

**MINUTES OF ORDINARY COUNCIL MEETING OF THE COUNCIL OF
THE CITY OF RANDWICK HELD ON TUESDAY, 23 FEBRUARY 2010
AT 6:04PM**

Present:

The Mayor, Councillor J Procopiadis (Chairperson) (West Ward)

Councillor R Belleli (Deputy Chairperson) (South Ward)

North Ward	-	Councillors K Smith, P Tracey & M Woodsmith
South Ward	-	Councillors C Matthews & A White
East Ward	-	Councillors T Bowen, M Matson (from 7.45pm) & B Notley-Smith
West Ward	-	Councillors B Hughes & S Nash (from 6.50pm)
Central Ward	-	Councillors A Andrews, T Seng (from 8.07pm) & G Stevenson (from 6.45pm)

Officers Present:

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoples
Director City Planning	Ms S Truvert
Director Governance & Financial Services	Mr G Banting
Manager Administrative Services	Mr D Kelly
Manager Development Assessment	Mr K Kyriacou
Communications Manager	Ms D Brien

Prayer & Acknowledgement of Local Indigenous People

The Council Prayer was read by Councillor Smith. The Acknowledgement of Local Indigenous People was read by Councillor Woodsmith.

Apologies/Granting of Leave of Absences

Nil.

Confirmation of the Minutes

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY 8 DECEMBER 2009**

- 420/10 **RESOLUTION: (Andrews/Belleli)** that the Minutes of the Ordinary Council Meeting held on Tuesday 8 December 2009 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

CONFIRMATION OF THE MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON TUESDAY 9 FEBRUARY 2010

- 421/10 **RESOLUTION: (Andrews/Smith)** that the Minutes of the Extraordinary Council Meeting held on Tuesday 9 February 2010 (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) Cr Andrews declared a significant non pecuniary interest in item CP9/10 as he knows the applicant well and will not be taking part in the debate or voting on the matter.
- (b) Cr White declared a non significant non pecuniary interest in item CP5/10 as he knows the objector.
- (c) Cr Matthews declared a non significant non pecuniary interest in item CP5/10 as he knows the objector.
- (d) Cr Smith declared a non significant non pecuniary interest in item CP9/10 as his employer has a business relationship with the applicant.
- (e) Cr Matthews declared a non significant non pecuniary interest in item CP9/10 as he knows the applicant.
- (f) Cr Smith declared a non significant non pecuniary interest in item CP3/10 as his employer has a business relationship with the applicant.

RESOLVED:(Smith/Matthews) that Council consider the addresses by the public and voting on the Motion Pursuant to Notice concerning Dunningham Reserve as the first item of business on the agenda.

Address of Council by Members of the Public

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

CP4/10 11 LURLINE STREET, MAROUBRA

Against Jennifer Hill (applicant)

CP5/10 112 BILGA CRESCENT, MALABAR

Against Peggy Redding (objector)

For Shady Younes (on behalf of the applicant)

CP6/10 9 LURLINE STREET, MAROUBRA

Against Tony Moody (on behalf of objectors)

For Steve Fanale (owner)

- CP9/10 LIQUOR ACT 2007 - APPLICATION FOR A PRIMARY SERVICE AUTHORISATION FOR LICENSED PREMISES SITUATED AT 3R MARINE PARADE, MAROUBRA KNOWN AS THE "PAVILION BEACHFRONT CAFE".
- For** Shirley Struk
- NM1/10 NOTICE OF MOTION FROM CR MATTHEWS - WAIVING OF FEES FOR THE COOGEE PATCHWORK GROUP FOR HIRING CLOVELLY SENIORS HALL
- For** Maria Pender
- NM2/10 NOTICE OF MOTION FROM CR WOODSMITH - OVERDEVELOPMENT OF DUNNINGHAM RESERVE, COOGEE
- Against** Sandra Hardman
- For** Susan Doran
- NM4/10 NOTICE OF MOTION FROM CR MATSON - RECONSIDERATION OF PLANNED NEW FOOTPATH - EDGE CUMBE AVENUE, COOGEE
- For** Anthony Sheedy
- NM6/10 NOTICE OF MOTION FROM CR MATSON - COOGEE BAY HOTEL SITE REDEVELOPMENT PROPOSAL
- For** Rona Wade
- NM7/10 NOTICE OF MOTION FROM CR MATSON - LEXINGTON PLACE BUSKING COMPETITION
- For** Rozita Leoni

The meeting was adjourned at 7.48 pm and was resumed at 8.07 pm.

Mayoral Minutes

MM2/10 Mayoral Minute - Tamarama to Clovelly Ocean Swim (F2009/08285)

422/10

RESOLUTION: (Mayor, Cr J Procopiadis) that

- (a) Council vote \$375.80 to cover the fees associated with the holding of the Tamarama Beach to Clovelly Beach Ocean Swim on 13 April 2009 and that the funds be allocated from the 2009/2010 Contingency Fund;
- (b) the organiser of the event undertake to appropriately and prominently acknowledge and promote Council's contribution to the swim; and
- (c) the Mayor or his representative to be given the opportunity to address the ocean swim on behalf of Council.

MOTION: (Mayor, Cr J Procopiadis) CARRIED - SEE RESOLUTION.

MM3/10 Mayoral Minute - Waiving of Fees - Maroubra Surfers Association (F2009/08302)

423/10

RESOLUTION: (Mayor, Cr J Procopiadis) that:

- (a) fees in the amount of \$4,195.00 associated with the Maroubra Surfers

Association be waived and funds be allocated from the 2009/10 Contingency Fund;

- (b) the event organisers undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the activities; and
- (c) the Mayor or his representative be given the opportunity to address the activities on behalf of Council.

MOTION: (Mayor, Cr J Procopiadis) CARRIED - SEE RESOLUTION.

**MM4/10 Mayoral Minute - Re-Opening of La Perouse Museum
(F2009/00020)**

424/10 **RESOLUTION: (Mayor, Cr J Procopiadis) that:**

- (a) an amount of \$2,000.00 associated with the re-opening of the Friends of La Perouse Museum be allocated from the 2009/10 Events budget;
- (b) the event organisers undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the activities; and
- (c) the Mayor or his representative be given the opportunity to address the activities on behalf of Council.

MOTION: (Mayor, Cr J Procopiadis) CARRIED - SEE RESOLUTION.

**MM5/10 Mayoral Minute - Passing of Former Mayor of Randwick City Council
- Adrian (Charles) Molloy (F2005/00266)**

425/10 **RESOLUTION: (Mayor, Cr J Procopiadis) that Council sends its condolences to the Molloy family on the passing of one of its favourite sons, former Mayor Adrian (Charles) Molloy.**

MOTION: (Mayor, Cr J Procopiadis) CARRIED - SEE RESOLUTION.

Urgent Business

Nil.

Director City Planning Reports

**CP1/10 Director City Planning Report - 168 Gale Road, Maroubra
(DA/915/2009)**

426/10 **RESOLUTION: (Smith/Andrews)**

- A. That Council supports the objections under State Environmental Planning Policy No. 1 - Development Standards in respect to non-compliance with Clause 30(1) of Randwick Local Environmental Plan 1998, relating to minimum allotment sizes respectively, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning be advised accordingly.
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 915/2009 for the subdivision of the 168 Gale Road, Maroubra subject to the following conditions:
 - 1. The development must be implemented substantially in accordance with the

plans numbered 09.179, sheets 1 & 2, dated December 2009 and received by Council on the 9th December 2009, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans:

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

2. The 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.

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

3. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

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

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

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the plan of subdivision.

4. A Road / Asset Opening Permit must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.

The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a subdivision certificate for the development.

For further information, please contact Council's Road / Asset Opening Officer on 9399 0691 or 9399 0999

5. The applicant shall provide Council with the finalised survey plan of the property prior to receiving subdivision approval
6. The applicant shall create suitable rights of carriageway, easements for services, support and stormwater lines, as required. The applicant shall be advised that the minimum easement width for any stormwater line is 0.9 metres.
7. A formal subdivision application is required to be submitted to and approved by the Council or an accredited certifier and all conditions of this development consent are required to be satisfied prior to the release of the subdivision

plans.

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

8. Prior to the issuing of an subdivision certificate the applicant must meet the full cost for Council or a Council approved contractor to:
 - a. Construct concrete vehicular crossing and layback at kerb opposite the vehicular entrance to proposed Lot 1 in Gale Road.
 - b. Remove all existing fencing located on land to be dedicated to council for road widening purposes on the Metcalf Street frontage.
9. 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.
10. 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.

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

11. The Council's Development Engineer has inspected the above site and has determined that the design alignment level at the property boundary for driveways, access ramps and pathways or the like, shall be:

Gale Road Frontage

- **20mm ABOVE the back of the existing footpath at all points opposite, along the full site frontage in Gale Road.**

Metcalf Street Frontage

- **Graded between 2.5% and 5.0% from the existing top of kerb in Metcalf street**

12. The design alignment levels (concrete/paved/tiled level) issued by Council and their relationship to the kerb/footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.
13. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$121(inclusive of GST). This amount is to be paid prior to construction certificate being issued for the development.

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

14. 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.
15. 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.
16. A Road / Asset Opening Permit must be obtained from Council prior to carrying out any public utility service works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.

The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a final subdivision certificate for the development.

For further information, please contact Council's Road / Asset Opening Officer on 9399 0691 or 9399 0999.

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

17. Detailed drainage plans shall be submitted to and approved by the certifying authority prior to the issue of a subdivision certificate. The drainage plans shall demonstrate compliance with the conditions of this development approval.
18. Stormwater runoff from proposed Lot 1 shall be discharged :
 - c. Through a private drainage easement over proposed Lot 2 to Council's kerb and gutter (or underground drainage system) in Metcalf Street, in general accordance with the Concept Stormwater Drainage Plan by John Spiteri dated Jan 2010.
19. All site stormwater which is discharged from the site, must be taken through a sediment/silt arrester pit. The sediment/silt arrester pit shall be constructed with:
 - The base of the pit located a minimum 300mm under the invert level of the outlet pipe.
 - The pit must be constructed from cast in-situ concrete, precast concrete or double brick.
 - The grate is to be a galvanised heavy-duty grate that has a provision for a child proof fastening system.
 - A minimum of 4 x 90 mm diameter weep holes located in the walls of the pit at the floor level with a suitable geotextile material with a high filtration rating located over the weep holes.
 - A galvanised heavy-duty screen located over the outlet pipe (Mascot GMS Multi-purpose filter screen or similar).

- A child proof and corrosion resistant fastening system for the access grate (spring loaded j-bolts or similar).
- The inlet pipeline located on the side of the pit so that the stormwater will discharge across the face of the screen.
- A sign adjacent to this pit stating that:

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

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

20. The proposed silt arrester pit and drainage lines shall be fully constructed and certified by a suitably qualified hydraulic engineer prior to the issuing of a subdivision certificate, indicating that they comply with the conditions of this development consent:

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

21. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

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

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

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the plan of subdivision.

22. The applicant shall provide Council with the finalised survey plan of the property prior to receiving subdivision approval.
23. The applicant shall dedicate to council a portion of land of land 4.57m in depth across the full site frontage in Metcalf Street for road widening purposes in conjunction with the registration of the proposed plan of subdivision for this property.
24. The applicant shall create suitable rights of carriageway, easements for services, support and stormwater lines, as required. The applicant shall be advised that the minimum easement width for any stormwater line is 0.9 metres.
25. A "restriction on the use of land" and "positive covenant" (under section 88B of the Conveyancing Act 1919) shall be placed on the title of proposed Lot 2, in conjunction with the registration of the proposed plan of subdivision for this property, to ensure that any future onsite detention system is maintained and that no works which could affect the design function of the detention system are undertaken without the prior consent (in writing) from Council. Such restriction and positive covenant shall not be released, varied or modified

without the consent of the Council.

Notes:

The "restriction as to user and positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.

26. A formal subdivision application is required to be submitted to and approved by the Council or an accredited certifier and all conditions of this development consent are required to be satisfied prior to the release of the subdivision plans.

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

27. That part of the nature-strip upon either of Council's footway's which is damaged during the construction of the proposed works 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.

Street Tree Conditions

28. The applicant shall submit a total payment of **\$900.00** (including GST), being the cost for:
- a. Council to remove the existing *Hibiscus tiliaceus* (Cottonwood) street tree, located on Council's Gale Road nature strip, due to the close proximity of the proposed vehicle crossing;
 - b. Council to supply and install 1 x 25 litre replacement street tree of the same species further to the east, towards the eastern site boundary;
 - c. A loss of amenity fee in recognition of the fact that this semi-established tree is only being removed in order to accommodate the development of private property.

The contribution shall be paid into **Tree Amenity Income** at the Cashier on the Ground Floor of the Administrative Centre, **prior to a Construction Certificate being issued for the development.**

The applicant will be required to contact Council's Landscape Development Officer on 9399-0613, giving at least two working weeks notice, to arrange for removal of the existing street tree/provision of a replacement street tree upon completion.

Tree Removals

29. Approval is granted for removal of that existing vegetation within the rear yard, should it be necessary as part of the proposed demolition works, as all were observed to be exempt from the provisions of the TPO due to a combination of their small size/insignificance, inappropriate location close to existing structures or being undesirable/weed species.

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: (Smith/Andrews) CARRIED UNANIMOUSLY - SEE RESOLUTION.

**CP2/10 Director City Planning Report - 4 Northumberland Street, Clovelly
(DA/232/2008/B)**

427/10

RESOLUTION: (Smith/Andrews) that Council's original decision to retain Condition No. 6 on Development Consent No. 232/2008 for the alterations and additions to the existing dwelling including construction of a swimming pool, decking to the rear, garage with trafficable roof fronting laneway, fencing and associated works at 4 Northumberland Street, Clovelly, be confirmed.

MOTION: (Smith/Andrews) CARRIED UNANIMOUSLY - SEE RESOLUTION.

**CP3/10 Director City Planning Report - 195-199 Maroubra Road, Maroubra
(DA/34/1988/A)**

428/10

RESOLUTION: (Woodsmith/Matson)

That Council, as the consent authority, grants its consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Consent No. 34/1988 for alteration to hours of operation of footway dining area at the Maroubra Junction Hotel from 10am to 6pm Monday to Sunday to 10am to 9pm Monday to Sunday, at No. 195-199 Maroubra Road, Maroubra for a six month trial period in the following manner:

Add the following Conditions:

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

11. The L_{10} noise level emitted from the outdoor trading area shall not exceed the background noise level (L_{90}) in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 7.00am and 12.00 midnight at the boundary of any affected residence. The background noise level shall be measured in the absence of noise emitted from the licensed premises.

Notwithstanding compliance with the above, the noise from the licensed premises and outdoor trading area shall not be audible within any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am.

12. An acoustic report, prepared by a suitably qualified and experienced consultant in acoustics, must be provided to the Council within 4 weeks of commencement of the extended opening hours of the footway dining area, and from time to time as requested by Council with reasonable prior notice, which demonstrates and confirms that the relevant provisions of the Protection of the Environment Operations Act 1997 and the noise criteria and requirements contained in this consent continues to be satisfied (including reference to the relevant approved acoustic report and recommendations). The assessment must include (but not be limited to):

- Monitoring from the nearest affected residential and commercial premises,
- Monitoring and assessment during the use and operation of the premises and greater occupancy is present,
- Compliance monitoring shall be carried out during the times when the nearby residential and public domain areas are likely to be most affected,
- Ensure the break out of any internal noise complies with the set criteria. If not, nominate the necessary and required measures to ensure compliance (this may include controlling live entertainment; controlling internal noise;

- provision of sound locks; other management practices as deemed appropriate and necessary),
- The report must include all relevant fixed and operational noise sources.
13. An amended plan of management shall be submitted to and approved by Council prior to commencement of operations, which details the measures to be implemented for the footway area to:
- ensure compliance with the relevant conditions of approval,
 - ensure compliance with relevant noise criteria and minimise noise emissions and associated nuisances,
 - minimise the potential environmental and amenity impacts upon nearby residents,
 - effectively minimise and manage anti-social behaviour,
 - effectively manage and respond to resident complaints,
 - ensure responsible service of alcohol and harm minimisation,
 - provision of adequate security and surveillance,
 - ensure that the maximum number of patrons does not exceed the authorised capacity, in accordance with Council's consent.
 - provision and use of CCTV
14. The licensee must establish and maintain a formal and documented system for the recording and resolution of complaints made to the licensed premises by residents. All complaints are to be attended to in a courteous and efficient manner and referred promptly to the licensee or duty manager. The appropriate remedial action, where possible, is to be implemented immediately and the licensee or duty manager is to contact the complainant within 48 hours to confirm details of action taken.
- Upon reasonable prior notice, the licensee must make available the incident book to the NSW Police and/or Council officers.
15. The operating hours of the footway dining area must be restricted to the following and are subject to a review period in accordance with Section 80(A)(10B) of the Environmental Planning & Assessment Act 1979 and Division 14 of the Environmental Planning and Assessment Regulation 2000:
- Monday to Sunday 10:00am to 9:00pm
- The extended hours of operation will be reviewed by Council within 6 months of the date of commencement of the extended use of the outdoor trading area. The operator of the premises must advise Council in writing of the commencement of the extended hours. Council must also be provided with appropriate supporting evidence (including, but not limited to, relevant acoustics measurements) to demonstrate compliance with all conditions of this consent as part of the review.
- All food services to customers shall only be provided within the abovementioned hours of operation and all patrons must vacate the area and all outdoor furniture is to be removed within 30 minutes of the specified hours.
16. The footway dining area must not be used solely for the consumption of alcohol. Alcohol must only be served or consumed in this area if it is in conjunction with and ancillary to the service of a meal (as defined in the Liquor Act 2007). Details are to be included in a plan of management and be submitted to and approved by Council prior to commencement of any outdoor trading/dining.
17. Prior to operation of the approved footpath dining area the applicant/proposed

Licensee shall amend the formal license agreement with Council covering the terms and conditions of the footpath restaurant. The applicant is advised to contact Council's Property Compliance Officer, (9399-0936), regarding Council's requirements for the formal license agreement.

18. Any external lighting must not cause a nuisance to nearby residents or motorists.
19. Video surveillance devices must be able to capture the footpath trading area to record for the full duration of each day's trade. Monitors shall be placed in relevant sections of the hotel to ensure staff can effectively supervise activities in the footpath area.

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

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Bowen	Councillor Matthews
Councillor Hughes	Councillor Smith
Councillor Matson	Councillor White
Councillor Nash	
Councillor Notley-Smith	
Councillor Procopiadis	
Councillor Seng	
Councillor Stevenson	
Councillor Tracey	
Councillor Woodsmith	
Total (11)	Total (4)

CP4/10 Director City Planning Report - 11 Lurline Street, Maroubra (DA/161/2009/B)

429/10

RESOLUTION: (Matson/Bowen) that this application be deferred to allow the applicant time to submit amended plans and have further discussions with council officers.

MOTION: (Seng/Andrews) that this application be approved subject to standard conditions

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

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

FOR	AGAINST
Councillor Bowen	Councillor Andrews
Councillor Hughes	Councillor Belleli
Councillor Matson	Councillor Matthews
Councillor Nash	Councillor Seng
Councillor Notley-Smith	Councillor Smith
Councillor Procopiadis	Councillor White
Councillor Stevenson	Councillor Woodsmith
Councillor Tracey	
Total (8)	Total (7)

**CP5/10 Director City Planning Report - 112 Bilga Crescent, Malabar
(DA/1/2005/B)**

430/10

RESOLUTION: (Belleli/Matthews)

That Council as the consent authority grant consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No DA/1/2005/B for modification to ground floor southern street boundary retaining wall from rendered masonry to sandstone and add balustrade to upper floor roof and reduction to the length of upper floor window from 2400mm long for 112 Bilga Crescent, Malabar in the following manner:

Amend Condition 1 to read:

1. The development must be implemented substantially in accordance with the plans numbered L01, DA1, DA2, DA3, DA4, DA5, dated 31.12.04 and received by Council on 22 February 2005, the application form and on any supporting information received with the application, ***as amended by the Section 96 plans dated 16 November 2009 and received by Council 17 November 2009 and plans dated 25 November 2009 and received by Council on 25 November 2009, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application***, except as may be amended by the following conditions and as may be shown in red on the attached plans:

Insert after condition 62 the following conditions:

63. The western and northern edges of the balcony off bedroom one must be installed with a 1.8m high obscure/opaque glass privacy screen. The privacy screen must be installed before an interim or final Occupation Certificate is issued for the development.
64. The surface area of the privacy screen on the western edge of the balcony off bedroom 2 must have obscure opaque glass to the height of 1.9m from floor level. The privacy screen must meet this specification before an interim or final Occupation Certificate is issued for the development.

MOTION: (Belleli/Matthews) CARRIED UNANIMOUSLY - SEE RESOLUTION.

**CP6/10 Director City Planning Report - 9 Lurline Street, Maroubra
(DA/956/2007/A)**

A rescission motion on this matter was submitted in accordance with Council's Code of Meeting Practice and will be tabled at the next available meeting.

431/10

RESOLUTION: (Tracey/White)

That Council, as the consent authority, grants development consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify condition/s of Development Application No. DA/956/2007 for permission to modify the original consent through *changes to window openings, external wall material, new bathroom window on the southern elevation, and internal reconfiguration* at 9 Lurline Street, Maroubra, subject to the following conditions:

Amend Condition 1 to read:

1. The development must be implemented substantially in accordance with the plans drawn by Mac-Interactive, numbered DA:808:03A, DA:808:04A, DA:808:05A, DA:808:06A, DA:808:07A DA:808:08A and received by Council on 4 August 2008, the landscape plan drawn by

Material Pty Ltd, numbered 07-0038-02A, received by Council on 7 November 2007, the application form and on any supporting information received with the application, as amended by the **Section 96 plans dated numbered DA:808.03 B, DA:808:04B, DA:808:05B, DA:808:06B, DA:808:07B and DA:808:08B, dated 22/12/2009 and received by Council on 20 December 2009, only in so far as they relate to the modifications to windows, external materials, and internal modifications, including the increased height of the building highlighted on the Section 96 plans and detailed in the Section 96 application**, except as may be amended by the following conditions and as may be shown in red on the attached

Add the following conditions:

72. An amended BASIX certificate must be submitted to the Certifying Authority with the **Construction Certificate** application for this development.

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

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

73. The height of the subject dwelling shall be in accordance with the following:-
- A maximum overall height which does not exceed RL 42.00
 - A maximum southern parapet wall height which does not exceed RL 41.35

when measured from the natural ground level at any point. Details of compliance are to be provided in the construction certificate plans.

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

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Bowen	Councillor Hughes
Councillor Matthews	Councillor Matson
Councillor Notley-Smith	Councillor Nash
Councillor Smith	Councillor Procopiadis
Councillor Stevenson	Councillor Seng
Councillor Tracey	Councillor Woodsmith
Councillor White	
Total (8)	Total (7)

AMENDMENT: (Andrews/Woodsmith) that the recommendation as contained in the Director City Planning's report be adopted. **LOST.**

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

FOR	AGAINST
Councillor Andrews	Councillor Belleli
Councillor Matson	Councillor Bowen
Councillor Nash	Councillor Hughes
Councillor Procopiadis	Councillor Matthews
Councillor Seng	Councillor Notley-Smith
Councillor Woodsmith	Councillor Smith
	Councillor Stevenson
	Councillor Tracey
	Councillor White
Total (6)	Total (9)

CP7/10 Director City Planning Report - 88-102 Moverly Road, South Coogee (Part A) (DA/77/2008/A)

432/10

RESOLUTION: (Smith/Andrews)

That Council as the responsible Consent Authority grant consent under Section 96AA of the Environmental Planning and Assessment Act 1979 to modify Development Consent No DA/77/2008 by changing Condition 11 to alter verges, footpath and road reserve and Condition 49 to specify irrigation of landscape areas at 88-102 Moverly Road, South Coogee, in the following manner:

1. Amend Condition No. 11 to read as follows:

"11. All internal roads within the proposed development site must be constructed to council's specification and requirements. The minimum standards for carriageway, verge widths and road reserve widths shall be generally as documented in Drawing No. A0015 Revision B as amended by the following:

- a. For the proposed one way streets bordering the reserve/open space (i.e. Street Type E), a 2m wide verge on the Eastern boundary and a 1.25m wide verge (such 1.25m verge is to be measured from the outer face of the bollards defining the edge of the park, that is, the verge does not include the bollard) on all other boundaries shall be provided on the reserve/open space side of the carriageway. The total road reserve will therefore become 10 metres in width (in sections where the verge is 1.25m) and 10.75 metres in width (in sections where the verge is 2m) based on the following configuration:

2.3 metre wide parking lane on the left hand side with a minimum 3 metre wide travelling lane measured to the lip of the gutter. Thus a carriageway width of 5.75 metres will be attained, with a 1.2 metre wide footpath within the 3 metre wide road verges on the residential side only creating a 10 metre wide road reserve (in sections where the verge is 1.25m) and a 10.75 metre wide road reserve (in sections where the verge is 2m). Note: notwithstanding the above requirements the dimensions of any one way street must be such that adequate vehicle manoeuvring space is available for vehicles to enter/exit vehicular crossings and internal driveways.

All future development applications for this site and any Construction Certificate for Stage 1 works must demonstrate compliance with these minimum carriageway widths, verge widths and road reserve widths.

Notes:

- a. A detailed analysis of vehicle turning manoeuvres must be undertaken by the applicant for vehicles to enter/exit vehicular crossings and internal driveways within any one way street. The analysis must be submitted to council for approval, and be approved, prior to the issuing of any development consent for the Stage 2 application and prior to the issuing of a construction Certificate for any Stage 1 works.
- b. Council's preference is for the proposed kerb and gutter within the development site to be Council's standard integral kerb and gutter. Roll kerb will only be considered in areas where crossings are in very close proximity to one another."

2. Amend Condition No. 49 to read as follows:

- "49. Any future development application for the provision of civil infrastructure within the site must provide irrigation details for the proposed landscape areas within the reserve/ open space and landscaped entry and median. Such system shall provide full coverage to all the landscaped areas within the reserve/ open space and landscaped entry and median, excluding road verges with no overspray onto driveways and pathways. The system shall comply with all Sydney Water requirements, and relevant Australian Standards. Note: landscaped areas must contain a predominance of species that require minimal watering once established or species with water needs that match rainfall and drainage conditions."

MOTION: (Smith/Andrews) CARRIED UNANIMOUSLY - SEE RESOLUTION.**CP8/10 Director City Planning Report - 88-102 Moverly Road, South Coogee (Part B) (DA/77/2008/B)**

433/10

RESOLUTION: (Smith/Andrews)

That Council as the responsible Consent Authority grant consent under Section 96(AA) of the Environmental Planning and Assessment Act 1979 to modify Development Consent No DA/77/2008 to alter staging of works, bonding of works, issuing a subdivision certificate and correct errors in conditions at 88-102 Moverly Road, South Coogee, in the following manner:

1. Amend Condition No. 2 to read as follows:
 - "2. This consent does not authorise the carrying out of development on any part of the site other than Stage 1 which comprises:
 - a. Demolition of existing structures on the site and removal of certain trees.
 - b. Bulk earth and infrastructure works (including road construction).
 - c. Installation of utility services and stormwater management.
 - d. Torrens-title subdivision of the subject land"
2. Amend Condition No. 3 to read as follows:
 - "3. The concept plan proposal and Stage 1 of the development to which consent is given are described In the following plans and documents:
 - a. Master Plan Overview Job No. 1440 Drawing No. A0001 dated February 2008 Revision A dated 9 November 2007 prepared by Mirvac Design

- b. Envelope Zone Controls Job No. 1440 Drawing No. A0002 dated February 2008 Revision B dated 12 September 2008 prepared by Mirvac Design
- c. Envelope Zone Controls Job No. 1440 Drawing No. A0003 dated February 2008 Revision C dated 3 October 2008 prepared by Mirvac Design
- d. Architectural Consistency Job No. 1440 Drawing No. A0004 dated February 2008 Revision A dated 9 November 2007 prepared by Mirvac Design
- e. Setbacks and Landscaping Job No. 1440 Drawing No. A0005 dated February 2008 Revision C dated 3 October 2008 prepared by Mirvac Design
- f. Indicative Staging Plan Job No. 1440 Drawing No. A0009 dated February 2008 Revision B dated 8 September 2008 prepared by Mirvac Design
- g. Plan of Proposed Subdivision Drawing No. 76014.02.P01 dated 17 October 2007 prepared by Lean and Hayward Pty Ltd
- h. Subdivision Concept Plans - Cover Sheet, Locality Plan, Site Plan and Sheet Schedule Project No.150080, Drawing No. CDA 9205 Revision B dated 7 October 2008 prepared by adw Johnson
- i. Typical Road Sections Job No. 1440 Drawing No. A0015 dated September 2008 Revision B dated 3 October 2008 prepared by Mirvac Design
- j. Road Chainage Plan Project NO.150080, Drawing No. CDA 9206 Revision A dated 26 August 2008 prepared by adw Johnson
- k. Road Longitudinal Section Road No.1 Project No.150080, Drawing No. CDA 9207 Revision A dated 26 August 2008 prepared by adw Johnson
- l. Road Longitudinal Section Road No.2 Project No.150080, Drawing No. CDA 9208 Revision A dated 26 August 2008 prepared by adw Johnson
- m. Longitudinal section Road No.3, 4, 5 and 6 Project No: 150080, Drawing No. CDA 9209 Revision A dated 26 August 2008 prepared by adw Johnson
- n. Typical Cross Sections Project No.150080, Drawing No. CDA 9210 Revision B dated 7 October 2008 prepared by adw Johnson
- o. Stage 1 Demolition and Site Regrading Plan Project No.150080, drawing No. CDA 9211 Revision A dated 26 August 2008 prepared by adw Johnson
- p. Drainage Concept Plan Project No.150080, Drawing No. CDA 9212 Revision B, dated 7 October 2008 prepared by adw Johnson
- q. Soil and Water Management Plan Stage 2 Project No.150080, Drawing No. CDA 9213 Revision B dated 7 August 2008 prepared by adw Johnson
- r. Soil and Water Management Plan Stage 3 Project No.150080, Drawing No. CDA 9214 Revision B dated 7 August 2008 prepared by adw Johnson
- s. Soil and Water Management Plan Stage 4 project No.150080, Drawing No. CDA 9215 Revision A dated 26 August 2008 prepared by adw Johnson
- t. Soil and Water Management Plan Stage 5 Project No.150080, Drawing No. CDA 9216 Revision A dated 26 August 2008 prepared by adw Johnson
- u. Sewer and Water Concept Plan Project No.150080, Drawing No. CDA 9217 Revision A dated 26 August 2008 prepared by adw Johnson
- v. Electricity Services Plan Project No.150080, Drawing No. CDA 9218 Revision B dated 7 October 2008 prepared by adw Johnson
- w. Site Section Plan Project No.150080, Drawing No. CDA 9219 Revision A dated 26 August 2008 prepared by adw Johnson
- x. Stormwater Long Sections Line 1 and Line 10 Project No.150080, Drawing No. CDA 9222 Revision A dated 7 October 2008 prepared by adw Johnson
- y. Stormwater Detention Storage Typical Sections Project No. 150080, Drawing No. CDA 9223 Revision A dated 8 October 2008 prepared by adw Johnson
- z. Typical Details Project No.150080, Drawing No. CDA 9224 Revision A dated 7 October 2008 prepared by adw Johnson"

3. Amend Condition No. 12 to read as follows:

12. All internal roads within the development site shall be dedicated to Council in Stages, at no cost to Council, following construction of the roads in Stages to Council's design standards and specification.

4. Amend Condition No. 66 to read as follows:

- "66. A Road/Asset Opening Permit must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road/Asset Opening Permit must be complied with.

The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are bonded or completed to the satisfaction of Council, prior to the issuing of a final compliance certificate for civil works for the final stage of the development.

For further information, please contact Council's Road/Asset Opening Officer on 9399 0691 or 9399 0999."

5. Amend Condition No. 88 to read as follows:

- "88. Prior to the issue of a subdivision certificate for each stage in respect of the Torrens Title subdivision of the subject land :
- it must be demonstrated to Council that the conditions of this development consent that are applicable to the subdivision of each stage (ie, provision of infrastructure and services for the stage) for Stage 1 have been satisfied and their compliance verified by the Principal Certifying Authority;
 - it must be demonstrated to Council that suitable rights of carriageway, easements for services, support and storm water lines, as required for each stage will be created upon registration of the plan of subdivision for that stage; and
 - details of critical stage inspections for that stage carried out by the Principal Certifying Authority, together with any other certification relied upon for that stage must be provided to Council."

MOTION: (Smith/Andrews) CARRIED UNANIMOUSLY - SEE RESOLUTION.

CP9/10 Director City Planning Report - Liquor Act 2007 - Application for a Primary Service Authorisation for Licensed Premises Situated at 3R Marine Parade, Maroubra known as the "Pavilion Beachfront Cafe". (F2004/07767)

Cr Andrews, having previously declared an interest in this matter, left the chamber during the debate and voting on this item.

434/10

RESOLUTION: (Hughes/Matson) that:-

- (a) Council raise an objection in writing to the granting of the application to the Director, Casino Liquor and Gaming Control Authority by Shirley Dawn Struk for the grant of a Primary Service Authorisation pursuant to s. 24(3) of the *Liquor Act 2007*, for the existing licensed premises situated at 3R Marine Parade, Maroubra and known as the Pavilion Beachfront Café; and
- (b) advise the Director of the Casino Liquor and Gaming Control Authority that

should they go ahead with the approval of the PSA , then it be subject to the following conditions:-

- i) limit the duration in any trading day whereby the Primary Service Authorisation can be exercised to between midday and 5.00pm;
 - ii) provide that alcohol must only be sold or supplied by way of table service;
 - iii) that the grant of the Primary Service Authorisation is subject to a six (6) month trial period; and
- (c) advise the Director of the Casino Liquor and Gaming Control Authority that Council wishes to be consistent with the position taken by the Eastern Beaches Licensing Police, who have advised Council that they do not support the application in its current form as the premises may evolve to a point where the sale and supply of alcohol becomes the dominant feature at the premises which may potentially impact on alcohol related antisocial behaviour and the quiet and good order of the neighbourhood.

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

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

FOR	AGAINST
Councillor Andrews	Councillor Tracey
Councillor Belleli	Councillor White
Councillor Bowen	
Councillor Hughes	
Councillor Matson	
Councillor Matthews	
Councillor Nash	
Councillor Notley-Smith	
Councillor Procopiadis	
Councillor Seng	
Councillor Smith	
Councillor Stevenson	
Councillor Woodsmith	
Total (13)	Total (2)

CP10/10 Director City Planning Report - Reporting Variations to Development Standards under State Environment Planning Policy No. 1 (SEPP1) from 1 November to 30 November 2009 (F2008/00122)

435/10 **RESOLUTION: (Smith/Andrews)** that the report be received and noted.

MOTION: (Smith/Andrews) CARRIED UNANIMOUSLY - SEE RESOLUTION.

CP11/10 Director City Planning Report - Industrial Lands Discussion Paper (F2007/00575)

436/10 **RESOLUTION: (Smith/Andrews)** that:

- a) Council endorse the Randwick City Industrial Lands Discussion Paper (2010) for public consultation and as a basis for drafting the Comprehensive LEP and DCP.
- b) Council agree that the Director City Planning may make minor modifications to rectify any numerical, typographical, interpretation and formatting errors as

required in preparing the paper for public consultation.

MOTION: (Smith/Andrews) CARRIED UNANIMOUSLY - SEE RESOLUTION.

CP12/10 Director City Planning Report - Draft Chifley Sports Reserve Plan of Management (F2009/00086)

437/10 **RESOLUTION: (Andrews/White)** that Council:

- a) endorse the attached draft Chifley Sports Reserve Plan of Management for public consultation, subject to comments from the Department of Lands;
- b) waive the requirement under Cl 40A(1) to prepare a site specific DCP for the Chifley Sports Reserve in accordance with the waiver requirements of Clause 40A (2) of Randwick LEP 1998 (Consolidation); and
- c) Council agree that the Director City Planning may make minor modifications to rectify any numerical, typographical, interpretation and formatting errors as required in preparing the Plan of Management for public exhibition.

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

CP13/10 Director City Planning Report - Department of Planning Draft Local Development Contribution Guidelines (F2004/06783)

438/10 **RESOLUTION: (Woodsmith/Hughes)** that the report be received and noted and the attached submission be noted and forwarded to the Department of Planning in response to the public exhibition of the Draft Local Development Contribution Guidelines.

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

General Manager's Reports

GM1/10 General Manager's Report - Review of the 2009-13 Management Plan - December 2009 Quarterly Report (F2009/00052)

439/10 **RESOLUTION: (Andrews/Woodsmith)** that the information contained in the December 2009 Quarterly Review of the 2009-13 Management Plan be received and noted.

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

GM2/10 General Manager's Report - Impact of New Division of Local Government Guidelines on Proposed Building for our Community Program (F2009/00343)

440/10 **RESOLUTION: (Smith/Matthews)** that the Council note the community consultation activities and modified approach regarding the proposed application for a special variation to general income under s508A of the *Local Government Act 1993* to fund the proposed building program.

MOTION: (Smith/Matthews) CARRIED - SEE RESOLUTION.

AMENDMENT: (Stevenson/Bowen) that Council also indicate the full financial projections as set out in example table 2 in the General Manager's report for a period of seven (7) years and ensure they appear in Council's consultation documents and on our website. **LOST.**

Note: Cr White left the chamber at this point in the meeting, the time being 9.45pm.

GM3/10 General Manager's Report - Long Term Financial Plan 2010-11 (F2006/00588)

441/10 **RESOLUTION: (Andrews/Woodsmith)** that:

- (a) the Long Term Financial Plan as amended be adopted; and
- (b) a further report be brought back to Council for the Council to consider which Long Term Financial Plan model is to be adopted.

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

Director City Services Reports

CS1/10 Director City Services Report - Extending the Number of Months the Outdoor Swimming Areas are Open at Des Renford Aquatic Centre (F2006/00408)

442/10 **RESOLUTION: (Andrews/ Woodsmith)** that:

- (a) the Des Renford Aquatic Centre maintains the current opening and closing times of the outdoor pools; and
- (b) the opening and closing times be kept under review and adjusted annually based on weather conditions and usage trends.

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

CS2/10 Director City Services Report - Asset Management Policy (F2007/00043)

443/10 **RESOLUTION: (Andrews/Woodsmith)** that Council adopt the Randwick City Council Asset Management Policy.

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

CS3/10 Director City Services Report - Gordon Avenue, Coogee - Proposed Footpath - Petition (F2006/00028)

444/10 **RESOLUTION: (Andrews/Woodsmith)** that:

- (a) the proposed concrete footpath in Gordon Avenue, Coogee, as listed in the 2009-10 Capital Works program, be constructed on the western side of the street only; and
- (b) the savings be directed to footpath improvement works in East Ward.

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

CS4/10 Director City Services Report - Edgecliffe Avenue, South Coogee - Proposed Footpath - Petition (F2006/00028)

445/10 **RESOLUTION: (Andrews/Woodsmith)** that the proposed concrete footpath in Edgecliffe Avenue, South Coogee, as listed in the 2009-10 Capital Works program, be constructed on the northern side of the street only, located at the back of kerb.

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

Director Governance & Financial Services Reports**GF1/10 Director Governance & Financial Services Report - Affixing of the Council Seal (F2004/07367)**

446/10 **RESOLUTION: (Andrews/Woodsmith)** that the Council's Seal be affixed to the signing of an agreement between Council and the Coogee Fishing Club and Volunteer Sea Rescue Inc in relation to a licence for the occupation of building and land for a fishing club within Dunningham Reserve also known as 2R Baden Street, Coogee.

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

GF2/10 Director Governance & Financial Services Report - Investment Report - November 2009 (F2004/06527)

447/10 **RESOLUTION: (Andrews/Woodsmith)** that the investment report for November 2009 be received and noted.

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

GF3/10 Director Governance & Financial Services Report - Investment Report - December 2009 (F2004/06527)

448/10 **RESOLUTION: (Andrews/Woodsmith)** that the investment report for December 2009 be received and noted.

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

GF4/10 Director Governance & Financial Services Report - Investment Report - January 2010 (F2004/06527)

449/10 **RESOLUTION: (Andrews/Woodsmith)** that the investment report for January 2010 be received and noted.

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

GF5/10 Director Governance & Financial Services Report - Councillors' Expenses & Facilities Policy - Results of Public Exhibition (F2004/06576)

450/10 **RESOLUTION: (Andrews/Woodsmith)** that:

- (a) it be noted that there were no submissions received as a result of the public exhibition of the revised Councillors' Expenses & Facilities Policy; and
- (b) the revised Councillors' Expenses & Facilities Policy be adopted for immediate implementation.

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

GF6/10 Director Governance & Financial Services Report - Budget Review - December 2009 Quarter (F2008/00650)

451/10 **RESOLUTION: (Andrews/Woodsmith)** that:

- (a) the report in relation to the December 2009 budget review be received and noted; and
- (b) the proposed December 2009 budget variations shown in Attachment 3 to this report be adopted.

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

Petitions**P1/10 Cr Matson - Petitions from Local Residents Objecting to Footpath Construction on Edgecumbe Avenue, Coogee (F2006/00575)**

452/10

RESOLUTION: (Matson/Woodsmith) that the petitions tabled be received and noted.**MOTION: (Matson/Woodsmith) CARRIED - SEE RESOLUTION.****P2/10 Cr Tracey - Petition from Local Residents Requesting a Four Hour Time Limit for Parking on the Northern Side of Burnie Street Clovelly (F2010/06574)**

453/10

RESOLUTION: (Tracey/Woodsmith) that the petition tabled be received and noted.**MOTION: (Tracey/Woodsmith) CARRIED - SEE RESOLUTION.**

Note: Cr Hughes advised that he had received a petition from local residents opposed to the development application for the mini soccer at Kensington Bowling Club. Cr Hughes will forward this petition to Council as soon as possible.

Motions Pursuant to Notice**NM1/10 Motion Pursuant to Notice - Notice of Motion from Cr Matthews - Waiving of Fees for the Coogee Patchwork Group for Hiring Clovelly Seniors Hall (F2004/08261)**

454/10

RESOLUTION: (Notley-Smith/Hughes) that this matter be deferred for a report to come back to Council on the current situation facing the Coogee Patchwork Group, such report to address issues including the insurance and the amount owing to Council if the reduced rate is applied retrospectively.**MOTION: (Matthews/Andrews)** that fees payable for the hire of the Clovelly Seniors Hall by the Coogee Patchwork Group be waived as they are a non-profit organisation consisting only of senior citizens who perform outstanding volunteer work for the community but do not have financial means of paying the current fees being charged.**AMENDMENT: (Notley-Smith/Hughes) CARRIED AND BECAME THE MOTION. MOTION CARRIED – SEE RESOLUTION.**Councillors Matthews and Stevenson called for a **DIVISION**.The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Hughes	Councillor Bowen
Councillor Matson	Councillor Matthews
Councillor Nash	Councillor Stevenson
Councillor Notley-Smith	Councillor Tracey
Councillor Procopiadis	Councillor White
Councillor Seng	
Councillor Smith	
Councillor Woodsmith	
Total (9)	Total (6)

NM2/10 Motion Pursuant to Notice - Notice of Motion from Cr Woodsmith - Overdevelopment of Dunningham Reserve, Coogee (F2004/08256)

MOTION: (Woodsmith/Hughes) that as there has not been the usual community consultation, and there is considerable disquiet within the Coogee area, concerning the perceived over development of Dunningham Reserve (in relation to the stairs and wall) the matter be brought back before Council for debate. **LOST.**

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

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

FOR	AGAINST
Councillor Hughes	Councillor Andrews
Councillor Woodsmith	Councillor Belleli
	Councillor Bowen
	Councillor Matson
	Councillor Matthews
	Councillor Nash
	Councillor Notley-Smith
	Councillor Procopiadis
	Councillor Seng
	Councillor Smith
	Councillor Stevenson
	Councillor Tracey
	Councillor White
Total (2)	Total (13)

NM3/10 Motion Pursuant to Notice - Notice of Motion from Crs Smith, Tracey and Woodsmith - Introducing 4 hour Parking on Northern Side of Burnie Street, Clovelly (F2004/06137)

455/10 **RESOLUTION: (Tracey/Woodsmith)** that:

- a) Council recommends to the Traffic Committee that 4 hour parking each day be introduced on the northern side of Burnie Street, between Arden Street and Winchester Road, Clovelly; and
- b) these restrictions are necessary to facilitate users of the council playground and community facilities located there.

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

NM4/10 Motion Pursuant to Notice - Notice of Motion from Cr Matson - Reconsideration of Planned New Footpath - Edgumbe Avenue, Coogee (F2006/00575)

456/10 **RESOLUTION: (Matson/Woodsmith)** that Council receive and note the petitions collected by Mr Sheedy opposing the intended footpath on the western side of Edgumbe Avenue, Coogee and not proceed with the construction of the footpath.

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

NM5/10 Motion Pursuant to Notice - Notice of Motion from Cr Matson - Pending Removal of Jacaranda Tree on Department of Housing Estate at 38 Malabar Road, Maroubra (F2004/07809)

457/10 **RESOLUTION: (Matson/Bowen)** that Council request a meeting with the

Department of Housing officials and Ward Councillors to explore options that would allow for the retention of the Jacaranda tree outside Ms Vicki Power's residence on the Department of Housing estate at 38 Malabar Road, Maroubra.

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

NM6/10 Motion Pursuant to Notice - Notice of Motion from Cr Matson - Coogee Bay Hotel Site Redevelopment Proposal (F2009/00555)

MOTION: (Matson/Nil) that the Coogee Precinct Committee resolution that the 12m height limit as defined in the Randwick LEP which applies to the proposed redevelopment of the Coogee Bay Hotel site be affirmed by this Council and request that we put something on Council's website explaining the process to residents.

LAPSED FOR WANT OF A SECONDER.

NM7/10 Motion Pursuant to Notice - Notice of Motion from Cr Matson - Lexington Place Busking Competition (F2004/07096)

458/10

RESOLUTION: (Matson/Woodsmith) that the draft budget consider funding for another busking competition in Lexington Place this year.

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

NM8/10 Motion Pursuant to Notice - Notice of Motion from Cr Matson - Opposition Leader's Emissions Reduction Scheme (F2006/00507)

MOTION: (Matson/Hughes) that on behalf of Randwick LGA residents Council notes community dissatisfaction on the opposition leader's failure to make polluters pay to achieve emissions reduction in his recently announced emissions trading scheme and responds by:

- a) writing to the opposition leader noting its concern and seeking clarification on the issue; and
- b) contributing \$200.00 to Get up – Action for Australia's bill board campaign highlighting the deficiency of the scheme if the opposition leader does not reduce Council's concerns. **LOST.**

Notice of Rescission Motions

NR1/10 Notice of Rescission Motion - Notice of Rescission Motion Submitted by Crs Matson, Woodsmith & Notley-Smith - Bundock Street - Drainage Upgrade (F2009/00044)

This matter was withdrawn with the permission of Council.

Note: A rescission motion in relation to item CP6/10, Director City Planning Report - 9 Lurline Street, Maroubra was submitted by Councillors Hughes, Matson and Seng and will be considered at the Planning Committee Meeting to be held on 9 March 2010.

There being no further business, His Worship the Mayor, Cr J Procopiadis, declared the meeting closed at 10.08 pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 23 March 2010.

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CHAIRPERSON