

**MINUTES OF ORDINARY COUNCIL MEETING OF THE COUNCIL
OF THE CITY OF RANDWICK
HELD ON TUESDAY, 26TH MARCH, 2002 AT 6:18 P.M.**

PRESENT:

His Worship the Mayor, Cr D. Sullivan (North Ward) (Chairperson)

Councillor M. Daley (South Ward) (Deputy Mayor)

North Ward	-	Crs J. Greenwood and P. Tracey
South Ward	-	Crs C. Matthews and A. White
East Ward	-	Crs F. Backes (from 6.26 p.m.), B. Notley-Smith and M. Matson.
West Ward	-	Crs P. Schick, M. Whitehead and J Procopiadis
Central Ward	-	Crs C. Bastic (until 9.45 p.m.), T. Seng and A. Andrews

OFFICERS PRESENT:

General Manager	Mr. G. Messiter.
Director Asset & Infrastructure Services	Mr. M. Savage.
Acting Director Planning & Environment	Mrs. S. Truvert.
Director Governance Management & Information Services	Mr. M. Hummerston.
Public Officer	Mr. P. Smith.
Manager, Performance Improvement	Ms. K. Walshaw.
Organisation Improvement Officer	Ms. S. Ianni.
Acting Communications Manager	Ms. L. Fragiacomio.
Acting Senior Administrative Support Officer	Ms. N. Kishk.
Manager, Waste	Mr. R Wade.

1. COUNCIL PRAYER

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

2. APOLOGIES.

Nil.

3. MINUTES

CONFIRMATION OF THE MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON TUESDAY, 26TH FEBRUARY, 2002.

- 41 **RESOLUTION:** (*Andrews/Schick*) that the Minutes of the Extraordinary Council Meeting held on Tuesday, 26th February, 2002 (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 ORDINARY COUNCIL MEETING HELD ON TUESDAY, 26TH FEBRUARY, 2002.

- 42 **RESOLUTION:** (*Procopiadis/Andrews*) that the Minutes of the Ordinary Council Meeting held on Tuesday, 26th February, 2002 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

RESOLVED: (*Procopiadis/Andrews*) that the meeting be adjourned at 6.17 p.m. to permit members of the public entitled and wishing to address the assembled Councillors.

4. ADDRESSES TO THE COUNCIL BY THE PUBLIC.

1. Ms Carol Weldon – 89 Little Bay Road, Little Bay, on Item 7.3, Director Assets & Infrastructure Services' Report No. 24/2002 – Proposed Amendment to Council's Tree Preservation Order.
2. Mr Alar Enno – 93 Cottenham Avenue, Kingsford, on Item 11.3, Motion Pursuant to Notice by Cr Whitehead – Illegal Footpath Parking.
3. Mr Colin Jones – C/-Yarra Bay Sailing Club, PO Box 198, Matraville, on Item 11.4, Motion Pursuant to Notice by Cr Matthews – Violence in vicinity of Yarra Bay.
4. Mr Anthony Hynes – 27 Byrne Crescent, South Maroubra, on Item 11.5, Motion Pursuant to Notice by Cr Matthews – Dead Trees in Byrne Crescent.
5. Mr James O'Farrell – 4 Silver Street, Randwick, on Item 11.8, Motion Pursuant to Notice by Cr Schick – Cigarette Butt Disposal Units to be Installed.
6. Mrs Junie Ong – 110 Murriverie Road, North Bondi, on Item 11.9, Motion Pursuant to Notice by Cr Matson – Refugees and Children in Detention.
7. Mr Bruce Dover – 7/76-78 Portland Crescent, Maroubra, on Item 11.12, Motion Pursuant to Notice by Cr Greenwood and Matson – Vegetation in Arthur Byrne Reserve.
8. Mr John Ciagilia – 1 Hannan Street, Maroubra, on Item 11.14, Motion Pursuant to Notice by Cr Whitehead – Mount Sinai College.

The meeting was resumed at 6.50 p.m.

5. MAYORAL MINUTES.

5.1 MAYORAL MINUTE 17/2002 - ALMA ROAD, MAROUBRA ROADWORKS - DEDICATION OF LAND FOR ROAD WIDENING. (R/0024/01)

- 43 **RESOLUTION:** (*His Worship the Mayor, Cr D. Sullivan*) that Council write to Mr and Mrs Chan indicating that should they be willing to dedicate a 4.57 metre strip across the Alma Road frontage of their property at no land cost to Council:

- a) *Council would:*
- i) *Arrange for all applications, surveys and legal works involved in the dedication.*
 - ii. *Provide Mr and Mrs Chan with a new colour bond fence on the proposed new boundary of their property with Alma Road (including gates or an opening to their requirements).*
- b) *All of the works referred to in condition a) would to be carried out at Council's cost and at no cost to the owners of 56 Alma Road; and*
- c) *Should the property be subdivided in the future, the road widening contribution associated with this subdivision would be maintained at today's prices.*

MOTION: (His Worship the Mayor, Cr D. Sullivan) SEE RESOLUTION.

5.2 MAYORAL MINUTE 18/2002 – GENERAL MANAGER'S CONTRACT OF EMPLOYMENT. (PERSONNEL)

- 44 ***RESOLUTION: (His Worship the Mayor, D. Sullivan) that Mayor's Minute No. 18/2002 be deferred for consideration prior to the close of this Meeting. (See Items 13, 14 and 15.)***

PROCEDURAL MOTION: (His Worship the Mayor, Cr D. Sullivan) SEE RESOLUTION.

5.3 MAYORAL MINUTE 19/2002 - SECOND STAGE OF RED LID BIN ROLLOUT. (98/S/3598)

- 45 ***RESOLUTION: (His Worship the Mayor, Cr D. Sullivan) that Council:***

- a) *Note the issues relating to the reduction of the number of garbage bins in some multi-unit locations and the proposed response measures;*
- b) *Note the health, safety and environmental benefits in concluding the replacement of old bins with new bins across the Randwick area; and*
- c) *Send a copy of this Mayor's Minute to all Precinct Committees.*

MOTION: (His Worship the Mayor, Cr D. Sullivan) SEE RESOLUTION.

5.4 MAYORAL MINUTE 20/2002 - ENVIRONMENTAL VANDALISM AT MALABAR POOL. (98/S/2703)

- 46 ***RESOLUTION: (His Worship the Mayor, Cr D. Sullivan/Bastic) that Item 11.7 be brought forward and be dealt with in conjunction with Mayor's Minute No. 20/2002.***

- 47 ***RESOLUTION (FURTHER): (His Worship the Mayor, Cr D. Sullivan) that:***

- a) *Council write to the NSW Fire Brigades, Hazmat and relevant Council Officers, expressing their appreciation in the effective and efficient clean up operation;*

- b) *A further report be prepared outlining further measures to secure the pool, including options for increased lighting and other surveillance measures; and*
- c) *Council endorse the offer of a \$2000 reward for information that would lead to a successful prosecution of person/s responsible for this latest act of vandalism.*

PROCEDURAL MOTION: (His Worship the Mayor, Cr D. Sullivan/Bastic) SEE RESOLUTION.

FURTHER MOTION: (His Worship the Mayor, Cr D. Sullivan) SEE RESOLUTION (FURTHER.)

6. GENERAL MANAGERS' REPORTS.

6.1 GENERAL MANAGER'S REPORT 3/2002 - DECEMBER 2001 QUARTER REVIEW - 2001/04 MANAGEMENT PLAN. (98/S/0555)

48 **RESOLUTION:** *(Bastic/Andrews) that the information contained in the Report on the December Quarter Review – 2001/04 Management Plan be received and noted.*

MOTION: (Bastic/Andrews) SEE RESOLUTION.

6.2 GENERAL MANAGER'S REPORT 4/2002 - AFFIXING COUNCIL'S SEAL TO DOCUMENTATION. (238/151/D-577/93 xr D/0249/2001 xr D/0525/2000 xr P/001994)

49 **RESOLUTION:** *(Andrews/Daley) that Council's Seal be affixed to the licence agreements between Council and –*

- a) *Tony Patellis for the purpose of Outdoor Dining at 208 Arden Street, Coogee 2034;*
- b) *Mr. Choi Kwang Hoon and Ms. Han Myung Joo for the purpose of Outdoor Dining at 151 Dolphin Street, Coogee 2034; and*
- c) *Anni Hermanto for the purpose of Outdoor Dining at 300/116-132 Maroubra Road, Maroubra 2035.*

MOTION: (Andrews/Daley) SEE RESOLUTION.

7. DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORTS.

7.1 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 22/2002 - BEACH INSPECTOR LIFEGUARD SERVICE. (98/S/1147)

50 **RESOLUTION:** *(Bastic/Backes) that:*

- a) *The report on the Beach Inspector Lifeguard Service – Customer Satisfaction Survey 2002 be received and noted;*
- b) *The Beach Inspector Lifeguard Service standards and benchmarks for the delivery of services be reviewed;*

- c) *A promotional and marketing strategy for the Beach Inspector Lifeguard Service, including education of the public on the role of the service, be implemented;*
- d) *A cleanliness and litter campaign be implemented;*
- e) *Signposting be implemented on the beach to indicate where the Beach Inspectors can be found;*
- f) *Consideration be given in the 2002/2003 budget for the construction of a second block of toilets at Coogee;*
- g) *Liaison with community agencies and the tourism industry to raise the profile of Coogee Beach as a tourist destination, be implemented; and*
- h) *The Mayor write to the Beach Inspectors expressing Council's gratitude for their professionalism in undertaking their duties and complimenting them as being fine ambassadors for the City of Randwick.*

MOTION: (Bastic/Backes) SEE RESOLUTION.

AMENDMENT: (Matson/Greenwood) that the recommendation be adopted, subject to the deletion of part (g). **LOST.**

A division was called for by Crs Matson and Greenwood. Voting was as follows:-

For	Against
Greenwood	Andrews
Matson	Backes
Whitehead	Bastic
	Daley
	Notley-Smith
	Matthews
	Procopiadis
	Schick
	Seng
	His Worship the Mayor, Cr D. Sullivan
	Tracey
	White

7.2 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 23/2002 - TENDER 02/02 - TREE PRUNING AND ASSOCIATED WORKS. (98/S/4449)

- 51 **RESOLUTION: (Backes/Daley)** that Council accept the tender for Tree Pruning and Associated Works submitted by Advanced Arbor Services for a period of three (3) years.

MOTION: (Backes/Daley) SEE RESOLUTION.

7.3 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 24/2002 - PROPOSED AMENDMENT TO COUNCIL'S TREE PRESERVATION ORDER. (98/S/1847)

52 **RESOLUTION: (Procopiadis/Andrews) that:**

- a) *The report be received and noted; and*
- b) *No amendment be made to the Tree Preservation Order at this time.*

MOTION: (Procopiadis/Andrews) SEE RESOLUTION.

AMENDMENT: (Matthews/Schick) that this item be deferred for a further report and consultation with the residents of the City and the Mayor, in the Mayoral Column, invite residents to advise him of their problem trees and he also arrange a letterbox drop to residents on this matter. **LOST.**

7.4 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 25/2002 - SYDNEY BUSES - PROPOSED NEW NETWORK IN THE EASTERN SUBURBS. (98/S/0959 PT 3)

53 **RESOLUTION: (Andrews/Matson)** that Sydney Buses be advised that the bus route modifications and removal and installation of bus stops as detailed in its infrastructure requirements for Eastern Suburbs Better Buses is supported subject to:

- *The Bus Zone scheduled for removal in Arden Street in front of Clovelly Public School being supported by Waverley Council.*
- *The Bus Zone on Carrington Road in front of No. 104 being installed across the frontage of 104A to minimise the loss of kerbside parking.*
- *The Bus Zones scheduled for installation in Garden Street in front of No's. 57 and 62 being located as close to Storey Street intersection as possible to minimise the loss of kerbside parking.*
- *The bus shelter in front of La Perouse Public School in Yarra Road, Phillip Bay being removed at Sydney Buses' expense as a result of the removal of the bus stop.*
- *The JC Decaux bus shelter in front of No.5 Botany Street, Randwick being removed and relocated at Sydney Buses' expense as a result of the removal of the bus stop. (Council officers will liaise with JC Decaux for the relocation of this bus shelter to an appropriate site in accordance with the contractual agreement).*
- *The Bus Zones being installed in Kennedy Street between Bow Lane and Meeks St being located near No's 43 to 45 Meeks Street and south of the Post Office Box.*
- *The bus stops in Prince Edward Street, Malabar scheduled for removal being retained.*
- *Sydney Buses funding the necessary modifications of the roundabout at the intersection of Arden Street and Clovelly Road for the proposed alteration of the Route 353 bus service.*
- *The State Transit Authority advising residents adjacent to the new bus stops prior to the installation of the new bus stops.*

MOTION: (Andrews/Matson) SEE RESOLUTION.

7.5 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 26/2002 - PROHIBITING ADVERTISING MATERIAL ON PRIVATE AND PUBLIC PROPERTY. (98/S/0045)

54 **RESOLUTION: (Schick/Andrews) that Council:**

- a) *Test the effectiveness of the Randwick Local Environment Plan 1998 to deal with billposters by commencing action to prosecute under the existing provisions of the LEP;*
- b) *Write to Planning NSW and request that the issue of Billposters be considered by amending State Environment Planning Policy No. 64 and /or other required legislation; and*
- c) *Pursue the EPA in relation to amending the Protection of the Environment Operations Act 1997 along the lines of the amendment proposed by Kogarah Council.*

MOTION: (Schick/Andrews) SEE RESOLUTION.

7.6 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 27/2002 - REFUND OF COUNCIL FUNDS BEING HELD BY SSROC. (98/S/0665)

55 **RESOLUTION: (Daley/Andrews) that Council write to the SSROC requesting the refund of the amount that was paid to the SSWB from the general rates base and the refund of the remaining amount that has been spent on projects consistent with the Waste Avoidance and Resource Recovery Act 2001 and, in the event that SSROC does not refund, or indicates it does not propose to refund the contribution, Council seek legal advice on the matter of recovery of the relevant contributions.**

MOTION: (Daley/Andrews) SEE RESOLUTION.

8. DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES' REPORT.

8.1 DIRECTOR GOVERNANCE MANAGEMENT & INFORMATION SERVICES' REPORT 4/2002 - INTERNAL REPORTING SYSTEM - PROTECTED DISCLOSURES ACT. (98/S/0661)

56 **RESOLUTION: (Daley/Notley-Smith) that the Director Governance, Management and Information Services' Report, reviewing the Internal Reporting System – Protected Disclosures Act, in accordance with Clause 12 of Council's Policy No. 1.04.04, be received and noted.**

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

9. DIRECTOR PLANNING & ENVIRONMENT'S REPORTS.

9.1 DIRECTOR PLANNING & ENVIRONMENT'S REPORT 12/2002 - 10 LIGURIA STREET, SOUTH COOGEE. (D/122/222001)

A. Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 1222/2001 for Alterations and ground and first floor additions to the existing dwelling house, including new front garage with terrace over at 10 Liguria Street, South Coogee subject to the following conditions:-

1. The development must be implemented substantially in accordance with the plans comprising 3 sheets with Drawing Nos 01/055-Sheets 1 to 3, dated 20 December 2001 and received by Council on 21 December 2001, 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. In order to minimise adverse impacts on the amenity of adjoining residential properties and the streetscape:

a. The rear first floor terrace is to be reduced in depth by a minimum of 1 metre;

b. The proposed window 'W17' is to be obscurely glazed;

c. That part of the proposed front first floor balcony which adjoins the proposed bedroom is to be deleted and the gable roof covering including parapet and column supports are to be lowered to form a roof covering to the ground floor porch area below, not to exceed a maximum RL of 105.62;

d. The sliding door (SD3) to the proposed front, first floor bedroom is to be replaced by a window having a standard minimum sill height of 1.0 metres;

e. The proposed garage opening is to be set back a minimum 1.0m from the eastern side boundary of the site and the proposed landscaping strip on the eastern side of the driveway is to be increased in width to 1.0 metre. The width of the driveway shall not exceed 3.0 metres; and

f. Revised details are to be submitted to and approved by the Director of Planning and Environment prior to the issue of a construction certificate.

3. The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the street scape.

Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's

Director of Planning & Environment, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to commencement of any building works.

4. *The consumption of water within the building shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be provided in the construction certificate plans or specifications.*
5. *There must be no encroachment of any part of the structure/s onto the adjoining premises or onto Council's road reserve, footway or public place.*
6. *Any gate openings shall be constructed so that the gates, when hung, will be fitted in such a manner that they will not open over the footway or public place.*
7. *All plumbing and drainage pipes, other than rain water heads, gutters and downpipes, must be concealed within the building.*
8. *Street numbering must be provided to the premises in a prominent position, to the satisfaction of Council.*

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

9. *Surface water/stormwater must be drained and discharged to the street gutter and details are to be included in the **construction certificate details** for the development.*

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

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

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

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

11. *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.*
12. *In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the requirements of the Home Building Act 1989.*

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

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

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

- *has been informed of the person's name and owner-builder permit number, or*
- *has been given a declaration, signed by the owner of the land that states that the market cost of the labour and materials involved in the work does not exceed \$3,000.*

Details of the builder and compliance with the provisions of the Home Building Act 1989 are to be submitted to Council prior to the commencement of works, on the notice of appointment of the PCA / Intention to commence building work.

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

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

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:

14. *All demolition work is to be carried out in accordance with the provisions of AS2601-1991. The Demolition of Structures, as in force at 1 July, 1993.*
15. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be available to the Council officers upon request.*
16. *The building works are to be inspected by the principal certifying authority (or other suitably qualified person on behalf of the applicant) to monitor compliance with Council's approval and the relevant standards of construction.*

Documentary evidence of compliance with Council's approval and relevant building inspections, is to be maintained by the principal certifying authority.

17. *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.

18. *Prior to the commencement of any building work, a principal certifying authority must be appointed and Council is to be notified accordingly and, at least 2 days notice of the intention to commence building work must be given to Council, in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000.*
19. *Building and demolition works must only be carried out between the hours of 7.00am to 5.00pm on Monday to Friday inclusive, between 8.00am to 5.00pm on Saturdays and all building activities are strictly prohibited on Sundays and public holidays, except with the specific written authorisation of Council's Manager of Environmental Health and Building Services.*
20. *A sign must be erected on the site in a prominent, visible position, prior to commencing any demolition, excavation or building works, stating that 'unauthorised entry to the site is prohibited' and showing the name of the person in charge of the work site and a telephone number at which the person may be contacted outside working hours.*

In the case of residential building work, the sign is also required to detail the licence number of the building contractor or the permit number of the owner-builder, in accordance with the Home Building Act 1989 and Regulations.

21. *Noise emissions during the construction of the building and associated site works must comply with the relevant provisions of the Protection of the Environment Operations Act 1997 & the Noise Control Manual published by the Environment Protection Authority, except as may be amended by the conditions of this approval.*
22. *Building materials, sand, soil, waste materials or construction equipment must not be placed upon the footpath, roadway or nature strip at any time and the footpath, nature strip and road must be maintained in a clean condition and free from any obstructions at all times.*
23. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written consent of the Council, unless the waste container is located upon the road in accordance with the Roads & Traffic Authority Guidelines and Requirements, and the container is exempt from an approval under Council's Local Approvals Policy.*
24. *During construction stages, sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater – Soils and Construction, published by the NSW Department of Housing*

Details of the proposed sediment control measures must be submitted to and approved by the principal certifying authority prior to the commencement of any site works. The sediment and erosion control measures must be implemented prior to the commencement of any site works and a copy of the approved details must be made available to Council officers upon request.

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

25. *Stockpiles of soil, sand, aggregate or other materials must not be located on any drainage line, natural watercourse, footpath, roadway or any public place and the stockpiles must be protected with adequate sediment control measures.*

Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.

26. *Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.*

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

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

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

The following conditions are applied to ensure that reasonable levels of fire safety are provided in the building:

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

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

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

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

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

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

28. *The following vehicular crossing deposit requirement is to be complied with prior to a construction certificate being issued for the development, as security for Council or a Council approved subcontractor to construct the vehicular crossing.*

a) \$700.00 - Vehicular crossing deposit

The vehicular crossing deposit may be provided by way of cash or cheque with the Council and is refundable upon the completion of the Council vehicular crossing by Council or a Council approved subcontractor.

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

29. *The applicant must meet the full cost for Council or a Council approved contractor to:*

a) *Reconstruct and extend the concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site.*

30. *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.*

31. *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:

32. *The Council's Department of Asset & Infrastructure Services has inspected the above site and have determined that the design alignment level*

(concrete/paved/tiled level) at the property boundary for driveways, access ramps and pathways or the like, must match the back of the existing footpath along the full site frontage. 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 footpath must be indicated on the building plans for the construction certificate.*
34. *The above alignment levels and the site inspection by Council's Department of Asset & Infrastructure Services have been issued at a prescribed fee of \$66.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.*

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

35. *The applicant must meet the full cost for Telstra, Energy Australia, Sydney Water or Natural Gas Company to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*

Advisory Conditions

1. *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: (Procopiadis/Andrews) SEE RESOLUTION.

(Cr Matson requested that his name be recorded as opposed to the resolution.)

9.2 DIRECTOR PLANNING & ENVIRONMENT'S REPORT 13/2002 - AMENDED FEES UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT. (98/S/1416)

58 **RESOLUTION: (Bastic/Schick) that:**

- a) *Council adopt the Environmental Planning and Assessment Amendment (Fees) Regulation 2001; and*
- b) *The Statement of Fees and Charges in hard copy and electronic forms be amended accordingly.*

MOTION: (Bastic/Schick) SEE RESOLUTION.

10. PETITIONS.

10.1 SUBMITTED BY COUNCILLOR MATTHEWS ON BEHALF OF RESIDENTS OF MATRAVILLE OBJECTING TO CHANGE IN 398 AND 399 BUS ROUTE. (98/S/0959)(3)

59 **RESOLUTION: (Matthews/Schick)** that the petition be forwarded to the State Member for Maroubra.

MOTION: (Matthews/Schick) SEE RESOLUTION.

10.2 SUBMITTED BY COUNCILLOR MATTHEWS ON BEHALF OF RESIDENTS SUPPORTING THE FUNDING FOR ENCLOSING OF THE 50 METRE POOL AT THE DES RENFORD AQUATIC CENTRE. (98/S/0999)

60 **RESOLUTION: (Matthews/Schick)** that Council utilise the petition in support of achieving Federal and State Government funding for the enclosing of the 50 metre pool.

MOTION: (Matthews/Schick) SEE RESOLUTION.

11. MOTIONS PURSUANT TO NOTICE.

11.1 BY COUNCILLORS M. DALEY AND A. WHITE – MATRAVILLE COMMERCIAL PRECINCT. (98/S/1240)(3)

61 **RESOLUTION: (Daley/White)** that a report be prepared on possible planning measures which may be effected to ensure the continued viability of the Matraville Commercial Precinct.

MOTION: (Daley/White) SEE RESOLUTION.

11.2 BY COUNCILLOR M. WHITEHEAD – FOOTPATH, MCDOUGALL STREET, KENSINGTON. (R/0483/01)

MOTION: (Whitehead/Matson) that a report be brought to the next meeting of Randwick City Council:

- Regarding the current state of the footpath on the western side of McDougall Street, Kensington;
- Outlining the initiatives this Council will undertake to remedy the dangerous situation that exists there; and
- Making recommendations to Council of an appropriate time frame within which this urgently required work be done. **LOST.**

A division was called for by Crs Whitehead and Matson. Voting was as follows:-

For	Against
Greenwood	Andrews
Matson	Backes
Notley-Smith	Bastic
Whitehead	Daley
Seng	Matthews
	Procopiadis
	Schick
	His Worship the Mayor, Cr D. Sullivan
	Tracey
	White

11.3 BY COUNCILLOR M. WHITEHEAD – ILLEGAL FOOTPATH PARKING. (98/S/0401)

MOTION: (Whitehead/Greenwood) that a report be brought to the next meeting of Randwick City Council from the appropriate department, outlining the steps it will take to eliminate the practice of illegal footpath parking which jeopardises the safety of our citizens including the elderly, mothers with young children in prams and strollers, and toddlers, those under 12 years of age legally riding bicycles on footpaths and the disabled including those in wheelchairs and the sight impaired. **LOST.**

11.4 BY COUNCILLOR C. MATTHEWS – VIOLENCE IN VICINITY OF YARRA BAY. (98/S/3812)

62 **RESOLUTION: (White/Daley)** that the Mayor and South Ward Councillors meet with the Police Local Area Commander to review the issue of violence in the Yarra Bay area.

MOTION: (Matthews/White) that this Council write to the Minister for Police, Mr Michael Costa, advising him of the youth violence problems presently being encountered in the Yarra Bay area and, in particular, in the vicinity of the Yarra Bay Sailing Club and request that the area receive a greater Police patrol presence, particularly at night and in the early morning.

AMENDMENT: (White/Daley) SEE RESOLUTION.

11.5 BY COUNCILLOR C. MATTHEWS – TREES IN BYRNE CRESCENT, MAROUBRA. (98/S/1706) (3)

63 **RESOLUTION: (Daley/White) that:**

- a) *Council write to the Federal Member for Kingsford-Smith congratulating and thanking him for his successful strategy in having the Shadow Minister for Finance agree to the handing over of the Anzac Rifle Range to the State Government on the election of a Federal Labor Government;*
- b) *Council call on Mr Brereton to support the residents for the immediate removal of the entire stand of vegetation which abuts the residential area of Byrne Crescent, in the north-eastern corner of the Rifle Range; and*
- c) *Council call on Mr Brereton to continue his already significant efforts to ensure that a Management Plan for the entire site is prepared, governing its treatment until the area is gazetted as a national park.*

MOTION: (Matthews/White) that this Council support the Federal Member for Kingsford-Smith, Mr Laurie Brereton, in asking the Federal Government to remove all trees from the Anzac Rifle Range which are affecting the residents in Byrne Crescent, Maroubra, as these trees are a fire hazard and a harbourage for vermin.

AMENDMENT: (Daley/White) SEE RESOLUTION.

(Cr Greenwood and Matson requested that their names be recorded as opposed to the resolution.)

11.6 BY COUNCILLOR C. MATTHEWS – ENVIRONMENTAL VANDALISM AT MALABAR POOL. (98/S/2703)

MOTION: (Matthews/Schick) that in all instances, such as the environmental vandalism which took place at the Malabar Pool, all South Ward Councillors be notified by either the Mayor's office or the relevant department heads so that a joint inspection of the site can be arranged for these Councillors. **LOST.**

(Cr Matthews left the Chamber at this stage the time being 8.50 p.m.)

11.7 BY COUNCILLOR C. MATTHEWS – INSTALLATION OF A BOOM GATE AT MALABAR POOL. (98/S/2703)

(Note: This motion was dealt with in conjunction with Mayor's Minute No. 20/2002.)

11.8 BY COUNCILLOR P. SCHICK – CIGARETTE BUTT DISPOSAL UNITS TO BE INSTALLED. (98/S/3233)

64 **RESOLUTION: (Schick/Procopiadis)** that, due to the recent State Government Legislation of "No Smoking" in restaurants and enclosed public areas, and the fact that there has been an increase of discarding cigarette butts onto public footpaths, a report be prepared for Council to address this issue, including the compulsory installation of a cigarette butt disposal unit by proprietors outside each of their premises.

MOTION: (Schick/Procopiadis) SEE RESOLUTION.

(Note: Council later in the Meeting agreed to allow the mover and seconder of the motion only to further address this subject matter.)

11.9 BY COUNCILLOR M. MATSON – REFUGEES AND CHILDREN IN DETENTION. (98/S/0670)

This motion was Ruled Out of Order by the Mayor.

DISSENT MOTION: (Matson/Greenwood) on the ruling of the Chairperson. **LOST.**

(Cr Matthews returned to the Chamber at this stage, the time being 8.57 p.m.)

11.10 BY COUNCILLOR M. MATSON – OPPOSITION TO HOWARD GOVERNMENT'S AIRPORT PRIVATISATION. (98/S/0033)(4)

This motion was Ruled Out of Order by the Mayor.

DISSENT MOTION: (Matson/Greenwood) on the ruling of the Chairperson. **LOST.**

A division was called for by Crs Matson and Greenwood. Voting was as follows:-

For	Against
Greenwood	Andrews
Matson	Backes
	Bastic
	Daley
	Matthews

Notley-Smith
Procopiadis
Seng
Schick
His Worship the Mayor, Cr D. Sullivan
Tracey
White
Whitehead

11.11 BY COUNCILLOR J. GREENWOOD – CONTAINER DEPOSIT LEGISLATION. (98/S/1773)

MOTION: (Greenwood/Matson) that Council:

- Notes that the final report of the Independent Review of Container Deposit Legislation in New South Wales, released on 28th February, 2002, concludes that the introduction of container deposit legislation in NSW would create jobs and produce major economic benefit of \$70-100 million per year;
- Calls on the State Government to implement the recommendations of the report;
- Writes to the Minister for the Environment and the Premier concerning the above; and
- Officers publicise the above by issuing a press release as soon as possible and preparing an article for the next issue of Regarding Randwick Matters. **LOST.**

11.12 BY COUNCILLOR J. GREENWOOD AND M. MATSON – VEGETATION MAINTENANCE IN ARTHUR BYRNE RESERVE. (98/S/1116)

MOTION: (Greenwood/Matson) that Council:

- a) Immediately suspends all tree pruning and/or removal in Arthur Byrne Reserve;
- b) Undertakes a review of the vegetation management plans/maintenance regime for this reserve and that this review include consultation with the community of South Maroubra; and
- c) Undertakes a review of the mix of species of any species of any future plantings so that they best meet the range of community needs whilst maintaining the indigenous integrity of the ecological mix of species to be established and maintained in the Reserve. **LOST.**

11.13 BY COUNCILLOR M. WHITEHEAD – DESIGN PLAN FOR THE UP-GRADING OF SOUTHERN CROSS CLOSE, KINGSFORD. (R/0321/01)

MOTION: (Whitehead/Matson) that the appropriate officers of Randwick City Council prepare a design plan for the up-grading of Southern Cross Close, Kingsford and that this work be included in the 2002-2003 budget. **LOST.**

11.14 BY COUNCILLOR M. WHITEHEAD – MT SINAI COLLEGE. (P/002225)

MOTION: (Whitehead/Matson) that the appropriate officers of Randwick City Council prepare a report for the next Council Meeting on those matters, the enforcement of which are Council's responsibility, raised by local residents of the area around Mt Sinai College.

In particular:-

- a) Alleged operation of a pre-school which is outside the approved two-stream primary school;
- b) Installation of playground equipment in December, 2001 and January, 2002 in school grounds along Snape Street frontage;
- c) Compliance, in construction of paved surfaces, with materials used for the acoustic assessment; and
- d) Compliance with the traffic management plan for Snape Street, Hannan Street and pick-up/set down point within school grounds. **LOST.**

12. URGENT BUSINESS.

Nil.

13. CONFIDENTIAL REPORTS.

13.1 MAYORAL MINUTE 18/2002 - GENERAL MANAGER'S CONTRACT OF EMPLOYMENT. (PERSONNEL)

14. COMMITTEE-OF-THE-WHOLE.

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

RESOLVED: (Daley/Andrews) that the Ordinary Meeting of the Council be adjourned at 9.40 pm and that the Council meet and sit as a Committee-of-the-Whole.

(Cr Bastic left the Meeting at this stage, the time being 9.45 p.m.)

The Meeting was resumed at 9.49 p.m.

15. REPORT OF THE MAYOR TO THE ORDINARY MEETING OF THE COUNCIL, RELATING TO THE COUNCIL MEETING AS A COMMITTEE-OF-THE-WHOLE ON TUESDAY, 26TH MARCH, 2002.

The Mayor reported that the following matter had been considered and the following recommendation to the Council had been formulated by the Committee-of-the-Whole.

1. Exclusion of Press and Public.

At the commencement of the meeting, the Committee-of-the-Whole **RESOLVED**, pursuant to Section 10 A(2) (a) of the Local Government Act, 1993, that the press and public be excluded from the whole of this meeting of the Committee as the matter under consideration concerned personnel matters concerning a particular individual, on which publicity or disclosure of the proceedings of the Committee would, in the opinion of the Committee, be prejudicial and on balance would be contrary to the public interest.

2. Recommendation.

15.1 MAYORAL MINUTE 18/2002 – GENERAL MANAGER’S CONTRACT OF EMPLOYMENT. (PERSONNEL)

- a) *That Council approve the re-appointment of Mr Gordon Messiter as General Manager for a further nine (9) month period after the termination date of the current contract and under the same terms and conditions of his current contract of employment; and*
- b) *That Mr Messiter be advised in writing of the Council’s determination on this matter.*

15.2. ADOPTION OF THE REPORT OF THE COMMITTEE-OF-THE-WHOLE.

65 **RESOLUTION:** *(Daley/Andrews) that the recommendation made by the Committee-of-the-Whole at its meeting held on 26th March, 2002 be adopted.*

MOTION: *(Daley/Andrews) SEE RESOLUTION.*

16. NOTICE OF RESCISSION MOTIONS.

Nil.

There being no further business, His Worship the Mayor, Cr D. Sullivan, declared the meeting closed at 9.50 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 23rd APRIL, 2002.

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CHAIRPERSON