

**MINUTES OF EXTRAORDINARY COUNCIL MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 1ST MARCH, 2005 AT 6:18 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, P. 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 (from 6.23 p.m.)

OFFICERS PRESENT:

General Manager	Ms. R. Brownlee.
Director, City Services	Mr. J. Frangoules.
Director, City Planning	Ms. S. Truuvert.
Director, Governance & Financial Services	Mr. M. Hummerston.
Assistant Public Officer	Mr. D. Kelly.
Communications Manager	Ms. D. Brien.
Manager, Policy, Planning & Performance	Ms. K. Walshaw.

1. APOLOGIES.

Nil.

RESOLVED (PROCEDURAL MOTION): (Daley/Notley-Smith) that two speakers be permitted to address Council in favour of the rescission motion on the banning of camera shots and filming at DRAC.

RESOLVED (PROCEDURAL MOTION): (His Worship the Mayor, Cr M. Matson/Daley) that a representative from the Daily Telegraph newspaper be granted permission to take photographs in the Chamber during the Meeting.

2. DECLARATION OF PECUNIARY & NON-PECUNIARY INTERESTS

Nil.

RESOLVED: (Notley-Smith/Kenny) that the meeting be adjourned at 6.23 p.m. to permit members of the public entitled and wishing to address the assembled Councillors.

3. ADDRESSES TO THE COUNCIL BY THE PUBLIC.

1. Mr Paul Harrapin, 5 Northumberland Street, Clovelly on Item 5.2, Notice of Rescission Motion by Councillors Daley, Procopiadis and Sullivan – Ordinary Council Meeting, Tuesday, 22nd February, 2005 – Item 6.2 - Mayor's Minute 19/2005 – Banning Camera Shots and Filming at DRAC.
2. Ms Georgie King, 32 Allens Parade, Bondi Junction on Item 5.2, Notice of Rescission Motion by Councillors Daley, Procopiadis and Sullivan – Ordinary Council Meeting, Tuesday, 22nd February, 2005 – Item 6.2 - Mayor's Minute 19/2005 – Banning Camera Shots and Filming at DRAC.

The meeting was resumed at 6.27 p.m.

4. MAYORAL MINUTES.

(Note: This Mayoral Minute was tabled by the Mayor at the end of the Meeting.)

4.1 MAYORAL MINUTE 23/2005 – MODIFICATION OF BUDGET REVIEW WORKING GROUP. (F2004/08433)

87 **RESOLUTION:** *(His Worship the Mayor, Cr M. Matson) that Councillor Ted Seng be included as a member of the Budget Review Working Group and the quorum for this group be set at three (3).*

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

5. MOTIONS PURSUANT TO NOTICE.

5.1 NOTICE OF RESCISSION MOTION BY COUNCILLORS DALEY, SULLIVAN AND WHITE – ORDINARY COUNCIL MEETING, TUESDAY, 22ND FEBRUARY, 2005 – ITEM 10.6 - DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT 7/2005 – 1 DUKE STREET, RANDWICK.

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

the resolution passed at the Ordinary Council Meeting held on Tuesday, 22nd February, 2005, reading as follows:-

that Council, under Section 82A of the Environmental Planning and Assessment Act 1979 (as amended), rescind its decision dated 26 August 2003 and, as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No.618/03 for permission to construct a hardstand carspace forward of the building line for 1 Duke Street, Kensington, subject to the following conditions: -

1. *The development must be implemented substantially in accordance with the plans numbered DA1, dated June 2003 and received by Council on 26 August 2004, the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on*

the attached plans:

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

- 2. The 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 streetscape.*

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 & Community Development, in accordance with section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the relevant building works.

- 3. Vehicles parked in the parking space must not extend beyond the boundary of the site at any time.*

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:

- 4. Surface water/stormwater must be drained and discharged to the street gutter or suitably designed absorption pit, to the satisfaction of the Certifying Authority and details are to be included in the construction certificate application 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 prior to commencement of works.

- 5. External paths and ground surfaces are to be graded and drained away from the building and adjoining premises in such a manner so as not to result in the entry of water into a building, or cause a nuisance or damage to the adjoining premises.*

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

- 6. The requirements and provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000, must be fully complied with at all times.*

Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of `on-the-spot` penalty infringements or service of a notice and order by Council.

- 7. 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.*
- 8. 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.

9. *Prior to the commencement of any building works, the person having the benefit of the development consent must:-*
- i) appoint a Principal Certifying Authority for the building work, and*
 - ii) appoint a principal contractor for the building work, or in relation to residential building work, obtain an owner-builder permit in accordance with the requirements of the Home Building Act 1989, and notify the Principal Certifying Authority and Council accordingly in writing, and*
 - iii) unless the person having the benefit of the consent is the principal contractor (i.e. owner-builder), notify the principal contractor of the required critical stage inspections and other inspections to be carried out, as specified by the Principal Certifying Authority, and*
 - iv) give at least two days notice to the Council, in writing, of the person's intention to commence building works.*

In relation to residential building work, the principal contractor must be the holder of a contractor licence, in accordance with the provisions of the Home Building Act 1989.

10. *The building works must be inspected by the Principal Certifying Authority (or another certifying authority if the Principal Certifying Authority agrees), in accordance with sections 109 E (3) of the Environmental Planning & Assessment Act 1979 and clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.*

The Principal Certifying Authority must specify the relevant stages of construction to be inspected in accordance with section 81A (2) (b1) (ii) of the Environmental Planning & Assessment Regulation 2000 and a satisfactory inspection must be carried out, to the satisfaction of the Principal Certifying Authority, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

Documentary evidence of the building inspections carried out and details of compliance with Council's consent is to be maintained by the Principal Certifying Authority. Details of critical stage inspections carried out and copies of certification relied upon must also be forwarded to Council with the occupation certificate.

The principal contractor or owner-builder (as applicable) must ensure that the required critical stage and other inspections, as specified in the Principal Certifying Authority's "Notice of Critical Stage Inspections", are carried out to the satisfaction of the Principal Certifying Authority and at least 48 hours notice (excluding weekends and public holidays) is to be given to the Principal Certifying Authority, to carry out the required inspection, before carrying out any further works.

11. *A sign must be erected and maintained in a prominent position on the site, which contains the following details:*

- *name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours, or owner-builder permit details (as applicable)*
 - *name, address and telephone number of the Principal Certifying Authority,*
 - *a statement stating that “unauthorised entry to the work site is prohibited”.*
12. *An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.*

The relevant requirements of the Environmental Planning & Assessment Regulation 2000 and relevant conditions of development consent must be satisfied prior to the issuing of an occupation certificate.

13. *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 provisions 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 \$5,000.*

*Details of the principal building contractor and compliance with the provisions of the Home Building Act 1989 (i.e. Details of the principal licensed building contractor and a copy of the Certificate of Insurance) are to be submitted to Council **prior to the commencement of works**, with the notice of appointment of the PCA / notice of intention to commence building work.*

14. *The required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, in accordance with Section 109F of the Environmental Planning & Assessment Act 1979.*

At the time of this development consent, Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.2% of the cost of the works.

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:

15. *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.*
16. *Any building/demolition works involving asbestos cement are to be carried out in accordance with the Work Cover New South Wales "Guidelines for Practices Involving Asbestos Cement in Buildings".*
17. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.*
18. *All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and supported to prevent them from being dangerous to life, property or buildings.*

Retaining walls, shoring or piling must be provided to support land which is excavated in association with the erection or demolition of a building, to prevent the movement of soil and to support the adjacent land and buildings, if the soil conditions require it. Adequate provisions are also to be made for drainage.

Retaining walls, shoring, or piling must be designed and installed in accordance with appropriate professional standards and the relevant requirements of the Building Code of Australia and Australian Standards. Details of proposed retaining walls, shoring or piling are to be submitted to and approved by the Principal Certifying Authority for the development prior to commencing such excavations or works.

19. *If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:*
 - *preserve and protect the building /s on the adjoining land from damage; and*
 - *if necessary, underpin and support the building and excavation in an approved manner; and*
 - *at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land (including a public road or public place), give notice of the intention to do so to the owner of the adjoining land. Particulars of the excavation are to be provided to the owner of the adjoining land and also the owner of the land where the building is being erected or demolished.*
20. *All building, demolition and associated site 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.*
21. *The use of any rock excavation machinery or any mechanical pile drivers is restricted to*

the hours of 8.00am to 5.00pm (maximum), Monday to Friday inclusive and from 8.00am to 1.00pm on Saturday, to minimise the noise levels during construction and loss of amenity to nearby residents.

22. *Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.*
23. *Noise and vibration from any rock excavation machinery and pile drivers (or the like) must be minimised by using appropriate plant and equipment and silencers and a construction noise and vibration minimisation strategy, prepared by a suitably qualified consultant is to be implemented during the works, to the satisfaction of the Principal Certifying Authority.*
24. *Public safety and convenience must be maintained at all times during demolition, excavation and construction works.*

The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.

A Road Opening Permit must be obtained from the Council and other relevant Authorities prior to excavating or opening-up the road or footway for services or the like.

25. *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, soil and debris at all times.*
26. *Bulk bins/waste containers must not be located upon the footpath, roadway or nature strip at any time without the prior written approval 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 Development Control Plan for Exempt & Complying Development and Council's Local Approvals Policy. Applications to place a waste container in a public place can be made to Council's Building Services section.*
27. *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 are to be detailed in a soil and water management plan and 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 be maintained throughout construction. A copy of the approved details must be forwarded to the Council and a copy is to be maintained on-site and 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, methods of sediment control, details of drainage systems and details of existing and proposed vegetation.

28. *Stockpiles of soil, sand, aggregate or other materials must not be located on any footpath, roadway, nature strip, drainage line 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, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.

29. *A warning sign for soil and water management must be displayed in a prominent position on the building site, visible to both the public and site workers. The sign must be displayed throughout the construction period. Copies of a suitable warning sign are available at Council's Customer Service Centre for a nominal fee.*

30. *Public safety must be maintained at all times and public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.*

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.

Hoardings or fences are to be structurally adequate, safe and be constructed in a professional 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.*

If it is proposed to locate any hoardings, site fencing or amenities upon a footpath or public place, the written consent from Council's Building Services section must be obtained beforehand and detailed plans are to be submitted to Council for consideration, together with payment of the weekly charge in accordance with Council's adopted fees and charges.

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

31. *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.

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

32. *The applicant must meet the full cost for telecommunication companies, gas providers, Energy Australia and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.*

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

33. *That part of the naturestrip upon Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicants expense prior to the issue of a final Occupation Certificate.*
34. *The naturestrip upon Council's footway shall be maintained by the applicant in accordance with Council guidelines. Such maintenance shall include, but not be limited to, watering, mowing, fertilising, and the removal of weeds.*

Tree Protection Measures

35. *In order to ensure the retention of the Eucalyptus species (Gum tree) located within the front yard of this property in good health, the following measures are to be undertaken:*
- a) *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application shall show the retention of the existing tree specimen with the position of the tree trunk and full diameter of the tree canopy clearly shown on all drawings.*
 - b) *All detailed architectural, building, demolition, engineering (structural, stormwater & drainage, services), and landscape documentation submitted for the construction certificate application **shall show footings of a pier and beam construction along the proposed fence in order to minimise damage to the roots of this tree.** The plan shall also note that piers are to be located to avoid any roots greater than 30mm in diameter.*
 - c) *There is to be no storage of materials or machinery or site office/sheds, no stockpiling of soil or rubble, nor is cement to be mixed or chemicals spilt/disposed within 3 metres from the outside edge of the tree trunk.*

Any works required within this 3 metre zone (only as approved on the construction certificate) shall be under the direction of, and to the satisfaction of, a suitably qualified Arborist.

36. *A refundable deposit in the form of cash or cheque of \$1560 shall be lodged with Council prior to issue of a construction certificate for the proposed development in order to ensure the preservation of the tree in accordance with the requirements*

described in this condition.

QUANTITY	SPECIES	AMOUNT
<i>One (1)</i>	<i>Eucalyptus species (Gum Tree)</i>	<i>\$1560.00</i>
	TOTAL	<i>\$1560.00</i>

The refundable deposit is placed to ensure that the tree protection measures as described in this condition are undertaken throughout the demolition and construction period. The refundable deposit will be released twelve (12) months from the time of issue of a final occupation certificate by the certifying authority providing the tree protection measures (including amendments to the plans) have been undertaken throughout the demolition and construction period and the tree/s have been retained in good health.

Any contravention of Council's conditions relating to the tree at any time during the demolition and construction period or prior to the issue of a final occupation certificate will result in the Council claiming all of the lodged security.

ADVISORY MATTERS:

A1 The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA).

In this regard, the development consent plans do not show compliance with the deemed-to-satisfy provisions of the BCA.

Details of compliance with the relevant provisions of the Building Code of Australia and conditions of development consent are to be provided in the plans and specifications for the construction certificate.

You are therefore advised to consult with Council's Building Certification Services or an accredited certifier prior to submitting your construction certificate application to enable these matters to be addressed accordingly.

A2 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.

BE AND IS HEREBY RESCINDED.

89 **RESOLUTION (FURTHER): (Daley/White)** that Council's original Determination of Development Application No. 0618/03 dated 26 August, 2003 for construction of a hardstand carspace be confirmed, for the following reasons:

- 1. The proposed car parking space does not have the required dimensions as stipulated in S1 of Part 4.7 of Council's DCP for Dwelling Houses and Attached Dual Occupancies and, as a result, will not properly accommodate all vehicle types that may use the*

space. This may result in a vehicle extending beyond the property boundary and causing injury to pedestrians using Council's footway.

2. *The proposed alterations to the front fence and the proposed new gates do not comply with the requirements of S1 in Part 4.8 of Council's DCP for Dwelling Houses and Attached Dual Occupancies. The fence pillars and gates extend to a height of 2.4 metres which is well above the maximum of 1.8 metres that is generally permitted for gates and fences. It is considered that this will have a detrimental impact on the streetscape presentation.*
3. *There are no other examples of parking spaces forward of dwellings on the northern side of Duke Street between Anzac Parade and Boronia Street. This means that the streetscape is intact and the row of attached dwellings present with integrity to Duke Street. It is considered that the introduction of a parking space will set a precedent for the other dwellings to follow, which would destroy that integrity.*
4. *Construction of the parking space would involve removal of at least one public parking space which would, in turn, further exacerbate the parking problems that are experienced in this part of Duke Street. This would have a consequential impact on the availability of parking to other residents on Duke Street who would then feel the need to apply to have their front yard area converted for accommodation of car parking.*

MOTION: (Daley/White) SEE RESOLUTION.

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

(The Mayor vacated the Chair & Cr Seng assumed the Chair.)

5.2 NOTICE OF RESCISSION MOTION BY COUNCILLORS DALEY, PROCOPIADIS AND SULLIVAN – ORDINARY COUNCIL MEETING, TUESDAY, 22ND FEBRUARY, 2005 – ITEM 6.2 - MAYOR'S MINUTE 19/2005 – BANNING CAMERA SHOTS AND FILMING AT DRAC. (F2004/06639)

90 **RESOLUTION: (Daley/Sullivan) that:**

- a) *The resolution passed at the Ordinary Council Meeting held on Tuesday, 22nd February, 2005, reading as follows:-*

that Council place the Draft Policy on Procedures For Dealing With Use of Mobile Phone Cameras, Still and Video or Film Cameras at DRAC (Des Renford Aquatic Centre) on public exhibition (including referral to the Local Government and Shires Associations) for 30 days and that any submissions received be forwarded to a future meeting of the Council

BE AND IS HEREBY RESCINDED;

- b) *Council acknowledges that the instructions of September 2003 to ban photography at the Des Renford Aquatic Centre represented a genuine attempt by the then Council administration to respond to complaints from members of the community that*

*inappropriate photographs were being taken of their children whilst using the pool;
and*

c) *The General Manager;*

i) *Rescinds the administrative instructions of September 2003 to ban photography at DRAC;*

ii) *Instruct DRAC staff to ban photographing, filming or video recording within any of the DRAC change rooms and toilets; and*

iii) *Will bring forward a future report listing options for reconciling the need to respond to complaints of inappropriate photography at DRAC against the need to maximise the natural rights of pool goers to photograph families, friends and associates' activities and achievements as pool users.*

MOTION: (Daley/Sullivan) that:

a) the resolution passed at the Ordinary Council Meeting held on Tuesday, 22nd February, 2005, reading as follows:-

that Council place the Draft Policy on Procedures For Dealing With Use of Mobile Phone Cameras, Still and Video or Film Cameras at DRAC (Des Renford Aquatic Centre) on public exhibition (including referral to the Local Government and Shires Associations) for 30 days and that any submissions received be forwarded to a future meeting of the Council be and is hereby rescinded; and

b) Council resolve that it has no confidence in the Mayor.

(Part b of the motion was ruled out of order by the Chairperson.)

DISSENT MOTION: (Daley/Sullivan) on the ruling of the Chairperson. LOST.

A division on the dissent motion was called for by Crs Daley & Andrews. Voting was as follows:-

For	Against
Andrews	Belleli
Bastic	Hughes
Daley	Kenny
Procopiadis	His Worship the Mayor, Cr M. Matson
Sullivan	Nash
Tracey	Notley-Smith
White	Seng
	Woodsmith

(An addendum to the rescission motion by Cr Hughes & His Worship the Mayor, Cr M. Matson was then accepted. See Parts b) & c) of the resolution.)

A division on the motion incorporating the addendum was called for by Crs Daley & Sullivan. Voting was follows:-

For

Against

Andrews
Bastic
Belleli
Daley
Hughes
Kenny
His Worship the Mayor, Cr M. Matson
Nash
Notley-Smith
Procopiadis
Seng
Sullivan
Tracey
White
Woodsmith

FURTHER MOTION: (Sullivan/Daley) that Council resolve that it has no confidence in the Mayor. **RULED OUT OF ORDER BY THE CHAIRPERSON.**

DISSENT MOTION: (Sullivan/Daley) on the ruling of the Chairperson. **LOST.**

(The Mayor resumed the Chair.)

5.3 BY COUNCILLOR BELLELI – LA PEROUSE STANNARD BOAT SHED & 1613 ANZAC PARADE, LA PEROUSE. (F2004/06044 XR F2005/00171)

91 **RESOLUTION: (Belleli/Notley-Smith)** that Council:

- (a) *Take immediate steps to barricade the deck of the Stannard boat shed deck;*
- (b) *Remove dead bushes/trees and exotic weeds and litter from the southern end of Frenchman's Bay and on the piece of land and rock formation known as Lot 5113 DP 752015, 1613 Anzac Parade;*
- (c) *Maintain this area on a regular basis;*
- (d) *Investigate future use or making 1613 Anzac Parade a public reserve and landscaping the area; and*
- (e) *Further, that a report be brought back to a meeting of Council on the current status of leases/ownership/responsibility for/of the Stannard boat shed deck.*

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

5.4 BY COUNCILLOR BELLELI – MALABAR POOL LONG TERM SOLUTION. (F2004/07490 XR F2005/00171)

92 **RESOLUTION: (Belleli/Notley-Smith)** that a report be brought before the next Works Committee on a long-term solution to the constant break-down of the Malabar Pool pump. The report should include spare pump, more efficient pumps, renovating pool to naturally

flush, ways of getting rid of debris floating in the pool, which is not getting flushed out, and any plans for amenities for Malabar Rock Pool.

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

5.5 BY COUNCILLOR BELLELI – EXPRESSIONS OF INTEREST FOR MAROUBRA BEACH TRAM SHELTER. (F2004/07343 XR F2005/00171)

This motion was ruled out of order by the Chairperson.

5.6 BY COUNCILLOR BELLELI – INSTALLATION OF FIVE (5) RUBBISH BINS AT CORAL SEA PARK. (F2004/08288 XR F2005/00171)

93 **RESOLUTION: (Belleli/Daley)** *that Council installs five (5) stainless steel design waste bins in Coral Sea Park to reduce rubbish in the park.*

MOTION: (Belleli/Daley) SEE RESOLUTION.

5.7 BY COUNCILLOR KENNY – KERB AND GUTTERING IN JANE LANE, CLOVELLY. (F2005/00171 XR F2004/08433)

94 **RESOLUTION: (Notley-Smith/Woodsmith)** *that the Budget Review Working Group be authorised to deal with the matter concerning Council allocating sufficient funds for kerb and guttering for Jane Lane, Clovelly in the 2005/06 Budget and that the group forward a recommendation to the relevant Committee or Ordinary Council Meeting.*

MOTION: (Kenny/Hughes) that Council, as part of Council's 2005/06 Budget, allocate sufficient funds for kerb and guttering for Jane Lane, Clovelly.

AMENDMENT: (Notley-Smith/Woodsmith) SEE RESOLUTION.

5.8 BY COUNCILLOR KENNY – GARBAGE BINS AT BUS STOPS. (F2004/06054 XR F2005/00171)

95 **RESOLUTION: (Kenny/Daley)** *that a report be brought before the Works Committee on the placement of garbage bins at every bus stop in the City of Randwick.*

MOTION: (Kenny/Daley) SEE RESOLUTION.

5.9 BY COUNCILLOR KENNY – CLOVELLY BEACH DISABILITY ACCESS RAMP. (F2004/07783 XR F2005/00171 XR F2004/08433)

96 **RESOLUTION: (Notley-Smith/Woodsmith)** *that a report be brought before the Works Committee on the methods of keeping the Clovelly Beach disabled ramp clear of sand and that, should any reconstruction work be required, the Budget Review Working Group be authorised to deal with the matter in the 2005/06 Budget discussions and that the group forward a recommendation to the relevant Committee or Ordinary Council Meeting.*

MOTION: (Kenny/Sullivan) that a report be brought before the Works Committee on the methods of keeping the Clovelly Beach disabled ramp clear of sand and that, should any reconstruction work be required, that funds be allocated in the 2005/06 Budget.

AMENDMENT: (Notley-Smith/Woodsmith) SEE RESOLUTION.

5.10 BY COUNCILLOR BASTIC – BUNDOCK STREET SITE. (D/0866/2004 XR F2005/00171)

97 *RESOLUTION: (Bastic/Daley) that the Director, City Planning report to council on the progress of development on the Bundock Street site.*

MOTION: (Bastic/Daley) SEE RESOLUTION.

5.11 BY COUNCILLOR BASTIC – MAYORAL MINUTES. (F2004/06565 XR F2005/00171)

MOTION: (Bastic/Andrews) that all Mayoral Minutes be provided to Councillors at least 48 hours prior to their deliberation, except in urgent circumstances. LOST.

5.12 BY COUNCILLOR NASH – PLANTING IN ANZAC PARADE/ALISON ROAD/ABBOTFORD STREET/DAY AVENUE/BARKER STREET. (F2005/00171 XR F2004/08433)

98 *RESOLUTION: (Nash/Seng) that that Budget Review Working Group be authorised to deal with the matter concerning the allocation of sufficient funds for the planting of appropriate trees, shrubs and/or garden beds in the median strip of Anzac Parade between:*

- a) *The intersection of Anzac Parade and Alison Road and Abbotford Street, Kensington and;*
- b) *Day Avenue and Barker Street, Kingsford;*

and that the group forward a recommendation to the relevant Committee or Ordinary Council Meeting.

MOTION: (Nash/Seng) SEE RESOLUTION.

5.13 BY COUNCILLOR NASH – TURFING AND GARDEN BEDS IN MEDIAN STRIPS ON ANZAC PARADE, GOODWOOD TO ADDISON STREETS. (F2004/00824 XR F2005/00171 XR F2004/08433)

99 *RESOLUTION: (Nash/Notley-Smith) that the Budget Review Working Group be authorised to deal with the matter concerning the allocation of sufficient funds for the re-turfing and rejuvenation of the existing turf and garden beds in the median strips of Anzac Parade between Goodwood Street and Addison Street, Kensington, and that the group forward a recommendation to the relevant Committee or Ordinary Council Meeting.*

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

5.14 BY COUNCILLOR NASH – IMPROVEMENTS TO RANDWICK SHOPPING CENTRE FOOTPATHS, ROAD AND STREETScape. (F2004/00819 XR F2005/00171)

100 *RESOLUTION: (Nash/Notley-Smith) that the Budget Review Working Group be authorised to deal with the matter concerning the options available and funds required for the:*

- a) *Resurfacing or otherwise of the footpaths and the road pavement of Belmore Road, Randwick; and*
- b) *Reconfiguration of the streetscape of Belmore Road, Randwick (including ideas for street tree planting);*

and that the group forward a recommendation to the relevant Committee or Ordinary Council Meeting.

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

5.15 BY COUNCILLOR NASH – PLANTING OF TREES, GARDENERS ROAD BETWEEN TUNSTALL AND LEONARD AVENUES. (F2004/07809 XR F2005/00171)

101 **RESOLUTION: (Notley-Smith/Seng)** *that the Budget Review Working Group approach Botany Bay Council with the view to both Councils sharing the cost of planting appropriate (and preferably large) trees along the median strip of Gardeners Road between Tunstall Avenue and Leonard Avenue, Kingsford.*

MOTION: (Nash/Woodsmith) that Randwick City Council approach Botany Bay Council with the view to both Councils sharing the cost of planting appropriate (and preferably large) trees along the median strip of Gardeners Road between Tunstall Avenue and Leonard Avenue, Kingsford.

AMENDMENT: (Notley-Smith/Seng) SEE RESOLUTION.

5.16 BY COUNCILLOR NASH – STREET LIGHTING – HOUSTON ROAD. (F2004/07519 XR F2005/00171 XR F2004/08433)

102 **RESOLUTION: (Notley-Smith/Seng)** *that the Budget Review Working Group be authorised to deal with the matter concerning the allocation of sufficient funds for street lighting on the unlit side of Houston Road, Kingsford (between Gardeners Road and Borrodale Road) in the 2005/06 Budget and that the group forward a recommendation to the relevant Committee or Ordinary Council Meeting.*

MOTION: (Nash/Hughes) that, as part of Council's 2005/06 Budget, Council allocate sufficient funds for street lighting on the unlit side of Houston Road, Kingsford (between Gardeners Road and Borrodale Road.)

AMENDMENT: (Notley-Smith/Seng) SEE RESOLUTION.

5.17 BY COUNCILLOR NOTLEY-SMITH – CAPTAIN COOK STATUE. (98/S/0212 XR F2005/00171 XR F2004/08433)

103 **RESOLUTION: (Notley-Smith/Nash)** *that the Budget Review Group be authorised to deal with the matter concerning the works previously approved for the Captain Cook Statue being allocated funding in the 2005/06 Budget and that the group forward a recommendation to the relevant Committee or Ordinary Council Meeting.*

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

5.18 BY COUNCILLOR NOTLEY-SMITH – RESURFACING OF COOGEE BAY ROAD, CARRINGTON TO PEROUSE ROADS. (F2004/07395 XR F2005/00171 XR F2004/08433)

104 *RESOLUTION: (Notley-Smith/Sullivan) that the Budget Review Working Group be authorised to deal with the matter concerning Council allocating sufficient funds for the resurfacing of Coogee Bay Road, between Carrington Road & Perouse Road in the 2005/06 Budget and that the group forward a recommendation to the relevant Committee or Ordinary Council Meeting.*

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

5.19 BY COUNCILLOR NOTLEY-SMITH –UPGRADING OF BARDON, BANGOR AND BAKER PARKS. (F2005/00119 XR 98/S/5141 XR F2004/00938 XR F2005/00171 XR F2004/08433)

105 *RESOLUTION: (Notley-Smith/Sullivan) that the Budget Review Working Group be authorised to deal with the matter concerning the options for the upgrading of Bardon, Bangor and Baker Parks in the 2005/06 Budget and that the group forward a recommendation to the relevant Committee or Ordinary Council Meeting.*

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

5.20 BY COUNCILLOR NOTLEY-SMITH – REMAKING OF PEDESTRIAN CROSSINGS. (F2004//08251 XR F2004/00171 XR F2004/08433)

106 *RESOLUTION: (Notley-Smith/Belleli) that a report be brought before the Works Committee on the replacement of the yellow pedestrian crossing signage with the newer fluorescent orange signage. The report should detail the RTA's position on such signage and its cost, and that the Budget Review Working Group be authorised to deal with the allocation of funding in the 2005/06 Budget and that the group forward a recommendation to the relevant Committee or Ordinary Council Meeting.*

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

5.21 BY COUNCILLOR NOTLEY-SMITH –UPGRADING OF COOGEE BEACH TOILETS. (F2004/06063 XR F2005/00171 XR F2004/08433)

107 *RESOLUTION: (Notley-Smith/Woodsmith) that a report be brought before the Budget Review Working Group on the upgrading of the toilets at Coogee Beach, and options for the reconfiguration and/or demolition and rebuilding of the toilet blocks to accommodate commercial leasings, and that the Budget Review Working Group be authorised to deal with the allocation of funding in the 2005/06 Budget and that the group forward a recommendation to the relevant Committee or Ordinary Council Meeting.*

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

5.22 BY COUNCILLOR BELLELI – TOILETS IN MATRAVILLE. (F2004/08020 XR F2005/00171)

108 **RESOLUTION:** *(Belleli/Daley)* that a report on the installation of JC Decaux toilet units in the Matraville town centre be brought before the Works Committee.

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

**5.23 BY COUNCILLOR BELLELI – SHADECLOTHS IN PLAYGROUNDS.
(F2004/07601 XR F2005/00171 XR F2004/08433)**

109 **RESOLUTION:** *(Belleli/Woodsmith)* that a report be brought before the Budget Review Working Group on the provision of new playground equipment, shadecloth and softfall in every playground in the City of Randwick and that the Budget Review Working Group be authorised to deal with the allocation of sufficient funds for this matter in the 2005/06 Budget and that the group forward a recommendation to the relevant Committee or Ordinary Council meeting.

MOTION: *(Belleli/Woodsmith)* SEE RESOLUTION.

**5.24 BY COUNCILLOR BELLELI – BIN RECEPTACLE IN CORAL SEA PARK.
(F2004/08288 XR F2005/00171 XR F2004/08433)**

110 **RESOLUTION:** *(Belleli/Seng)* that the Budget Review Working Group be authorised to deal with the matter concerning the construction of a garbage bin receptacle for the bins currently stored in the women's toilets in the 2005/06 Budget and that the group forward a recommendation to the relevant Committee or Ordinary Council Meeting.

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

**5.25 BY COUNCILLOR BELLELI – LEXINGTON PLACE UPGRADE. (98/S/5067
XR F2005/00171 XR F2004/08433)**

111 **RESOLUTION:** *(Belleli/Hughes)* that the Budget Review Working Group be authorised to deal with the matter concerning Council allocating sufficient funds for a town centre study and upgrade of Lexington Place in the 2005/06 Budget and that the group forward a recommendation to the relevant Committee or Ordinary Council Meeting.

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

**5.26 BY COUNCILLOR HUGHES – CALL FOR NSW STATE GOVERNMENT TO
DEVELOP AN INTEGRATED REGIONAL TRAFFIC AND TRANSPORT
MANAGEMENT PLAN FOR THE SOUTH-EASTERN REGION OF
SYDNEY. (F2004/07231 XR F2005/00171)**

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

- a) *Randwick City Council calls upon the NSW State Government to develop an integrated regional traffic and transport management plan for the south-eastern Sydney region, from the CBD to Botany Bay, encompassing the local government area of the City of Randwick, and the local government areas of Botany, City of Sydney, Waverly and the recently legislated Redfern Waterloo Authority area.*

b) *Randwick City Council is to advise relevant Ministers of the NSW State Government and the Local Members of Parliament representing the above defined region that such planning needs to include in its terms of reference planning and provision for:*

- *Public transport modalities that can be switched to renewable energy sources in a post carbon energy future;*
- *Light rail infrastructure, being the most energy efficient means of public transport; in the short term from the CBD to Maroubra Junction and Coogee, integrated with key stakeholder institutions; eg. Royal Randwick Racecourse, UNSW;*
- *Increased rail freight for Port Botany to handle the impact of additional freight movements from a potentially expanded Port Botany, achieving at minimum the NSW Government's stated target of 40% of freight to be carried by rail by 2011;*
- *Construction of the Eastern Suburbs Railway passenger rail loop for south-eastern Sydney, consisting of a line connecting Bondi Junction – North Randwick/Queens Park – Randwick –UNSW – Kingsford - Maroubra Junction – Eastgardens – Botany/Mascot – Sydney Airport*
- *A traffic solution that addresses the surge in road usage generated by the massive residential developments ongoing in Green Square and Victoria Park;*
- *A traffic solution that addresses the substantial increase in residential densities planned under the aegis of the Redfern Waterloo Authority;*
- *Developing cycling infrastructure as the most healthy and environmentally friendly transport modality available for urban areas;*
- *Finally and fundamentally important, a consultative framework that ensures comprehensive community consultation in the planning process.*

This call is communicated to the relevant Ministers, including the Premier Mr Bob Carr, the Minister for Transport, Mr John Watkins, Minister for Roads, Minister for Economic Reform, Minister for Ports, Mr Michael Costa, the Minister for Infrastructure, Planning & Natural Resources, Mr Craig Knowles, the Minister for Energy and Utilities, Mr Frank Sartor.

This call is communicated to the board members of the newly formed Freight Infrastructure Advisory Board (FIAB) under the Chairmanship of Mr Laurie Brereton.

This call is communicated to the Mayors, General Managers and Councillors of Botany, City of Sydney and Waverly Councils.

MOTION: (Hughes/Nash) SEE RESOLUTION.

5.27 BY COUNCILLOR NOTLEY-SMITH –PRAM ACCESS TO COOGEE OCEAN POOLS. (F2004/07347 XR F2005/00171)

113 **RESOLUTION: (Notley-Smith/Belleli)** *that a report be brought before the Works Committee on options for access to the Coogee Beach ocean pools for pedestrians with prams.*

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

5.28 BY COUNCILLOR NOTLEY-SMITH – REMOVAL OF LAMP POST AT FRONT OF RANDWICK TOWN HALL. (F2004/07744 XR F2005/00171)

114 **RESOLUTION: (Notley-Smith/Nash)** *that the Budget Review Working Group be authorised to deal with the matter concerning the removal of the unused concrete lamp post that detracts from the view of the front of the historic Randwick Town Hall in the 2005/06 Budget and that*

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the group forward a recommendation to the relevant Committee or Ordinary Council Meeting.

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

**5.29 BY COUNCILLOR NOTLEY-SMITH – MAINTENANCE OF ALISON PARK.
(F2004/00922 XR F2005/00171)**

- 115 **RESOLUTION:** *(Notley-Smith/Belleli) that Council immediately replace the vandalised and/or missing trees in Alison Park, the gravel surrounding the trees be replaced or topped-up, and the public seating and garbage bins be cleaned and/or repaired where necessary.*

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

**5.30 BY COUNCILLOR DALEY – SHADECLOTH & SOFTFALL AT
PLAYGROUNDS. (98/S/5012 XR F2005/00171)**

- 116 **RESOLUTION:** *(Daley/White) that Council reaffirm and implement without delay, the policy announced and adopted in the previous term of Council to provide shadecloth at all Council playgrounds. Further, that Council also adopt a policy to provide softfall at all Council playgrounds in accordance with Australian Standards.*

MOTION: (Daley/White) SEE RESOLUTION.

**5.31 BY COUNCILLOR NOTLEY-SMITH – FOOTPATHS AND WORKS AT THE
SPOT. (R/0612/01 XR F2005/00171 XR F2004/08433)**

- 117 **RESOLUTION:** *(Notley-Smith/Hughes) that Council take immediate steps to make safe the footpaths in The Spot and that the Budget Review Working Group be authorised to deal with the matter concerning the completion of works proposed by the Liberal Party in 2002/03 being included in the 2005/06 budget and that the group forward a recommendation to the relevant Committee or Ordinary Council meeting.*

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

6. CONFIDENTIAL REPORTS.

Nil.

7. COMMITTEE-OF-THE-WHOLE.

Nil.

8. REPORT OF THE COMMITTEE-OF-THE-WHOLE.

Nil.

9. NOTICE OF RESCISSION MOTIONS.

Nil.

10. GENERAL BUSINESS

The Mayor tabled Mayor's Minute 23/2005 – Modification of Budget Review Working Group at this stage of the meeting - See Minute No. 87.

There being no further business, His Worship the Mayor, Cr M. Matson, declared the meeting closed at 8.25 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 22ND MARCH, 2005.

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CHAIRPERSON