

**MINUTES OF ORDINARY COUNCIL MEETING
MEETING OF THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 25TH NOVEMBER, 2003 AT 6:25 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, B. Notley-Smith and M. Matson
West Ward	-	Crs P. Schick, M. Whitehead and J.Procopiadis
Central Ward	-	Crs C. Bastic, T. Seng and A. Andrews

OFFICERS PRESENT:

General Manager	Mr. G. Messiter.
Director Asset & Infrastructure Services	Mr. M. Savage.
Director Planning & Community Development	Ms. S. Truuvert.
Director Governance Management & Information Services	Mr. M. Hummerston.
Public Officer	Mr. P. Smith.
Manager Policy, Planning & Performance	Ms. K. Walshaw.
Manager Environmental Planning	Ms. K. Armstrong.

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 ORDINARY COUNCIL MEETING
HELD ON TUESDAY, 28TH OCTOBER, 2003.**

269 **RESOLUTION:** *(Notley-Smith/Bastic)* that the Minutes of the Ordinary Council Meeting held on Tuesday, 28th October, 2003 (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, 18TH NOVEMBER, 2003.**

270 **RESOLUTION:** (*Andrews/White*) that the Minutes of the Extraordinary Council Meeting held on Tuesday, 18th November, 2003 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

RESOLVED: (**His Worship the Mayor, Cr D. Sullivan/Daley**) that the meeting be adjourned at 6.26 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 Barbara Delcasse, Randwick Information & Community Centre – 26 Waratah Avenue, Randwick, on Item 6.4, General Manager’s Report 33/2003 – Community Facilities Study & Plan.
2. Ms Rosita Leoni, 3/41 Minneapolis Crescent, Maroubra, on Item 7.5, Director Assets & Infrastructure Services’ Report 72/2003 – Graffiti Control Programme.

The meeting was resumed at 6.35 p.m.

5. MAYORAL MINUTES.

5.1 MAYORAL MINUTE 67/2003 – CAROLS BY CANDLELIGHT – WAIVING OF FEES. (98/S/1018)

271 **RESOLUTION:** (*His Worship the Mayor, Cr D. Sullivan*) that:

- a) Council vote \$501.80 to cover the fees associated with the event and funds be allocated from the Councillors’ Donations Vote for 2003/04; and
- b) The event organiser undertake to appropriately and prominently acknowledge and promote Council’s contribution prior to and during the event.

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

5.2 MAYORAL MINUTE 68/2003 – 23 JUDGE STREET. (R/0424/02)

272 **RESOLUTION:** (*His Worship the Mayor, Cr D. Sullivan*) that immediately upon the applicant satisfying the requirements of the Randwick Traffic Committee and the RTA Speed Management Branch the applicant be deemed to have complied with the requirements of Deferred Commencement Condition 1 of the development consent for development application 1145/2002.

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

6. GENERAL MANAGERS’ REPORTS.

6.1 GENERAL MANAGER'S REPORT 30/2003 - SEPTEMBER QUARTER REVIEW - 2003/06 MANAGEMENT PLAN. (98/S/0555)

273 **RESOLUTION:** (*Daley/White*) that the information contained in the General Manager's Report No. 30/2003 on the September Quarter Review – 2003/06 Management Plan be received and noted.

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

6.2 GENERAL MANAGER'S REPORT 31/2003 - AFFIXING OF THE COUNCIL SEAL. (P/001994 xr 98/S/2994 xr P/001277 xr P/001277 xr 98/S/2265 xr 98/S/5049 xr P/013148 xr P/015014)

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

- a) *Coogee Legion Ex-Service Club Limited in relation to a lease of an open space area above the footpath at 266A Coogee Bay Road, Coogee;*
- b) *Maroubra Diggers' Junior Swimming Club in relation to a licence to use the Clubhouse at the Des Renford Aquatic Centre;*
- c) *Two R's Pty Ltd (T/As Bar Coluzzi) in relation to a licence for the purpose of outdoor dining at 3/66 High Street, Randwick;*
- d) *Surfing New South Wales in relation to a licence for part of Crown Reserve No. D500382 also known as Arthur Byrne Reserve Trust, more particularly described as Level 1 of the Maroubra Beach Pavilion building;*
- e) *I & I Varga (T/As Sweet Kiss Cake Shop) in relation to a licence for the purpose of outdoor dining at 343 Clovelly Road, Clovelly;*
- f) *K.U. Children's Services in relation to a lease of Part of Alison Park, more particularly described as a Child Care Centre located within Alison Park Reserve Trust; and*
- g) *Xing Jin Wang in relation to a residential lease of Unit 2/32 Belmore Road, Randwick.*

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

6.3 GENERAL MANAGER'S REPORT 32/2003 - PRESENTATION - FINANCIAL REPORTS - YEAR ENDED 30 JUNE 2003. (98/S/0043)

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

- a) *The General Manager's Report No. 32/2003 together with the Financial Reports for the year ended 30 June 2003 be received and noted; and*
- b) *It be noted that the Financial Reports and Auditor's Report were tabled at this Meeting.*

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

6.4 GENERAL MANAGER'S REPORT 33/2003 - COMMUNITY FACILITIES STUDY AND PLAN. (98/S/5136)

276 **RESOLUTION:** (*Backes/Daley*) that:

- a) *Council endorse the direction outlined in the General Manager's Report No. 33/2003;*
- b) *A detailed project plan be prepared for the implementation and that Council be*

- updated on the progress of the implementation on a regular basis;*
- c) *Council endorse the incorporation of relevant matters into the Section 94 review; and*
 - d) *Council incorporate into the Memorandum of Understanding the fact that Council proposes to provide RICC with continued support and, ultimately, ground floor premises at Bowen Library.*

MOTION: (Backes/Daley) SEE RESOLUTION.

AMENDMENT: (Matson/Notley-Smith) that, regardless of funding arrangements, Council assures permanency of tenancy to both R.I.C.C. and the Kingsford Legal Centre in terms of their present sites until appropriate alternative sites are available and, specifically in the case of R.I.C.C., with a priority on a ground floor site at Bowen Library. **LOST.**

FURTHER AMENDMENT: (Matson/Greenwood) that

- a) Council endorse the direction generally outlined in the report; and
- b) The proposed financial strategy be reassessed on the possibility of options other than the sale of property, such as long term borrowings. **LOST.**

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

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

6.5 GENERAL MANAGER'S REPORT 34/2003 - DES RENFORD AQUATIC CENTRE. (98/S/2852)

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

- a) *The General Manager's Report No. 34/2003 be noted and that implementation be progressed; and*
- b) *The Mayor write to the current Manager of the Centre, Mick Hill, and compliment him on the manner in which he has managed the facility since he was stationed at the Des Renford Aquatic Centre.*

MOTION: (Daley/White) SEE RESOLUTION.

7. DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORTS.

7.1 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 68/2003 - ST PAULS LANE, ADJOINING TO NO. 13A SOUDAN STREET, RANDWICK. (P/013379)

278 **RESOLUTION:** *(Andrews/Daley)* that:

- i. *Council write to the owner of 15 Soudan Street and advise the owner of Council's proposal to close and sell the subject portion of St Pauls Lane to the property owner of 13A Soudan Street.*
- ii. *Should no objection be made by the owner of 15 Soudan Street to the proposal, Council make application to close and sell the section of road shown on the diagram attached to the Director's Report, subject to:*
 - a. *All administrative, survey and legal costs to be borne by the owner of No. 13A Soudan Street, Randwick;*
 - b. *Council briefing its own valuer to set a reasonable value for the land in question; and*
 - c. *The owner advising Council of the acceptance of all of the conditions and providing Council with payment of the application fee and all other fees required by the Department of Lands prior to Council making application for this closure.*

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

7.2 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 69/2003 - BUNNERONG ROAD - KINGSFORD STREET TO COBHAM AVENUE - FOOTPATH CONSTRUCTION. (R/0130/01)

279 **RESOLUTION:** *(Andrews/Bastic)* that:

- a. *Council resolve to carry out works on property No's 335, 337, 341 and 345 Bunnerong Road as required by Section 67 of Local Government Act 1993.*
- b. *As part of the notification of Council providing the footpath in Bunnerong Road between Kingsford Street and Cobham Avenue, the residents be advised that:*
 - i. *Council will raise the level of the properties at the boundary to those levels as shown on Council design plans and as previously advised to the residents.*
 - ii. *Council will provide concrete vehicular crossing across the footpath to the property boundary and the necessary internal concrete works to the properties No.'s 335, 337, 341 and 345 Bunnerong Road provided that each resident/owner provide written permission for Council to carry out the work.*

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

7.3 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 70/2003 - MAROUBRA JUNCTION TRAFFIC MANAGEMENT SCHEME, MAROUBRA. (98/S/1654)

280 **RESOLUTION:** (*Andrews/Bastic*) that:

- a) *The plans for the implementation of Local Area Traffic Calming Measures at the intersections of Maroubra Road / Royal Street; Storey Street / Flower Street; Holmes Street / Garden Street; Boyce Road / Royal Street; and Boyce Road / Hannan Street, as shown on the plans 1 to 5, be approved and a sum of \$60,000 for these works be included in the next year's (2004-2005) Capital Works Program; and*
- b) *No action be taken in regard to previously considered treatments at the intersections of Boyce Road / Cooper Street; Gale Road / Royal Street; and Gale Road / Flower Street, on the basis of accident history, existing speed and volume of traffic at these locations.*

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

7.4 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 71/2003 - FRENCHMANS BAY LANDSCAPE CONSTRUCTION WORKS NO 14/03. (98/S/5285)

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

- a) *Council accept the tender submitted by Glascott Group Pty Ltd, Unit 4,15-17 Chaplin Drive, Lane Cove NSW 2066 for the completion of the Frenchmans Bay Landscape Construction Works Tender No 14/03 for the lump sum tender amount of \$ 206,589.00 (incl GST);*
- b) *That the commencement date for the project be in early February 2004.;*
- c) *The unsuccessful tenderers be notified of the tender result; and*
- d) *The General Manager, in consultation with the Mayor, be authorised to sign the contract and other documents pertaining to the scope of works and that Council's Seal be affixed.*

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

7.5 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 72/2003 - GRAFFITI CONTROL PROGRAMME. (98/S/2143)

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

- a) *Council note the proposed Council funded multi-faceted program including outsourcing of graffiti spotting, removal and database development services; and*
- b) *This programme include a performance based contract with provision for short termination notification by Council.*

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

7.6 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 73/2003 –

**RTA OFFER FOR 2004-2005 REGIONAL ROAD REPAIR PROGRAMME.
(98/S/1488)**

283 **RESOLUTION:** (*Bastic/Backes*) that Council accept the Roads & Traffic Authority's offer of \$250,000 under the 2004-2005 Regional Road REPAIR Program, and provision of a matching \$250,000 allocation be made in Council's 2004-2005 budget.

MOTION: (*Bastic/Backes*) SEE RESOLUTION.

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

8.1 DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES' REPORT 32/2003 - ARRANGEMENTS DURING CHRISTMAS/NEW YEAR PERIOD FOR DECISIONS TO BE MADE BY COUNCIL AND SCHEDULE OF MEETINGS FOR YEAR 2004. (98/S/1738 xr 98/S/1078)

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

- a) *The Council recess following its Ordinary Meeting on Tuesday, 9th December, 2003 and thence resume meetings in the new year commencing with Committee Meetings on Tuesday, 10th February, 2004, and during this period the provisions of Policy No. 1.01.11 prevail, subject to the need for any Extraordinary Meetings to be held in the intervening period to consider pressing matters; and*
- b) *The Meeting Schedule for the Year 2004 be adopted.*

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

AMENDMENT: (*Matson/Notley-Smith*) any questions or matters flowing from the Local Government Amendment Act 2003 in terms of elections, Councillors, Wards, names of Wards and Ward boundaries be excluded from the Policy and, if necessary, an Extraordinary Council Meeting be called to address those issues. **LOST.**

A division was called for on the result of voting on the amendment by Crs Matson and Notley-Smith. Voting was as follows:-

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

9. DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORTS.

**9.1 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
94/2003 - PARTY SAFE PROGRAM. (98/S/5303)**

285 **RESOLUTION:** (*White/Andrews*) that:

- a) *Council in collaboration with the Youth Advisory Committee and the Maroubra Police Youth Liaison Officer facilitate the implementation of the NSW Police Party Policy throughout the Randwick Local Government Area; and*
- b) *Council publicise the Safe Party Packs.*

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

**9.2 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
95/2003 - STATE OF THE ENVIRONMENT REPORT 2003. (98/S/4989)**

286 **RESOLUTION:** (*Bastic/Andrews*) that Council endorse the State of the Environment Report 2003.

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

**9.3 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
96/2003 - DRAFT FOOTPATH DINING AND TRADING DEVELOPMENT
CONTROL PLAN. (98/S/4356)**

287 **RESOLUTION:** (*Bastic/Daley*) that Council endorse the draft Footpath Dining and Trading DCP for public exhibition in accordance with the requirements of the Environmental Planning and Assessment Act, 1979, subject to the investigation of A Frames and Footpath dining being included in Council's Exempt & Complying D.C.P.

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

10. PETITIONS.

Nil.

11. MOTIONS PURSUANT TO NOTICE.

**11.1 BY COUNCILLORS NOTLEY-SMITH & SENG – ELLEN STREET
TRAFFIC. (R/0269/02 xr 98/S/0178)**

288 **RESOLUTION:** (*Notley-Smith/Seng*) that a report be prepared on the Department of Defence's traffic management plan for the Bundock Street site and the impact that expected traffic flows will have on Bundock, Ellen, Canberra and Rainbow Streets.

MOTION: (*Notley-Smith/Seng*) SEE RESOLUTION.

**11.2 BY COUNCILLORS NOTLEY-SMITH & SENG – RAINBOW STREET
FOOTPATH. (R/0635/02 xr 98/S/0178)**

289 **RESOLUTION:** (*Notley-Smith/Seng*) that a report be prepared for the Works Committee on Council allocating funding in next year's Works Budget for the construction of a footpath on the northern side of Rainbow Street between Canberra Street and Bangor Park.

MOTION: (*Notley-Smith/Seng*) SEE RESOLUTION.

11.3 BY COUNCILLORS NOTLEY-SMITH & SENG – ELECTORAL BOUNDARIES. (98/S/0064 xr 98/S/0178)

290 **RESOLUTION:** (*Tracey/Backes*) that this Council commits itself to accomplishing any changes in electoral representation in accordance with the terms of the Local Government Act.

MOTION: (*Seng/Notley-Smith*) that Council reaffirms its commitment to the principle of community consultation and guarantees that a referendum will be conducted prior to any proposed changes to local government representation within the City of Randwick.

AMENDMENT: (*Tracey/Backes*) SEE RESOLUTION.

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

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

FURTHER AMENDMENT: (*Matson/Greenwood*) that:

- a) This Council commits itself to the principle of community consultation and guarantees that a referendum will be conducted prior to any proposed changes to local government representation within the City of Randwick; and
- b) Council does not support any changes to the Local Government Act that would facilitate optional preferential voting being brought into Randwick City Council.
LOST.

11.4 BY COUNCILLORS NOTLEY-SMITH & SENG – LEGAL SERVICES. (98/S/0660 xr 98/S/0178 xr 98/S/5343)

MOTION: (*Notley-Smith/Seng*) that in line with Council's commitment to National Competition Policy, this Council calls for the immediate tendering of all legal services and that a report be brought back to Council with recommendations for the renewal of legal services contracts. **LOST.**

A division was called for by Crs Notley-Smith and Seng. Voting was as follows:-

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

11.5 BY COUNCILLORS NOTLEY-SMITH & SENG – STATE TAX ON REGISTERED CLUBS. (98/S/5279 xr 98/S/0178)

This Motion was Ruled out of Order by the Mayor.

DISSENT MOTION: (Seng/Notley-Smith) on the Ruling of the Chairperson. **LOST.**

A division was called for by Crs Notley-Smith and Seng. Voting was as follows:-

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

12. URGENT BUSINESS.

Nil.

13. CONFIDENTIAL REPORT.

13.1 CONFIDENTIAL DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 76/2003 - SES CONTROLLER. (H/01471)

291 **RESOLUTION: (Bastic/Notley-Smith)** that Council agree to propose Mr Peter Gray to the Director General of the State Emergency Service as the preferred candidate for the position of SES Unit Controller for the Randwick Unit.

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

14. COMMITTEE-OF-THE-WHOLE.

Nil.

15. REPORT OF COMMITTEE-OF-THE-WHOLE.

Nil.

16. NOTICE OF RESCISSION MOTIONS.

Nil.

There being no further business, His Worship the Mayor, Cr D. Sullivan, declared the meeting closed at 8.59 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 9TH DECEMBER, 2003.

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CHAIRPERSON