary which is to be retained.
 - (b) The south eastern corner of Block C2 shall be "angled" in the same manner as Block C1 to improve sight lines between the public park, pedestrian ramp and tramway turnstile building.
 - (c) The applicant must incorporate parking areas over the proposed bio retention swale located along the eastern site boundary. The location and number of spaces to be provided shall be determined by Council. The applicant must liaise with Council's Development Engineer Coordinator regarding all details associated with design and location of the parking spaces. Details of the additional spaces must be submitted with any Stage 2 Development Application.
4. Development of the site must be implemented substantially in accordance with the General Terms of Approval issued by the NSW Department of Water and Energy as detailed in Part 3 of this development consent.

Part 3 GENERAL TERMS OF APPROVAL, Water Act (1912)

This is not the actual water licence

In accordance with the Environmental Planning and Assessment Act 1979 and Regulation 1994 (as amended) the Department of Water and Energy (DWE) has an approval role in relation to the lodged development application DA/1097/2006.

Licences under Part V of the Water Act 1912 are required for the works (pumping from an excavation or from spearpoints around the perimeter of the construction site), for purposes of temporary dewatering as part of proposed construction at 66a Doncaster Avenue, Randwick.

An application should be completed on the prescribed form for the abovementioned purpose and a licence obtained from the DWE prior to the installation of the works. A plan drawn to scale will be required with the application clearly identifying the location of the dewatering installations.

General and Administrative Issues.

1. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering.
2. Tailwater shall not be allowed to discharge off-site (eg adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent.
3. The licensee shall allow (subject to Occupational Health and Safety Provisions) DWE or any person authorised by it, full and free access to the works (excavation or bore/borefield), either during or after construction, for the purpose of carrying out inspection or test of the works and its fittings and shall carry out any work or alterations deemed necessary by DWE for the protection and proper maintenance of the works, or the control of the water extracted to prevent wastage and for the protection of the quality and prevention from pollution or contamination of the groundwater.

4. If a work is abandoned at any time the licensee shall notify DWE that the work has been abandoned and seal off the aquifer by such methods as agreed to or directed by DWE.
5. Suitable documents are to be supplied to DWE of the following:
 - A report of prediction of the impacts of pumping on any licensed groundwater users or groundwater dependent ecosystems in the vicinity of the site. Any adverse impacts will not be allowed and the project will need to be modified.
 - A report of assessment of the potential for salt water intrusion to occur as a result of the dewatering. This report is only required for sites within 250m of any marine foreshore area. The generation of conditions leading to salt water intrusion will not be allowed, and the proposal will need to be modified.
 - Descriptions of the methods used and actual volume of groundwater to be pumped (kilolitres/megalitres) from the dewatering works, the works locations, the discharge rate (litres per second), duration of pumping (number of days/ weeks), the amount of lowering of the water table and the anticipated quality of the extracted water.
 - Descriptions of the actual volume of tailwater to be reinjected (kilolitres/megalitres), the reinjection locations, the disposal rate (litres per second), duration of operation (number of days/ weeks) and anticipated quality of treated tailwater to be reinjected.
6. Monitoring of groundwater levels (minimum of 3 weekly measurements of depth to water at a minimum of 3 locations broadly distributed across the site) beneath the proposed development site prior to construction. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level.
7. Specific Conditions.
 - 7.1 The design of the structure must preclude the need for permanent dewatering.
 - 7.2 The design of the structure that may be impacted by any watertable must require a water proof retention system (i.e. a fully tanked structure) with adequate provision for future fluctuations of watertable levels. (It is recommended that a minimum allowance for a watertable variation of at least +/-1.0 metre beyond any expected fluctuation be provided). The actual water table fluctuation and fluctuation safety margin must be determined by a suitably qualified professional.
 - 7.3 Construction methods and material used in and for construction are not to cause pollution of the groundwater.
8. Monitoring of groundwater levels is to be continued at least weekly during the construction stage and at least weekly over a period of at least 2 months following cessation of dewatering, with all records being provided to DWE on expiration of the licence. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level.
9. Groundwater quality testing must be conducted (and report supplied to DWE). Samples must be taken prior to the commencement of dewatering, (and ongoing to the satisfaction of DWE for both extraction and reinjection activities, if required). Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.

10. Discharge of any contaminated tailwater that is not to be reinjected, must satisfy all requirements of any controlling authority (i.e. DEC, Council and Sydney Water). The method of disposal of excess tailwater (i.e. street drainage to the stormwater system or discharge to sewer) and written advice from the relevant controlling authority, indicating that the proposed/actual quality of tailwater is acceptable, must be presented to DWE and the consent authority.
11. Discharge of any contaminated tailwater, if reinjection is proposed, must satisfy all requirements of DEC and DWE. The quality of any tailwater reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site. The following must be demonstrated in writing:
12. The treatment to be applied to the tailwater to remove any contamination.
13. The measures to be adopted to prevent redistribution of any contaminated groundwater.
14. The means to avoid degrading impacts on the identified beneficial use of the groundwater.
15. Written advice from DEC indicating their approval for the methodology of handling and treating the groundwater.
16. Written advice be provided from the Certifying Authority to Department of Natural Resources to certify that the following ground settlement issues have been addressed in reports submitted by the proponent:
17. Assessment by a suitably qualified geotechnical professional that the proposed dewatering activity does not pose an unacceptable risk of off-site impacts such as damage to surrounding buildings or infrastructure as a result of differential sediment compaction and surface settlement during and following pumping of groundwater.
18. Settlement monitoring activities to be undertaken prior to, during and for the required period of time following the dewatering pumping to confirm the impact predictions.
19. Locations of settlement monitoring points, and schedules of measurement.

Part 4: The following Conditions are to be satisfied prior to the issuing of either a development consent, construction certificate or occupation certificate (as referred to in the condition) associated with Stage 2 of the development

Security Deposit Conditions

The following conditions are applied to provide adequate security against damage to Council's infrastructure:

20. The following damage/civil works security deposit requirement is to be complied with prior to a construction certificate being issued for the Stage 2 development, as security for making good any damage caused to the roadway, footway, verge or any public place; or as security for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the Environmental Planning and Assessment Act 1979:

- a) \$10000.00 - Damage / Civil Works Security Deposit

The damage/civil works security deposit may be provided by way of a cash or cheque with the Council and is refundable upon:

- A satisfactory inspection by Council that no damage has occurred to the

Council assets such as roadway, kerb, guttering, drainage pits footway, or verge; and

- Completion of the civil works as conditioned in this development consent by Council.

The applicant is to advise Council, in writing, of the completion of all building works and/or obtaining an occupation certificate, if required.

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

Traffic conditions/Civil Works Conditions

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

21. Prior to the issuing of an Occupation Certificate for any Stage 2 Development the applicant must meet the full cost for Council or a Council approved contractor to undertake construction/reconstruction works in Ascot Street, (from the development site to Doncaster Avenue), including, but not limited to footpath construction, roadworks, landscaping and any necessary drainage works.
22. Prior to the issuing of development consent for any Stage 2 application the applicant shall submit to Council for approval, and have approved, engineering details, specifications, plans and quality plans for all filling/excavation works, **drainage construction works**, roadworks, kerb and gutter construction, footpath construction, construction of earth retaining structures, landscaping works and site regrading, (including detailed levels, contours and cross sections that make reference to both existing and proposed surface levels). The engineering details and specifications shall specifically relate to those areas within the development site that are proposed for dedication to Council and shall include level and survey information, materials to be used, construction techniques and testing procedures and shall be prepared in consultation with Council. The engineering details and specifications must be prepared by suitably qualified engineering consultants who must certify that the details and specifications meet best engineering practice and relevant standards. The applicant must liaise with Council's Development Engineer Coordinator prior to preparation of the subject details/specification. Note: Council will not take dedication of any area/infrastructure that has not been constructed in strict compliance with the approved details/specification.
23. The minimum design serviceable life for all road pavements shall be 40 years, (with the minimum design traffic ESA's for the travel lanes of the pavement and the parking areas to be obtained from Council's Development Engineer Coordinator) and designed in accordance with AUSTRROADS PAVEMENT DESIGN GUIDE. All other infrastructure i.e. kerb and gutter, footpaths, retaining walls, pipe drainage etc shall have a minimum design serviceable life of 80 years. The specification and engineering details prepared for the Stage 2 Development Application must demonstrate compliance with this requirement.
24. Prior to the issuing of any development consent for the Stage 2 application the applicant must demonstrate to Council, through the use of detailed swept path analysis, that the internal road design will operate satisfactorily for service and delivery vehicles, (i.e will satisfy Section 3 of AS 2890.2-2002). The swept path analysis must be prepared using the largest trucks/worst case likely to service the various areas of the development.

The applicant shall meet the full cost for the design and construction of all new civil infrastructure, traffic facilities, signposting and alterations to existing infrastructure both within the development site and in Ascot Street.

25. The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
26. The applicant shall note that all external work, carried out on Council property, shall be in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works". An application for the cost of the Council civil works is to be submitted to Council at the completion of the internal building works. An application fee shall be payable to Council for the quotation of the required works. The applicant may elect to use his contractor for the required works, subject to Council approval, however a design and supervision fee based on the lowest quotation from Council's nominated contractor will be required to be paid prior to the commencement of any works.
27. A separate written approval from Council is required to be obtained in relation to all works which are located externally from the site within the road reserve/public place, in accordance with the requirements of the Roads Act 1993. Detailed plans and specifications of the proposed works are to be submitted to and approved by the Director of City Services prior to commencing any works within the road reserve/public place.

All works within the road reserve/public place must be carried out to the satisfaction of Council and certification from a certified practicing engineer is to be provided to Council upon completion of the works.

Relevant Council assessment and inspection fees, as specified in Council's adopted Pricing Policy, are required to be paid to Council prior to commencement of the works.

28. 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. Details are to be submitted to the Certifying Authority prior to the release of the Stage 2 construction certificate showing compliance with this condition.
29. The driveway openings at the entrances to the proposed basement carpark areas must be a minimum of 6.0 metres wide. The internal driveways and carpark areas must be designed for 2 way traffic movements. The carpark areas (including, but not limited to, the ramp grades, carpark layout and height clearances) are to be in accordance with the requirements of AS2890.1:2004.
30. The number of carspaces to provided within the proposed carpark areas shall be in general accordance with the relevant sections of Council's Development Control Plan – Parking. Details of parking provision calculations and proposed allocation of spaces shall be provided with the Stage 2 Development Application.
31. Prior to the issue of a construction certificate for the Stage 2 Development, the applicant shall submit for approval and have approved by Council's Traffic Engineer a detailed construction traffic management plan. The plan shall demonstrate how construction and delivery vehicles will access the development site during the demolition and construction phase of the development.

All traffic associated with the subject development shall comply with the terms of the approved construction traffic management plan.

Alignment Level Conditions

The following conditions are applied to provide adequate provisions for

future civil works in the road reserve:

32. The design alignment level at the Ascot Street property boundary for driveways, road pavements, access ramps and pathways or the like, must be obtained in writing from Council's Development Engineer Coordinator, (9399 0924), prior to lodgement of the Stage 2 Development Application.

Any enquiries regarding this matter should be directed to the Development Engineer Coordinator. The design alignment level at the property boundary must be strictly adhered to.

33. The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the roadway/kerb/footpath must be indicated on the building plans for the construction certificate.
34. The above alignment levels and the site inspection by Council's Development Engineer has been issued at a prescribed fee of \$880 calculated at \$44.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.

Service Authority Conditions

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

35. 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.
36. 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.
37. 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.
38. Any electricity substation required for the site as a consequence of this development shall be located within a residential site, (i.e. not in any road reserve or recreational area), 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 Stage 2 Development Application to determine whether or not an electricity substation is required for the development.
39. The applicant shall meet the full cost of any overhead power lines and telecommunication cables located in the vicinity of the development site to be relocated underground and all redundant power poles to be removed. The applicant shall liaise directly with the relevant service utility authorities to organise for the wires/cables to be relocated. All wires cables must be relocated underground to the satisfaction of the relevant service utility authority prior to the issuing of an occupation certificate for the development.
40. A Section 73 Compliance Certificate under the Sydney water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.

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

The Notice must be issued to the Principal Certifying Authority prior to the construction certificate being issued.

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

Drainage Conditions

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

Protection from flooding / Protection of Areas Downstream from the Development Site

41. Prior to lodgement of the Stage 2 Development Application the applicant must undertake a detailed analysis of the existing flowpath regime through/surrounding and downstream of the development site and compare that with proposed flowpaths post development. The applicant must provide sufficient documentation/evidence to Council to indicate that the proposed development will not increase the depth of overland flow in areas outside the development site and that no property downstream of the development site will be adversely affected as a result of the proposed development for storm events up to the 1 in 100 year ARI event. The applicant must liaise with Council's Development Engineer Coordinator regarding Council's requirements for the detailed analysis prior to undertaking the analysis.
42. Prior to lodgement of the Stage 2 Development Application the applicant must undertake a detailed analysis of the existing site stormwater drainage system and the proposed stormwater drainage system, (piped and overland flow). The applicant must provide sufficient documentation/evidence to Council that the proposed site stormwater drainage system will not increase the depth of overland flow in areas outside the development site, will not adversely impact on Council's stormwater drainage infrastructure and that no property downstream of the development site will be adversely affected as a result of the proposed development for storm events up to the 1 in 100 year ARI event. The applicant must liaise with Council's Development Engineer Coordinator regarding Council's requirements for the detailed analysis prior to undertaking the analysis.
43. Prior to lodgement of the Stage 2 Development Application the applicant must provide to Council full details of any proposed stormwater infrastructure to be constructed external to the site and within land not owned by either the applicant or by Council. The applicant must either demonstrate that in principle support for the infrastructure has been provided by the relevant landholder or provide sufficient documentation that construction of the infrastructure and creation of suitable associated easements can be legally enforced. Should the applicant be unable to obtain the necessary agreements or demonstrate to Council that creation of the easement and construction of the infrastructure can be legally enforced then an alternate stormwater drainage scheme must be developed. The applicant is advised to liaise with Council's Development Engineer Coordinator regarding these requirements.
44. Prior to lodgement of a Stage 2 Development Application the applicant must submit to Council for approval, and have approved, an amended flood study which determines the 1 in 100 year flood level for the development site, (i.e. amended from the study submitted with the Stage 1 Development Application). The amended flood study must either correlate with the Council commissioned study currently being undertaken by WMAwater or alternatively provide sufficient

supporting documentation / evidence for Council to approve a variation to the Council commissioned flood study. The applicant must liaise with Council's Development Engineer Coordinator prior to lodgement of the amended flood study to obtain all of Council's requirements for the study and any supporting data. The applicant is advised to liaise directly with WMAwater to obtain the latest flood analysis information for the subject development site.

45. The floor level of all habitable and storage areas shall be a minimum of 500 millimetres above the calculated 1 in 100 year flood level or suitably waterproofed up to this same level.
46. The proposed internal driveways (and any other openings into the basement car parks) must be designed with a high point at least 300 mm above the determined 1 in 100 year flood level. The plans submitted for the Stage 2 Development Application shall demonstrate compliance with this requirement.
47. All windows, vents and other openings into the basement car parks must be located at least 300 mm above the determined 1 in 100 year flood level. The plans submitted for the Stage 2 Development Application shall demonstrate compliance with this requirement.
48. All structural walls on the ground floor level shall be designed to **structurally** withstand hydrostatic pressure/stormwater inundation from floodwater during the probable maximum flood (PMF) event as defined in the Floodplain Development Manual (New South Wales Government, April 2005). Structural Engineering certification confirming that this condition has been complied with shall be submitted to the certifying authority prior to the issuing of a construction certificate.

It is noted that this requirement does not necessitate the development being flood proof/water tight up to the PMF event, rather the requirement is to ensure that the development will not be **structurally** damaged in manner that could endanger lives during the PMF event.

External Drainage works

49. All stormwater runoff being discharged from the site shall be directed to Council's underground drainage system. The applicant must liaise with Council's Development Engineer Coordinator to obtain Council's requirements for connection to the underground drainage system.
50. All drainage details (for the external drainage works) shall be prepared by a suitably qualified hydraulic consultant who shall, at the completion of the works, certify that the drainage works have been constructed in accordance with the approved drainage plans and relevant standards. The plans and specifications for all works on Council property shall be submitted to and approval by Council prior to the issuing of a construction certificate.

Internal Drainage

51. A detailed stormwater drainage plan covering all areas/infrastructure proposed to be dedicated to Council must be submitted with the Stage 2 Development Application for approval by Council. The stormwater drainage plan must address the relevant stormwater drainage conditions contained within any consent for the Stage 1 Development. The applicant is advised to contact Council's Development Engineer Coordinator to discuss Council's requirements for the stormwater drainage plan prior to preparation of the plan.
52. Engineering calculations and plans with levels reduced to Australian Height Datum in relation to site drainage for the proposed residential developments, (i.e.

excluding roads and reserves to be dedicated to Council), shall be submitted to and approved by the certifying authority prior to a construction certificate being issued for any Stage 2 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 an 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 Council's stormwater system.
 - 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 (ie. 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.
53. All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system.
54. The internal stormwater drainage system must be suitably designed such that stormwater discharge from the development site for all storms up to the 1 in 20 year storm event **does not exceed that which would occur for the 1 in 10 year storm 1 hour duration for the existing site conditions**. The plans/application for the Stage 2 Development must demonstrate compliance with this requirement. The applicant must liaise with Council's Development Engineer Coordinator regarding the design of this system prior to lodging the Stage 2 Development Application.
55. Covered car washing bays shall be provided for this development at the general rate of 1 car washing bay per 12 dwellings. Any Stage 2 Development Application should identify the proposed car wash bays

- a) The car washing bay 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 an occupation certificate being issued for the proposed development.
 - b) The car washing bay must be located outside any required/approved stormwater detention system.
 - c) The car washing bay may be located within the visitor parking spaces provided they are 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 bay must be constructed with a minimum 20mm bund around the perimeter of the car washing bay (or equivalent)
 - e) A water tap shall be located adjacent to the car washing bay.
 - f) 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.
56. Prior to the issuing of an occupation certificate for any Stage 2 Development, 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) The location of the detention basin with finished surface levels;
 - b) Finished site contours at 0.2 metre intervals;
 - c) Volume of storage available in the detention areas;
 - d) The location, diameter, gradient and material (i.e PVC, RC etc) of all stormwater pipes;
 - e) The orifice size(s) (if applicable);
 - f) Details of any infiltration/absorption systems; and
 - g) Details of any pumping systems installed (including wet well volumes).
57. As the above site is likely to encounter groundwater, (i.e. excavation will be within the water table), the basement carparks or similar structures are to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify the tanking & waterproofing has been carried out to an acceptable standard, to the satisfaction of the certifying authority. A copy of the certification is to be forwarded to Council.

Notes: -

- a) Any subsoil drainage (from planter boxes etc) is to be disposed of within the site and is not to be discharged to Council's kerb & gutter and/or underground drainage system.
 - b) Adequate provision is to be made for the ground 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).
58. The Construction Certificate Application for Stage 2 Development and all works on the development site must comply with the Department of Water and Energy's General Terms of Approval issued for this development, (issued by letter to Council dated 9/5/08).

59. A report must be submitted to and approved by the Certifying Authority or an accredited certifier, prior to issuing of a Construction Certificate for Stage 2 Development, detailing the proposed method of excavation and dewatering process. This report is to be prepared by suitably qualified and experienced Geotechnical, Hydrological and Structural Engineers and is to include but not limited to:

- The proposed method of shoring/piling and dewatering.
- The zone of influence of any possible settlement.
- The location of any proposed re-injection points in relation to the property boundaries (where re-injection equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).
- Monitoring of fluctuations of the water table during dewatering/construction to be undertaken by consulting engineers to ensure that the conditions of consent and other relevant requirements are satisfied.
- The location of all proposed monitoring equipment in relation to the property boundaries (where monitoring equipment is to be located on land other than the subject premises, the written consent of the owner must also be provided to Council).
- Details of any consultation and arrangements made with owners of any potentially affected nearby premises (ie in relation to access, monitoring and rectification of possible damage to other premises).
- Details of groundwater quality and proposed disposal of any potentially contaminated groundwater in accordance with relevant requirements of the Department of Environment & Conservation, Council and the Protection of the Environment Operations Act 1997, in an environmentally sensitive manner.
- The location of all pumping equipment in relation to the property boundaries.
- The proposed method of noise attenuation for all pumping equipment, so as not to be more than 5dB (A) greater than the A – weighted L90 background sound pressure level between the hours of 7am to 10pm within any residential premises and not to be audible at all between the hours of 10pm and 7am within any residential dwelling.
- Confirmation that the proposed methods of dewatering and excavation are appropriate and in accordance with 'best practice' principles and should not result in any unacceptable levels of settlement or damage of the adjoining or nearby buildings within the zone of influence.

The dewatering process must be monitored by the consulting Engineer/s to the satisfaction of the principal certifying authority and documentary evidence of compliance with the relevant conditions of consent and dewatering requirements must be provided to the principal certifying authority and the Council.

The site conditions and fluctuations in the water table are to be reviewed by the consulting Engineer prior to and during the excavation/construction process, to ensure the suitability of the excavation and dewatering process and compliance with Council's conditions of consent.

Waste Management Conditions

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

60. Prior to the issuing of a construction certificate for the Stage 2 Development the applicant is to submit to Council and have approved by Council's Manager of

Waste Services, a Waste Management Plan detailing waste and recycling storage and disposal for the development site.

The plan shall detail the type and quantity of waste to be generated by the development; demolition waste; construction waste; materials to be re-used or recycled; facilities/procedures for the storage, collection recycling & disposal of waste and the on-going management of waste.

Landscape Conditions

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

61. Detailed landscape plans, prepared by a Landscape Architect (member of AILA), or Landscape Designer/Manager (member of AILD) shall be submitted with the Stage 2 application, and shall include:

- a. Site plans (at an appropriate scale) showing existing site boundaries, existing trees, structures, buildings and features both within and adjoining the property (clearly identified as being retained or removed), council's footway, existing and proposed ground levels shown as spot heights and/or contours over the site, at site boundaries, and at the base of the trees to be retained, proposed building envelope, proposed areas of pavement, and proposed landscaped areas.

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 to be retained. 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. Plant spacings are to be clearly indicated for all accent and groundcovers.
- c. A planting schedule listing all plants by botanic & common names, plant numbers, plant spacings for groundcovers and accent planting, pot sizes, the estimated size of the plant at maturity (height & spread) and proposed staking methods when applicable.
- d. All proposed tree plantings on private property will need to be located a minimum of 2.5 metres from any proposed dwelling/building or permanent structure so as to prevent future maintenance/nuisance issues.
- e. 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.
- f. Position of existing and proposed site services including water, gas, electricity, sewer, stormwater, etc.
- g. Sectional elevations through the site showing the existing and proposed groundlines, building elevations, and mature height of proposed planting.
- h. All planter boxes and 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.
- i. In order to reduce the amount of storm-water generated by the site, as well as to recharge groundwater supplies, porous/permeable paving

shall be used in all hard surfacing not over slab.

- j. To ensure satisfactory maintenance of the landscaped areas, an automatic drip irrigation system shall be installed throughout all planted areas. Details shall be provided showing that the system will be connected to the sites rainwater tanks, with back-up connection to the mains supply, in accordance with all current Sydney Water requirements.
 - k. All detention tanks and below ground 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.
 - l. Location of easements within the site and upon adjacent sites (if any).
 - m. The nature-strip upon Council's footway 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.
 - n. Any substation required shall be screened from view. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications.
62. The applicant will be responsible for meeting all costs associated with constructing those public areas to be dedicated to Council; being Brush Box Park, Bridge Ramp Park and any tree plantings within road verges. A separate suite of Landscape Plans for these public areas shall be submitted to, and be approved by, Council's Director of City Planning, for the Stage 2 application, and will include (but not be limited to) the following items:
- Plans, elevations, sections;
 - Planting plans and plant schedules;
 - Site furniture such as seats/benches, bins, drinking fountains, lighting, signage;
 - Playgrounds and associated equipment, softfall, fencing, shade structures;
 - Supplier details, warranties;
 - 'As built' drawings upon completion;
63. Certification confirming that both the design and installation of playground equipment and softfall is in accordance with the relevant Australian Standards.
64. Street trees selected from Council's Street Tree Masterplan shall be provided wholly within the nature strip, with a street tree planting detail and specification to be submitted for Council's approval as part of the Stage 2 application. Plans showing their location, and full size at maturity shall be provided, showing suitable setbacks from intersections, vehicle crossings etc.
65. The applicant shall liaise with Council's nominated representatives in relation to all works proposed on property which is to be dedicated to Council.

Tree Management

66. As part of reconstructing both sides of the Ascot Street footpath, the applicant will be responsible for removing the existing street trees (at their own cost), being trees 49-54, in order to accommodate new footpaths and street tree plantings which are more in keeping with Council's Street Tree Masterplan for this area. The applicant will be required to satisfy themselves as to the depth and location of all site services prior to the commencement of any such works on public property.

67. The applicant will be responsible for covering the costs for Council to plant replacement street trees in this area, with the contribution to be paid into **Tree Amenity Income account no 4001.768401** at the Cashier on the Ground Floor of the Administrative Centre **prior to a construction certificate being issued for the development.**
68. Approval is granted for removal of the following trees as identified in the Summary s Table, point 1.4.1, contained in the revised Arboricultural Assessment and Impact Statement, by Gary Clubley, Arborist and Landscape Consultant (the Arborist Report), in order to accommodate the proposed works as shown, or due to poor, health, condition or invasive qualities, subject to the retention and protection of those other trees nominated at the site, as well as full implementation of the proposed landscape works:
- a) Six *Lophostemon confertus* (Brush Box), trees 7-11, 24;
 - b) One *Eucalyptus cinerea* (Argyle Apple), tree 13;
 - c) Five *Olea europaea ssp. Africana* (African Olive's), trees 14, 17, 21-22, 26;
 - d) Four *Celtis sinensis* (Nettle Tree's), trees 15-16, 20, 23;
 - e) One *Ficus macrophylla* (Moreton Bay Fig), tree 18;
 - f) One *Ficus rubiginosa* (Port Jackson Fig), tree 19;
 - g) One *Phoenix canariensis* (Canary Island Date Palm), tree 25;
 - h) One *Corymbia gummifera* (Bloodwood), tree 49;
 - i) Four *Melaleuca lineariifolia* 'Snowstorm' (Paperbarks), trees 51-54.
69. A site Arborist shall be engaged to provide a written report, containing Tree Protection Zones and specific Tree Management Plans for those trees identified for retention as part of the proposal. The report will need to consider direct and indirect impacts arising from the proposed works, such as excavations from the basement carpark level, site machinery movements and the need for pruning for clearances etc.

Advisory Conditions

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

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

CP26/08 Director City Planning Report - Draft NSW Housing Code & Commercial Building Code (F2004/08242)

166/08

RESOLUTION: (Hughes/Nash) that:

- a) the report by the Director of City Planning on the draft Codes for Exempt and Complying Development be noted.
- b) the report and detailed comments on the draft Codes for Exempt and Complying Development (Annexure 1) be forwarded to the Department of Planning for consideration prior to the introduction of the Codes.

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

CP27/08 Director City Planning Report - S54 Report - Draft Comprehensive Randwick Local Environmental Plan (F2007/00569)

167/08

RESOLUTION: (Hughes/Nash) that:

- a) Council note the progress report for the preparation of the (draft) comprehensive Local Environmental Plan and Development Control Plan for Randwick local government area;
- b) Council resolve to formally commence preparation of a (draft) comprehensive Local Environmental Plan for the Randwick local government area, consistent with the NSW Government's Standard Instrument (Local Environmental Plans) Order 2006 and pursuant to section s54 of the Environmental Planning and Assessment Act, 1979;
- c) Council give notice of the above resolution to the Director-General of the Department of Planning, pursuant to section 54(4) of the Environmental Planning and Assessment Act, 1979;
- d) Council also advise the Director General that a study under section 57 of the Environmental Planning and Assessment Act, 1979 is not necessary given the preparation of land use discussion papers and key strategic studies that have been undertaken to date;
- e) a submission be made to the Local Environmental Plan Review Panel in the form and manner set out in Department of Planning circular PS 06-005 titled ' Local Environmental Plan Review Panel'; and
- f) in preparing the (draft) comprehensive Local Environmental Plan for Randwick local government area, Council commence consultation with relevant public authorities that may be affected by the plan, pursuant to section 62 of the Environmental Planning and Assessment Act, 1979

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

CP28/08 Director City Planning Report - Three Ports - State Significant Site Proposal (F2008/00320)

'168/08

RESOLUTION: (Hughes/Nash) that Council endorse the submission included in Attachment Two to the Department of Planning for consideration in regard to the Three Ports State Significant Site Proposal.

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

CP29/08 Director City Planning Report - Cultural Plan - Adoption following Public Exhibition (F2004/08008)

'169/08

RESOLUTION: (Hughes/Nash) that:

- a) Council adopt the cultural plan, '*A Cultural Randwick City*';
- b) Director City Planning be given the authority to make minor modifications to the draft plan to rectify numerical, typographical, interpretive and formatting errors (if required) as part of the publication and printing process; and
- c) Council staff commence the development of a Public Art Policy and establish as soon as possible a Cultural Advisory Panel comprising of local arts/cultural institutions and practitioners to guide Council on a range of cultural programs and public art initiatives.

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

General Manager's Reports

**GM16/08 General Manager's Report - Affixing of the Council Seal
(F2004/07367)**

'170/08

RESOLUTION: (Hughes/Nash)

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

1. Tony Patellis (T/As Café Congo) in relation to a licence for the purpose of outdoor dining at 208 Arden Street, Coogee.
2. Jerry Rougas (T/As Skara Bar) in relation to a licence for the purpose of outdoor dining at 29 St Pauls Street, Randwick.
3. Peter Mavromatis (T/As Tropicana Café) in relation to a licence for the purpose of outdoor dining at 207 Coogee Bay Road, Coogee.
4. A residential tenant in relation to a lease over the property at 4/32 Belmore Road, Randwick.
5. Mr G & Mrs G Lane in relation to a Withdrawal of Caveat over the property located at 30 Manwaring Avenue, Maroubra.
6. A residential tenant in relation to a lease over the property at 129 Boyce Road, Maroubra.
7. A residential tenant in relation to a lease over the property at 4/20 Silver Street, Randwick.
8. A residential tenant in relation to a lease over the property at 2/20 Silver Street, Randwick.

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

GM17/08 General Manager's Report - Community Consultation Principles and Planning Guide (F2005/00495)

'171/08

RESOLUTION: (Hughes/Nash) that Council adopt the Draft Community Consultation Principles and the Consultation Planning Guide as the principles and framework for Council staff and consultants in planning and undertaking community consultations.

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

GM18/08 General Manager's Report - Randwick City Council Management Plan 2008-12 and Budget 2008-09 (F2007/00621)

'172/08

RESOLUTION: (Andrews/Nash) that:

- (a) the Recommended Management Plan 2008-12 (Attachment 1) be adopted as the Management Plan for 2008-12 under s406 (1) of the Local Government Act 1993;
- (b) the Recommended Annual Budget 2008-09 be adopted as per Attachment 2;
- (c) the Recommended Capital Works Program (as amended) be adopted for 2008-09 as per Attachment 3;
- (d) the Recommended General Fees & Charges be adopted as per Attachment 4;
- (e) Council make and levy the Ordinary Residential Rate for 2008/09, under s494 and s498(1)(a) and (2) of the Local Government Act 1993, as a rate of 0.17376 cents in the dollar on the land value of all rateable land within the City of Randwick being categorised as Residential.
- (f) Council make and levy the Ordinary Business Rate for 2008/09, under s494 and s498(1)(a) & (2) of the Local Government Act 1993, as a rate of 0.58580 cents in the dollar on the land value of all rateable land within the City of

Randwick being categorised as Business.

- (g) Council make and levy the minimum ordinary Residential rate for 2008/09 under s548(1)(a), (2), (4) & (5) of the Local Government Act 1993, as \$564.80.
- (h) Council make and levy the minimum ordinary Business rate for 2008/09 under s548(1)(a), (2), (4) & (5) of the Local Government Act 1993, as \$910.20.
- (i) Council make and levy the Domestic Waste Management Charge for 2008/09 under S496 of the Local Government Act 1993, as \$351.60.
- (j) Council make and levy the Stormwater Management Service Charge for residential properties for 2008/09 under S496A of the Local Government Act 1993, as \$25.00.
- (k) Council make and levy the Stormwater Management Service Charge for residential strata properties for 2008/09 under S496A of the Local Government Act 1993, as \$12.50.
- (l) Council make and levy the Stormwater Management Service Charge for business properties for 2008/09 under S496A of the Local Government Act 1993, as \$25.00 plus an additional \$25.00 for each 350m² or part thereof by which the parcel of land exceeds 350m².
- (m) The interest rate on overdue rates for 2008/2009 be calculated at 10.0% per annum, and charged daily, in accordance with the determination under s566(3) of the Local Government Act 1993, by the Minister for Local Government; and
- (n) The responsible financial officer be delegated to make changes as adopted by Council.

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

GM19/08 General Manager's Report - Heffron Park - Update on Negotiations with University of NSW for Use of Sporting Fields and Plan of Management (F2004/06879)

'173/08 **RESOLUTION: (Hughes/Nash) that:**

- a) Council note the report.
- b) Council confirm support for the existing layout of the adopted Landscape Concept Plan rather than the recent UNSW proposal for field relocations.
- c) Council support continued negotiations with UNSW in relation to the use of sporting fields in Heffron Park.

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

GM20/08 General Manager's Report - Shared Service Partnerships (f2008/00151)

'174/08 **RESOLUTION: (Hughes/Nash) that the report on the Shared Service Partnerships be received and noted.**

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

GM21/08 General Manager's Report - Our People Our Outcomes - A Strategic Plan for Human Resources 2008-2012 (f2006/00341)

'175/08 **RESOLUTION: (Hughes/Nash)** that the Strategic Plan for Human Resources be adopted.

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

Director City Services Reports

CS19/08 Director City Services Report - Beach Volleyball Event - Maroubra Beach (F2004/08302)

'176/08 **RESOLUTION: (White/Procopiadis)** that the applicant be advised that Council gives its "in principle approval" to the organisers of the Beach Volleyball event at Maroubra Beach in October 2009, subject to the applicant complying with any conditions of approval that may be imposed once the event is processed, including the putting into place of a suitable ESD regime to accompany it.

MOTION: (Matson/Woodsmith) that this matter be deferred for consultation with the local precinct committees and other stakeholders and, should it be supported by community, the General Manager put into place a suitable ESD regime to accompany it. **LOST.**

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

CS20/08 Director City Services Report - Mayor's Water Saving Initiatives (f2004/06495)

'177/08 **RESOLUTION: (Hughes/Nash)** that the report on the Mayor's Water Saving Initiatives be received and noted.

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

CS 21/08 Director City Services Report - Moverly Children's Centre and Randwick Care for Kids (ROCK) (F2006/00725)

'178/08 **RESOLUTION: (Andrews/Nash)** that:

- a) Council offer a new lease to ROCK at its current premises in Waratah Street, subject to the provision of a licence by DOCS (Department of Community Services); and
- b) a report be brought back to Council on the management options for Moverly Children's Centre.

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

Director Governance & Financial Services Reports

GF26/08 Director Governance & Financial Services Report - Investment Report - May 2008 (F2004/06527)

'179/08 **RESOLUTION: (Hughes/Nash)** that the investment report for May 2008 be received and noted.

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

GF27/08 Director Governance & Financial Services Report - Notice of Acquisition of Land - Norbar Lane, Kingsford (F2004/06325)

180/08 **RESOLUTION: (Hughes/Nash)**

that Council:

- (a) approve the acquisition of the land for the purpose of maintaining a drainage reserve.
- (b) approve the acquisition of the land by compulsory process, in accordance with Section 186 of the Local Government Act (NSW) 1993, under which Council is acquiring the land.
- (c) approve the making of an application to the Minister for Local Government for the issue of a proposed acquisition notice under the Land Acquisition (Just Terms Compensation) Act 1991 with respect to the land.
- (d) approve the making of an application to the Governor for the publication of an acquisition notice in the Government Gazette under the Land Acquisition (Just Terms Compensation) Act 1991 with respect to the land.

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

GF28/08 Director Governance & Financial Services Report - Outdoor Dining Licence Agreement Renewal - The Beach Palace Hotel (F2004/07593)

181/08 **RESOLUTION: (Sullivan/Procopiadis)** that this matter be deferred to the next council meeting in order to seek legal advice to determine whether the previous licence has been validly terminated by Council and whether the recent application to get a new licence has been validly made.

MOTION: (Woodsmith/Matson) that the proposed footway licence agreement be refused.

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

GF29/08 Director Governance & Financial Services Report - Burnie Park Community Centre - Hours of Operation (F2004/07367)

182/08 **RESOLUTION: (Andrews/Nash)** that Council increase the level of usage on the Burnie Park Community Centre to allow for community social functions to be held on both Saturdays and Sundays throughout the year in accordance with the existing hours of operation of the Centre.

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

GF30/08 Director Governance & Financial Services Report - Economic Development Strategy (f2007/00363)

183/08 **RESOLUTION: (Hughes/Nash)** that the report on the Economic Development Strategy be received and noted.

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

GF31/08 Director Governance & Financial Services Report - Local Government Remuneration Tribunal - 2008 Annual Review (F2004/06576)

'184/08 **RESOLUTION: (Hughes/Nash)** that a Councillor's Annual Fee of \$19,250.00 and a Mayor's Annual Allowance of \$51,130.00 be set for the 2008/2009 financial year in accordance with the Remuneration Tribunal's determination of 30 April 2008 (Gazetted on 9 May 2008) and that these fees be effective from 1 July 2008.

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

Petitions

P8/08 Cr Bruce Notley-Smith - Petition rec'd from Chepstow/Stanley/Stephen Sts Residents requesting New Resident Parking Zone (F2004/07237)

'185/08 **RESOLUTION: (Mayor, Cr B Notley-Smith/ Belleli)** that the petition tabled be received and noted.

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

P9/08 Cr Bruce Notley-Smith - Petition rec'd from Residents requesting Reserve be named John Henry Simms Reserve (F2004/06876)

'186/08 **RESOLUTION: (Mayor, Cr B Notley-Smith/ Belleli)** that the petition tabled be received and noted.

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

Motions Pursuant to Notice

NM20/08 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr Matson - Concern over Infill of Ornamental Ponds on Race Course (F2007/00512)

'187/08 **RESOLUTION: (Matson/Andrews)** that Council considers the ecological consequences of the infilling of the ornamental ponds at the Royal Randwick Race Course and drainage works approved under the World Youth Day Preparations and write to the World Youth Day Committee voicing its concerns and requesting permission for Councillors Matson and Woodsmith to undertake a site inspection to monitor the situation.

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

NM21/08 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr Matson - Impact on Local Community of Japanese Whaling Industry (F2004/06493)

'188/08 **RESOLUTION: (Matson/Tracey)** that Council:

- a) noted media commitments given by the Federal Environment Minister that he has not ruled out taking Japan to the International Court over its annual whale cull;
- b) will write to the Minister wishing him success in obtaining positive action from Japan at this month's International Whaling Conference in Chile; and
- c) will also notify the Minister that Council supports taking the matter to the International Court should significant action not be forthcoming at the

Conference.

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

Confidential Reports

GM22/08 Confidential - Randwick City Council Management Plan 2008-12: Confidential Fees and Charges (F2007/00621)

This matter is considered to be confidential under Section 10A(2) (c) Of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. (In accordance with s404(5) of the Local Government Act 1993, fees and charges for the services provided by this program have not been published as they could confer a commercial advantage to a competitor of Council).)

'189/08 **RESOLUTION: (Hughes/Nash)**

That the recommended Confidential Fees and Charges 2008-09 be adopted for 2008-2009.

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

GM23/08 Confidential - Legal Proceedings - Maroubra Garden Village - 13 Tyrwhitt Street, Maroubra (F2004/06336)

This matter is considered to be confidential under Section 10A(2) (g) Of the Local Government Act, as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

'190/08 **RESOLUTION: (Hughes/Nash)**

That Council resolves to agree to the terms negotiated by Eakin McCaffery Cox as detailed in their letter dated 12 June 2008, on behalf of Council with Maroubra Garden Village;

- a) the definition of Valuer in clause 13.1 be amended to read:
Valuer means an associate or fellow of the Australian Property Institute (or its successor) who has been practicing for five years or more and has experienced in valuing residential development sites of a similar design, nature and configuration, to the development constructed on the Land;
- b) the Ground Rental is to be amended to be 9% of the Land Value;
- c) a ratchet clause to be inserted to the following effect;
If the Ground Rental (when calculated in accordance with the Rent Review clause) is less than \$360,000, the Ground Rental will be \$360,000 per annum;
- d) reduce the term of the lease from 99 years, to 84 years by amending the definition of "Date of Termination" in clause 2.1(5) to be "31 December 2073". In this respect a recital be inserted into any amendment deed to the following effect:
The parties acknowledge that as a result of current life expectancies and the various ages of the existing residents, non of the existing subleases will extend beyond the reduced term of this Lease; and
- e) revise clause 3.1(1) to provide clarification as to when Rent Reviews will be applied, in the terms to the following effect:

- (i) The Ground Rental will be 9% of the Land Value;
- (ii) The Land Value shall be determined as at 1 January on each third year (Review Date);
- (iii) The next Review Date will be 1 January 2009;
- (iv) The Land Value determined at a Review Date, will be used to determine the Ground Rental as from 1 January in the year following the Review Date (Implementation Date); and
- (v) By way of example, the Ground Rental for the period 1 January 2010 to 31 December 2012 will be 9% of the Land Value determined as at 1 January 2009.

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

GM 24/08 Confidential - Tender T06/2008 - Lease of Bumborah Point Road Recycling Facility (F2008/00189)

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.

191/08

RESOLUTION: (Hughes/Nash) that Council accept the tender submitted from Tzaneros Investments Pty Ltd for the assignment of the lease of the Bumborah Point Road Recycling Facility site for the remainder of the lease ending 31st October 2023 with an option to extend for a further five (5) years.

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

GF32/08 Confidential - Financial Services Section - Organisational Structure (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.

192/08

RESOLUTION: (Hughes/ Nash) that the report be received and noted and the proposed structure outlined in the report be adopted.

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

Notice of Rescission Motions

NR7/08 Notice of Rescission Motion - Crs Sullivan, Bastic & White - Ordinary Meeting 27 May, 2008 - Item GF24/08 - Unlawful Erection & Removal of Posters - Affirmation of Policy (F2004/06815)

MOTION: (Sullivan/Andrews) that the resolution passed at the Ordinary Council meeting held on Tuesday, 27th May, 2008 reading as follows:

"That:

- (a) Council reaffirm the Unlawful Erection and Removal of Posters Policy; and
- (b) posters relating to the upcoming local government election shall be removed in accordance with this policy if the candidates supported by the posters fail to remove them within two (2) weeks of being directed to do so by the General Manager."

BE AND IS HEREBY RESCINDED. 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

Councillor Andrews
Councillor Procopiadis
Councillor Sullivan
Councillor Tracey
Councillor White

Total (5)**AGAINST**

Councillor Belleli
Councillor Hughes
Councillor Kenny
Councillor Matson
Councillor Nash
Councillor Notley-Smith
Councillor Seng
Councillor Woodsmith

Total (8)

A motion of dissent on the Chairperson's ruling that the above council resolution dated 27th May, 2008 is lawful was moved by Councillor Sullivan. **LOST.**

Councillors Sullivan and Andrews called for a **DIVISION** on the dissent motion.

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

FOR

Councillor Andrews
Councillor Procopiadis
Councillor Sullivan
Councillor Tracey
Councillor White

Total (5)**AGAINST**

Councillor Belleli
Councillor Hughes
Councillor Kenny
Councillor Matson
Councillor Nash
Councillor Notley-Smith
Councillor Seng
Councillor Woodsmith

Total (8)**Notices of Rescission Motions**

Nil.

There being no further business, His Worship the Mayor, Cr B Notley-Smith, declared the meeting closed at 10.29 pm.

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

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CHAIRPERSON