

**MINUTES OF ORDINARY COUNCIL MEETING OF  
THE COUNCIL OF THE CITY OF RANDWICK  
HELD ON TUESDAY, 24<sup>TH</sup> AUGUST, 2004 AT 6:15 P.M.**

**PRESENT:**

His Worship the Mayor, Cr. M. Matson (East Ward) (Chairperson)

Councillor B. Notley-Smith (East Ward) (Deputy Mayor)

North Ward	-	Crs J. Kenny, Tracey & M. Woodsmith
South Ward	-	Crs R. Belleli, M. Daley & A. White
East Ward	-	Cr D. Sullivan
West Ward	-	Crs B. Hughes, S. Nash & J. Procopiadis
Central Ward	-	Crs A. Andrews, C. Bastic & T. Seng

**OFFICERS PRESENT:**

Acting General Manager	Ms. S. Truvert.
Director Asset & Infrastructure Services	Mr. M. Savage.
Director Governance Management & Information Services	Mr. M. Hummerston.
Public Officer	Mr. P. Smith.
Communications Manager	Ms. D. Brien.
Manager, Policy, Planning & Performance	Ms. K. Walshaw.
Manager Environmental Planning	Ms. K. Armstrong.
Manager Development Assessment	Mr. K. Kyriacou.

**1. COUNCIL PRAYER**

The Council Prayer was read by Councillor Belleli.

**2. APOLOGIES.**

Nil.

**LEAVE OF ABSENCE – COUNCILLOR ANDREWS.**

185 **RESOLUTION:** *(Notley-Smith/Seng) that leave of absence be granted to Cr Andrews from the meetings held on 7<sup>th</sup> September, 21<sup>st</sup> September, 28th September and 12<sup>th</sup> October, 2004 and any other meetings held in the period between 3<sup>rd</sup> September and 15<sup>th</sup> October, 2004.*

**3. MINUTES**

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING  
HELD ON TUESDAY, 27<sup>TH</sup> JULY, 2004.**

186 **RESOLUTION:** *(Notley-Smith/Kenny) that the Minutes of the Ordinary Council Meeting held on Tuesday, 27<sup>th</sup> July, 2004 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.*

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This is Page No. 1 of the Minutes of the Ordinary Council Meeting held on Tuesday, 24<sup>th</sup> August, 2004.

**CONFIRMATION OF THE MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON FRIDAY, 13<sup>TH</sup> AUGUST, 2004.**

187 **RESOLUTION:** (*Notley-Smith/Woodsmith*) that the Minutes of the Extraordinary Council Meeting held on Friday, 13<sup>th</sup> August, 2004 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

**4. DECLARATION OF PECUNIARY & NON-PECUNIARY INTERESTS.**

**4.1 Councillor Belleli - Mayor's Minute 61/2004 - Item 6.1 – Pecuniary Interest – Supply stage and sound system to the Fun Run/Oktoberfest and Market Day event.**

**4.2 Councillor Bastic - Director Asset & Infrastructure Services' Report 58/2004 - Item 8.1 – Non-Pecuniary Interest – Employee of the Department of Tourism, Sport and Recreation.**

**RESOLVED:** (*Notley-Smith/Seng*) that the meeting be adjourned at 6.19 p.m. to permit members of the public entitled and wishing to address the assembled Councillors. The meeting was further adjourned at 6.56 p.m.

**5. ADDRESSES TO THE COUNCIL BY THE PUBLIC.**

1. Mr Paul Cooper, Project Manager, Bunnerong Gymnastics Assoc. Inc. on Item 8.1, Director Asset & Infrastructure Services' Report 58/2004 - Bunnerong Gymnastics' Association - Heffron Park.
2. Mr Nigel Stoker, 1 Garnet Street, South Coogee on Item 10.2, Acting Director Planning & Community Development's Report 60/2004 – 1 Garnet Street, South Coogee.
3. Mr Paul Dermatis, 351 Rainbow Street, Coogee on Item 10.2, Acting Director Planning & Community Development's Report 60/2004 – 1 Garnet Street, South Coogee.
4. Mr Bruce Peters, 71 Fern Street, Clovelly on Item 10.4, Director Planning & Community Development's Report 62/2004 - 73 Fern Street, Clovelly.
5. Mr Adrian Van Dam, 73 Fern Street, Clovelly on Item 10.4, Director Planning & Community Development's Report 62/2004 - 73 Fern Street, Clovelly.
6. Mr Bob Coombs, 56 Carr Street, Coogee on Item 10.5, Director Planning & Community Development's Report 63/2004 – 56 Carr Street, Coogee.
7. Dr Terry Lustig, 15 Cottenham Avenue, Kensington on Item 10.8, Acting Director Planning & Community Development's Report 66/2004 - City Of Sydney Masterplan 87-103 Epsom Road, Rosebery.
8. Dr Terry Lustig, 15 Cottenham Avenue, Kensington on Item 12.1, Motion Pursuant to Notice by Councillor Nash – Request for Council Submission on the Masterplan Application for the Dolina Site - Rosebery.
9. Mr Andrew Jones, 17 Holloway Street, Pagewood on Item 12.3, Motion Pursuant to Notice by Councillor Bastic – Update on the Proposal from Randwick Hockey Club.

The meeting was resumed at 7.21 p.m.

**6. MAYORAL MINUTES.**

**6.1 MAYOR'S MINUTE 61/2004 - FUN RUN/OKTOBERFEST AND MARKET DAY. (98/S/0740)**

(Cr Belleli had previously declared a Pecuniary Interest on this matter (See Item 4.1) and he left the Chamber and took no part in the discussion or voting on this item.)

188 **RESOLUTION: (His Worship the Mayor, Cr M. Matson) that:**

- a) *Council vote \$3,734.00 to cover the costs associated with Council's contribution towards the organising of the Maroubra Fun Run, Oktoberfest and Market Day to be held on Sunday 24th October, 2004, and that funds be identified at the next Quarterly Review;*
- b) *Council advise the organisers of the Maroubra Fun Run, Oktoberfest and Market Day, that Council should be given adequate and appropriate acknowledgement for its contribution to the running of this event. Such acknowledgement to include Council's logo for inclusion on promotional literature and Council's banner being displayed at the event; and*
- c) *The organisers be advised that Council requires an acceptance in writing that, should Council property be damaged in any way, the organisers of the event will compensate Council for the repair or replacement of the damaged item(s).*

**6.2 MAYOR'S MINUTE 62/2004 - MINUTE'S SILENCE - FORMER ALDERMAN NICK JAMES. (98/S/0080)**

(Cr Belleli returned to the Chamber at this stage.)

189 **RESOLUTION: (Bastic/Sullivan) that:**

- a) *this Council meeting observe a minute's silence to as a mark of respect in noting the passing of former Randwick Alderman Nick James; and*
- b) *a signed copy of the Mayor's Minute, under Seal, be sent to Mrs Helen James.*

**MOTION: (His Worship the Mayor, Cr M. Matson)** that this Council meeting observe a minute's silence to as a mark of respect in noting the passing of former Randwick Alderman Nick James.

**AMENDMENT: (Bastic/Sullivan) SEE RESOLUTION.**

**6.3 MAYOR'S MINUTE 64/2004 - JANE SAVILLE WINS 2004 OLYMPIC BRONZE MEDAL. (F2004/07404)**

190 **RESOLUTION: (His Worship the Mayor, Cr M. Matson/) that:**

- a) *the Mayor write to Ms J. Saville, on behalf of the City of Randwick, congratulating her on the achievement of winning Bronze in the 2004 Olympic 20km Walking Race; and*
- b) *at the conclusion of the Olympic Games, the Mayor write to all of Randwick's Olympic competitors, complimenting them on the spirit with which they have conducted themselves.*

**MOTION: (His Worship the Mayor, Cr M. Matson) SEE RESOLUTION.**

**AMENDMENT: (Andrews/Bastic)** that a Civic Reception be held to recognise the achievements of Jane Saville and other local Olympic competitors. **LOST.**

(Cr Andrews requested that his name be recorded as opposed to the amendment being lost.)

**6.4 MAYOR'S MINUTE 65/2004 – BUNDOCK ST DEVELOPMENT SITE – BOUNDARY CHANGES. (F2004/07141)**

191 **RESOLUTION: (His Worship the Mayor, Cr M. Matson)** that Council support the inclusion of the properties along the northern side of Holmes Street as part of the suburb of Maroubra.

**7. ACTING GENERAL MANAGERS' REPORTS.**

**7.1 ACTING GENERAL MANAGER'S REPORT 20/2004 - SNAPE PARK TENNIS CENTRE. (98/S/2734)**

192 **RESOLUTION: (Andrews/Notley-Smith)** that Council approve the Snape Park Tennis Centre going to tender and to lease the Centre for a period of up to twenty years (10+5+5 years), with tenderers providing facility concepts and fully funding the capital investment.

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

**7.2 ACTING GENERAL MANAGER'S REPORT 21/2004 - NEW FEES - DES RENFORD AQUATIC CENTRE. (98/S/0555)**

193 **RESOLUTION: (Notley-Smith/Hughes)** that:

- a) *The draft fees of a three month membership for concession card holders for \$95.00 incl GST and a twelve month membership for concession card holders for \$250.00 incl GST be adopted; and*
- b) *The Schedule of Fees and Charges 2004/05 be amended as detailed.*

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

**7.3 ACTING GENERAL MANAGER'S REPORT 22/2004 - JUNE QUARTERLY REVIEW 2003/2006 MANAGEMENT PLAN. (98/S/0555)**

194 **RESOLUTION: (Andrews/Notley-Smith)** that the information contained in the General Manager's Report on the June Quarterly Review – 2003/06 Management Plan be received and noted.

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

**7.4 ACTING GENERAL MANAGER'S REPORT 23/2004 - AFFIXING OF THE COUNCIL SEAL. (P/10060 xr P/00738 xr P/003528 xr 98/S/1256 )**

195 **RESOLUTION: (Notley-Smith/Belleli)** that authority be granted for the Council's Common Seal to be affixed to the agreements between Council and:

- a) *Mr Paul Snaith (T/As Randwick Tum Thai) in relation to a licence for the purpose of outdoor dining at 167 Alison Road, Randwick;*
- b) *Junyi Du (T/As La Casa De Spaghetti) in relation to a licence for the purpose of outdoor dining at Shop 3, 190 Arden Street, Coogee;*
- c) *Coogee Bowling Club Ltd in relation to a variation of lease for part of Reserve No. D500150 known as J.V Dick Reserve; and*
- d) *Maroubra Soccer Club Incorporated in relation to a licence for the Kiosk and storage area, Coral Sea Park, Part Lot Z in DP 36839.*

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

## **8. DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORTS.**

### **8.1 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 58/2004 - BUNNERONG GYMNASTICS' ASSOCIATION - HEFFRON PARK. (98/S/4262)**

(Cr Bastic had previously declared a Non-Pecuniary Interest on this matter. (See Item 4.2)

196 **RESOLUTION: (His Worship the Mayor, Cr M. Matson/Belleli) that:**

- a) *Council not, support the request for funding assistance from the Bunnerong Gymnastics' Association at this time;*
- b) *The submission be brought back to Council for consideration once the review of the current Plan of Management and Master Plan documents for Heffron Park are completed; and*
- c) *the Mayor be authorised to convene a meeting between the Director of Asset & Infrastructure Services and representatives from Bunnerong Gymnastics Association Inc. to resolve questions of funding, submissions of future development applications and any clarifying matters required on those management issues.*

**PROCEDURAL MOTION: (Bastic/Andrews)** that this matter be deferred to allow for a meeting to be held between the Director Asset & Infrastructure Services and the Department of Sport and Recreation on the issue. **LOST.**

**MOTION: (Notley-Smith/Woodsmith) that:**

- a) Council not, support the request for funding assistance from the Bunnerong Gymnastics' Association at this time; and
- b) The submission be brought back to Council for consideration once the review of the current Plan of Management and Master Plan documents for Heffron Park are completed. **LOST.**

**AMENDMENT: (His Worship the Mayor, Cr M. Matson/Belleli) SEE RESOLUTION.**

### **8.2 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 59/2004 - GRANT RESERVE CLIMBING NET. (98/S/1219)**

197 **RESOLUTION: (Nash/Notley-Smith) that the information contained in the Director,**

This is Page No. 5 of the Minutes of the Ordinary Council Meeting held on Tuesday, 24<sup>th</sup> August, 2004.

*Asset and Infrastructure Services' Report dated 19 August, 2004, in relation to the climbing net at Grant Reserve, be noted.*

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

**8.3 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 60/2004 - 1 BYNG STREET, MAROUBRA - COUNCIL OWNED FICUS 'HILLII' GROWING OUTSIDE PROPERTY. (R/0138/03)**

198 **RESOLUTION: (Procopiadis/Seng)** *that the Council-owned Ficus 'Hillii' (Hill's weeping fig) growing on the nature strip outside 1 Byng Street, Maroubra, be removed and replaced with more appropriate tree species, as per Council's Street Tree Masterplan.*

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

**8.4 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 61/2004 - 3 QUAIL STREET, COOGEE - COUNCIL OWNED FICUS 'HILLII' GROWING OUTSIDE PROPERTY. (R/0629/03)**

199 **RESOLUTION: (Procopiadis/Andrews)** *that the western-most Council-owned Ficus 'Hillii' growing on the nature strip outside 3 Quail Street, Coogee, be removed and replaced with a more appropriate tree species, as per Council's Street Tree Masterplan.*

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

**8.5 DIRECTOR ASSET & INFRASTRUCTURE SERVICES' REPORT 62/2004 - TENDER NO 016/04 - RANDWICK CITY COUNCIL RECYCLING FACILITY. (98/S/5443)**

200 **RESOLUTION: (Notley-Smith/Daley)** *that:*

- a) *Council accepts the tender submitted by Glascott Group for the Recycling Facility Works in the amount of \$1,284,734.00 excluding GST with negotiations of the qualified Lump Sum price to marginally reduce this figure prior to awarding the Contract;*
- b) *Authority be granted for the Council's Common Seal to be affixed to contract documents;*
- c) *The General Manager, in conjunction with the Mayor, be authorised to enter into an agreement with Glascott Group in the amount of \$1,284,734.00 excl. GST or any such reduced figure as agreed with Glascott Group during pre-award negotiations;*
- d) *The unsuccessful Tenderers be notified of the result; and*
- e) *Council extend the approval for the transfer of \$1,152,000.00 from the Waste Reserve into the Operating Budget to \$1,284,800.00 to cover the contract price.*

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

**9. DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES' REPORTS.**

**9.1 DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES' REPORT 23/2004 - ANNUAL REPORTING OF CONTRACTS FOR SENIOR STAFF. (PERSONNEL)**

201 **RESOLUTION:** *(Notley-Smith/His Worship the Mayor, Cr M. Matson) that the Director Governance, Management & Information Services Report No.23/04 entitled "Annual Reporting of Contracts for Senior Staff" be received and noted.*

**MOTION:** *(Notley-Smith/His Worship the Mayor, Cr M. Matson) SEE RESOLUTION.*

**9.2 DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES' REPORT 24/2004 - CODE OF MEETING PRACTICE - TAPE RECORDING OF COUNCIL MEETINGS & OTHER MISCELLANEOUS AMENDMENT. (98/S/1078 xr 98/S/1738 xr 98/S/2731)**

202 **RESOLUTION:** *(Daley/Notley-Smith) that:*

- (a) the matter be deferred and be referred to specialist solicitors for appropriate legal advice, together with any other relevant privacy issues; and*
- (b) if the opportunity arises, the matter be raised at the 2004 Local Government Association Conference.*

**MOTION:** *(Nash/Notley-Smith) that:*

- (a) Clause 66 of the Council's Code of Meeting Practice (Policy No. 1.01.02) be amended by the insertion of an additional paragraph which reads "The purpose of tape recording meetings of Council and Committees is to allow the accurate compilation of Minutes of those Meetings and to verify their accuracy upon confirmation of those Minutes";*
- (b) Access to the tape recordings of Meetings be restricted to those staff engaged in the compilation of Minutes and Councillors involved in the confirmation of Minutes;*
- (c) Tape recordings of Meetings not be made available to the public or disclosed to any third party under Section 12 (6) of the Local Government Act, except as allowed under Section 18 (1) (c) or Section 19 (1) of the Privacy and Personal Information Protection Act, or where Council is compelled to do so by court order, warrant or subpoena or by other law, including the F.O.I Act;*
- (d) Tape recordings of Meetings be destroyed as soon as their original purpose is served or three (3) months after their creation (whichever is the later), except where retention for a longer period is otherwise required or recommended under the State Records Act 1998;*
- (e) Appropriate signage be displayed at the public gallery entrance of the Council Chamber and verbal statements be made at the start of each Meeting, notifying the public of matters required under Information Protection Principle No. 3 of the Privacy and Personal Information Protection Act, relating to the fact that information is being tape recorded (collected), the purpose of such recording (collection), the intended recipients of such information, etc.*
- (f) Clause 55 (5) of Council's Code of Meeting Practice (Policy No. 1.01.02) be amended*

to read “Any matter raised as an item of General Business at a Committee Meeting be listed in the Minutes of that meeting with the recommendation that a report on the subject matter be prepared by the appropriate Officer and the matter be considered, with the report, at the next meeting of the Committee”; and

- (g) The Policy Register be updated accordingly.

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

**9.3 DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES' REPORT 25/2004 - AMENDMENT TO PRIVACY MANAGEMENT PLAN - HEALTH RECORDS & INFORMATION PRIVACY ACT, 2002. (98/S/2731)**

203 **RESOLUTION: (Sullivan/Notley-Smith) that:**

- (a) *Council adopt the amended Privacy Management Plan, based on necessary modifications required by the commencement of the Health Records and Information Privacy Act, 2002;*
- (b) *In accordance with Clause 33 of the Privacy & Personal Information Protection Act 1998, Council forward the amended Privacy Management Plan to the Privacy Commissioner of NSW; and*
- (c) *legal advice on this matter also be obtained, in conjunction with that being requested on privacy issues relating to the tape recording of Council Meetings.*

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

**10. ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORTS.**

**10.1 ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 59/2004 - CELEBRATING CYCLING - BIKE WEEK 2004. (98/S/1104)**

204 **RESOLUTION: (Notley-Smith/Tracey) that**

- (a) *Council note and support this event; and*
- (b) *the Randwick-Botany Cycling Club also be invited to participate in the event.*

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

**10.2 ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 60/2004 – 1 GARNET STREET, SOUTH COOGEE. (D/0955/2003)**

205 **RESOLUTION: (White/Andrews) that Council as the responsible authority grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to Modify Development Consent No. 599/2003 for 1 Garnet Street Coogee in the following manner:**

- *Delete conditions Nos. 6 and 7.*



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

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

**10.3 ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 61/2004 – 707-745 ANZAC PARADE, MAROUBRA. (D/0255/2002)**

206

**RESOLUTION:** *(Matson/Woodsmith) that Council as the responsible authority grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to Modify Development Consent No. 255/2002/GG on property 707-745 Anzac Parade, Maroubra in the following manner:*

1. *Amend Conditions No. 1 and 169 to read:*

1. *The development must be implemented substantially in accordance with the plans drawn by Crone Nation Architects, Revision C of drawings numbered with the prefix A2004/ ADA and individually numbered Z1054-Z1064 dated 25 October, 2002 and Revision B of drawings numbered with the prefix A2004/ ADA and individually numbered Z2000, Z2001, Z2005 and drawings numbered SK.02-SK.07 dated 18 September, 2002 except where amended by plans with prefix A2004/ADA and numbered Revision A of S6501, S6502, S6504, S6505- S6507, S6509, S6511, S6513, S6514, S6515, S6530- S6533 and Revision B of S6510, the application form and on any supporting information received with the application, as amended by the Section 96 plans numbered Z2004C and Z1065E drawn by Crone Nation Architects, dated 21.04.04 in the amendments box and stamped received by Council on 27 May 2004, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 applications, except as may be amended by the following conditions and as may be shown in red on the attached plans:*

169. *The applicant shall submit a landscape design for the Anzac Parade, Maroubra Road, Piccadilly Place, Bruce Bennetts Place and Boyce Road street frontages of the development in accordance with Council's Urban Design Guidelines for Maroubra Commercial Centre as modified by the streetscape and paving principles described in the applicant's landscape drawings dwg no. 001 and dwg no. 002 dated July 2004. The landscape design shall include pavements, seat, bin and bus shelter retention/relocation and tree grates as required by Council's Landscape Architect.*

*The Landscape Design plans shall be submitted to and approved by Council's Director Asset & Infrastructure Services in accordance with Section 80A(2) of the Environmental Planning and Assessment Act 1979, prior to the certifying authority issuing a construction certificate for the development.*

*The applicant shall note that the approved landscape works carried out on Council property, shall be in accordance with Council's requirements for Civil Works on Council property. An application for the cost of the landscape works on Council property 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 checking 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.*

*A refundable deposit in the form of cash or cheque of \$6,000.00 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the construction of the approved landscape works along the Anzac Parade, Maroubra Road, Piccadilly Place, Bruce Bennetts Place and Boyce Road site frontages.*

2. *Delete Condition 5*

3. *Add Conditions 177-181 as follows:*

177. *The owners of the Pacific Square development shall make provision for sealing the pavement following construction in compliance with the sealant manufacturers specifications.*

178. *The developer shall liaise with all of the public utility authorities to ensure that any possible future upgrading of their plant is allowed for with conduits during the construction phase of the footpath pavement so that minimum excavation occurs on the footpath in the future.*

179. *Street trees to Anzac Parade, Boyce Road and Maroubra Road frontages included in the landscape design required by Condition 169 are to be Eucalyptus leucoxylon (Yellow Gum) to provide an effective link between the existing planting within Maroubra Junction and the site.*

180. *The paving layout provided in the landscape design required by Condition 169 shall be in accordance with Council's paving guidelines and with existing paving areas within Maroubra Junction, including banding/trim along the pavement, kerb line and around tree grates.*

181. *The applicant is to provide Council with 120m<sup>2</sup> of the limestone sets used for footpath paving to cover any future maintenance and repairs of the non-standard area of footpaths. Pavers are to be provided prior to the release of any occupation certificate for the development.*

**MOTION: (Andrews/Bastic)** that the recommendation be adopted, subject to:

- (c) amending condition No. 179 to read "street trees to Boyce Road and Maroubra Road frontages included in the landscape design required by condition 169 are to be Chinese Elms, and Brush Box on Anzac Parade; and
- (b) amending Condition No.181 to read "the applicant is to provide Council with 120m<sup>2</sup> of the limestone sets used for footpath paving to cover any future maintenance and repairs of the non-standard area of footpaths. Pavers are to be provided prior to the release of any occupation certificate for the development.

**AMENDMENT: (His Worship the Mayor, Cr M. Matson/Woodsmith) SEE RESOLUTION.**

#### **10.4 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 62/2004 - 73 FERN STREET, CLOVELLY. (DA597/2003/A)**

207 **RESOLUTION: (Tracey/Andrews)** that this matter be deferred to allow for mediation between the parties to take place and its relisting on the agenda of the Health, Building and

This is Page No. 10 of the Minutes of the Ordinary Council Meeting held on Tuesday, 24<sup>th</sup> August, 2004.

*Planning Committee Meeting to be held on Tuesday, 7<sup>th</sup> September, 2004.*

**PROCEDURAL MOTION: (Tracey/Andrews) SEE RESOLUTION.**

**10.5 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT  
63/2004 – 56 CARR STREET, COOGEE. (159/56/D-39/90)**

208 **RESOLUTION: (Notley-Smith/Woodsmith) that:**

*Condition No.1 be amended to read as follows*

1. *Except as required by these conditions the development of the site shall be carried out generally in accordance with the plans submitted with the application dated 7 February 1990, as amended by plan No.5 showing an amended floor plan for level 6A submitted to Council on 19 December 1990 and in accordance with the plans submitted to Council by Kann Finch & Partners on 14 December 1993 in accordance with Statement of Environmental Effects dated 5 February 1990 and in accordance with other material submitted by the applicant in support of the application including the development application made on or about 7 February 1990 as amended by the **Section 96 application received by Council on the 8th April 2004, only in so far as they relate to the modifications 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:*

*Condition 29 be amended to read as follows:*

29. *All units, other than those located on levels 9 and 10 shall be used as serviced apartments as defined in the Randwick Local Environmental Plan 1998. Units within levels 9 and 10 may be used as either dwellings or serviced apartments, as defined in Randwick Local Environmental Plan 1998. Dwellings within levels 9 and 10 which are used as serviced apartments must comply with the terms of the approved Management Plan as required by Condition 24 of this Development Consent.*

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

**10.6 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT  
64/2004 – 313 BUNNERONG ROAD, MAROUBRA. (D/439/2003)**

209 **RESOLUTION: (Andrews/Procopiadis) that Council as the responsible authority grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 (as amended) to Modify Development Consent No. D/439/2003 on property 313 Bunnerong Road Maroubra in the following manner :**

- **Delete Deferred Commencement Conditions No. 1 to 5**
- **Delete Development Consent Condition No. 81**
- **Amend Development Consent Conditions 1, 11, 76, 78 and 79 to read as follows:**
  1. *The development must be implemented substantially in accordance with revision A of the plans drawn by CSA Architects numbered .PMAR-01 to PMAR-04 , dated 16/05/03 and stamped received by Council on 1 October 2003, the application form and on any supporting information received with the application, except as*

*amended by the Section 96 plans drawn by CSA Architects numbered Revision B of PMAR-01 to PMAR-04 dated 5/5/2004 and stamped received by Council on 23 June 2004, 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:*

11. *In accordance with Council's Section 94 Contributions Plan effective from 2 September 1999, the following monetary contribution is to be paid to Council.*

- |  |                    |
|--|--------------------|
| a) <i>for the provision or improvement of open space</i>           | <i>\$11,269.50</i> |
| b) <i>for the provision or improvement of community facilities</i> | <i>\$ 4,983.00</i> |

*The contribution must be paid in cash or by bank cheque **prior to a construction certificate being issued** for the proposed development, together with payment of the required **Section 94 Administration Fee of \$425.00**. Council's Section 94 Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick.*

76. *All sections of the lobby area located below RL 22.30 (AHD) are to be constructed using materials that will not be adversely affected by flooding/stormwater inundation.*

78 *There are to be no electrical connections nor the storage of any goods that may be affected by stormwater below RL 22.30 (AHD) within the lobby area.*

79. *A restriction to user shall be attached to the title of the subject development which prohibits the storage of any goods and the installation of any floor coverings, wall coverings and fixtures (including electrical connections) that may be adversely affected by stormwater inundation, below RL 22.30 (AHD) in the front lobby area. The proposed restriction shall be submitted to Council for approval prior to the issuing of an occupation certificate and the restriction shall be attached to the title of the property when the strata plans are registered with the Land and Property Information.*

▪ ***Add Development Consent Conditions 111- 115 to read as follows:***

111. *The floor level of the residential entry foyer shall be a minimum RL of 22.30 (AHD).*

112. *The floor level of the shop/office shall be a minimum RL of 22.30 (AHD). All sections of the shop/office area and disabled access ramp located below RL 22.30 (AHD) are to be constructed using materials that will not be adversely affected by flooding/stormwater inundation. There are to be no electrical connections nor the storage of any goods that may be affected by stormwater below RL 22.30 (AHD) within this shop/office area.*

113. *The floor level of the carparking area shall be a minimum RL of 22.15 (AHD).*

114. *The floor of the carpark shall be graded with a minimum fall of 2% towards the carpark entrance.*

115. *All windows, vents and other openings into the ground floor shop/office and*

*carpark (except the access driveway) shall be above RL 22.30 (AHD).*

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

**10.7 ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 65/2004 - DISCUSSION PAPER "TOWARDS A STRATEGY FOR BOTANY BAY". (98/S/2633)**

210 **RESOLUTION: (Andrews/Notley-Smith)** *that Council endorse the draft letter attached to the Report being forwarded to the Department of Infrastructure Planning and Natural Resources providing comment on the discussion paper, "Towards a strategy for Botany Bay," (Attachment 3).*

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

**10.8 ACTING DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 66/2004 - CITY OF SYDNEY MASTERPLAN - 87-103 EPSOM ROAD, ROSEBERY. (98/S/0821)**

211 **RESOLUTION: (Hughes/Nash) that:**

- (a) *Council note the Acting Director Planning & Community Development's Report 66/2004 and endorses a submission being forwarded to the City of Sydney Council;*
- (b) *the Mayor of Randwick write to the Lord Mayor of the City of Sydney Council to request the establishment of a Co-ordinating Committee to consider the impacts on traffic, residential amenity and other areas of shared community concern arising from the development applications, Masterplans and Planning Instruments that concern areas close to the shared boundaries of the two Cities. Composition of the Committee to include Councillors from both Councils, community representatives and representatives from the R.T.A and relevant Council officers, to be determined by invitation from the respective Mayors and General Managers. Further, the Member for Heffron, Kristina Keneally be invited to Chair the Co-ordinating Committee;*
- (c) *this Council opposes the Link Masterplan for 87-103 Epsom Road, Rosebery and Council's submission be expanded on this basis with a relevant and composite explanation; and*
- (d) *the Lord Mayor be requested to explain how this proposal could, at all, be supported by the Sydney City Council.*

**MOTION: (Hughes/Nash) SEE RESOLUTION.**

**11. PETITIONS.**

**11.1 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR M. MATSON ON BEHALF OF LOCAL RESIDENTS REQUESTING A DISCOUNT ON COMPOST BINS AND WORM FARMS. (98/S/1173 xr 98/S/0741-02)**

212 **RESOLUTION: (Bastic/Nash)** *that the petition be referred to the appropriate Committee and/or the Councillors' Bulletin with a report from the relevant officer.*

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

**11.2 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR M. MATSON ON BEHALF OF RESIDENTS PROPOSING CHANGES TO TRAFFIC ARRANGEMENTS IN VILLIERS AND ADDISON STREETS, KENSINGTON. (98/S/1173 xr R/0745/02-01)**

213 *RESOLUTION: (Bastic/Procopiadis) that the petition be referred to the appropriate Committee and/or the Councillors' Bulletin with a report from the relevant officer.*

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

**11.3 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR M. MATSON ON BEHALF OF RESIDENTS OPPOSING A PROPOSED DEVELOPMENT FOR 497-501 ANZAC PARADE, KINGSFORD. (98/S/1173 xr DA0503/2004)**

214 *RESOLUTION: (Bastic/Procopiadis) that the petition be referred to the Director Planning & Community Development for consideration in conjunction with the assessment of the development application.*

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

**11.4 PETITION SUBMITTED BY CR HUGHES ON BEHALF OF RESIDENTS PROPOSING CHANGES TO TRAFFIC ARRANGEMENTS IN VILLIERS AND ADDISON STREETS, KENSINGTON. (98/S/1173 xr R/0745/02-01)**

215 *RESOLUTION: (His Worship the Mayor, Cr M. Matson/Hughes) that the petition be referred to the appropriate Committee and/or the Councillors' Bulletin with a report from the relevant officer.*

**MOTION: (His Worship the Mayor, Cr M. Matson/Hughes) SEE RESOLUTION.**

**11.5 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR M. MATSON ON BEHALF OF RESIDENTS OPPOSING THE INSTALLATION OF PARKING METERS IN COMMERCIAL CENTRES. (98/S/1173 xr 98/S/2714)**

216 *RESOLUTION: (His Worship the Mayor, Cr M. Matson/Notley-Smith) that the receipt of the petition be noted.*

**MOTION: (His Worship the Mayor, Cr M. Matson/Notley-Smith) SEE RESOLUTION.**

**12. MOTIONS PURSUANT TO NOTICE.**

**12.1 BY COUNCILLOR NASH – REQUEST FOR COUNCIL SUBMISSION ON THE MASTERPLAN APPLICATION FOR THE DOLINA SITE - ROSEBERY. (F2004/07227 xr 98/S/0821 xr 98/S/0178)**

(Note: This motion was withdrawn by Cr Nash with consent of Council.)

**12.2 BY COUNCILLOR BASTIC – REQUEST FOR STAIRS AT 29 FRENCH STREET. (PROP033069 xr 98/S/0178)**

217 **RESOLUTION:** *(Notley-Smith/Hughes)* that a report be prepared for the Works Committee meeting on 7<sup>th</sup> September, 2004 on the construction of stairs outside 29 French Street, which will enable the infirm resident access to the property.

**MOTION:** **(Bastic/Andrews)** that Council construct stairs outside the property 29 French Street, which will enable the infirm resident access to the property.

**AMENDMENT:** **(Notley-Smith/Hughes)** SEE RESOLUTION.

**12.3 BY COUNCILLOR BASTIC – UPDATE ON THE PROPOSAL FROM RANDWICK HOCKEY CLUB. (98/S/0492 xr F2004/06574 xr 98/S/0178)**

218 **RESOLUTION:** *(Bastic/Tracey)* that a report be prepared for Council on the proposal put forward by Randwick Hockey Club.

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

**12.4 BY COUNCILLOR PROCOPIADIS – REMOVAL OF FICUS ‘HILLI’ TREE ON TODMAN AVENUE. (PROP001519 xr 98/S/0178)**

219 **RESOLUTION:** *(Procopiadis/Sullivan)* that the Ficus ‘Hilli’ in Todman Avenue and in front of No. 52 be removed and a suitable tree be planted on Council’s nature strip.

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

**12.5 BY COUNCILLOR SENG – PROPOSAL FOR A WORKING GROUP TO HELP COMBAT PARKING PROBLEMS. (F2004/07236 xr 98/S/0753 xr 98/S/0178)**

220 **RESOLUTION:** *(Seng/Notley-Smith)* that Randwick Council adopt a policy of a closer working relationship with its major economic stakeholders ie. The University, the AJC and the Hospitals and that the first collaborative effort be to jointly develop a strategy to resolve the area’s transport and parking problems and, particularly, to expedite the implementation of light rail to the City.

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

**13. URGENT BUSINESS.**

Nil.

**14. CONFIDENTIAL REPORTS.**

**14.1 CONFIDENTIAL MAYORAL MINUTE 63/2004 - BLENHEIM PARK - ACCESSWAY TO NOS 10-20 DUNDAS STREET, COOGEE. (98/S/1273)**

221 **RESOLUTION:** *(Sullivan/Tracey)* that Council offer to grant each of the owners of properties 10-18 Dundas Street, Coogee “right-of-carriageway” over the section of Blenheim Park at the rear of each property on the basis that:

(a) *The beneficiaries of the “right-of-carriageway” are responsible for maintenance and any improvements or proposed reconstruction of the access way;*

- (b) *Each of the residents be equally entitled to use the access way and that no owner will do anything which may hinder other users' rights and ability to use the access way at all times;*
- (c) *The beneficiaries of the "right-of-carriageway" will be responsible to ensure that public liability insurance is maintained for this "right-of-carriageway";*
- (d) *Council retains the right to enter upon and use the subject land as and when it becomes necessary;*
- (e) *All owners benefiting from this "right-of-carriageway" shall contribute equally towards the payment of compensation and that this level of compensation be determined by a recent valuation by an independent valuer negotiated between Council's Property Section and the beneficiaries of the "right-of-carriageway";*
- (f) *Each of the owners agree to pay the Council's costs associated with the granting of the "right-of-carriageway"; and*
- (g) *The owners of 10 and 12 Dundas Street be advised that the willingness of Council to grant the "right-of-carriageway" shall not be construed as an approval of their off-street access and that any application for this off-street access shall be the subject of a Development Application which will be considered on its merits in accordance with the relevant legislation.*

**MOTION: (Sullivan/Tracey) SEE RESOLUTION.**

**15. COMMITTEE-OF-THE-WHOLE.**

Nil.

**16. REPORT OF COMMITTEE-OF-THE-WHOLE.**

Nil.

**17. NOTICE OF RESCISSION MOTIONS.**

Nil.

There being no further business, His Worship the Mayor, Cr M. Matson, declared the meeting closed at 9.58 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 21<sup>ST</sup> SEPTEMBER, 2004.

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CHAIRPERSON