

**MINUTES OF ORDINARY COUNCIL MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON, TUESDAY 24TH MAY, 2005 AT 6:10 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 (from 6.30 p.m.) & A. White

East Ward - Cr D. Sullivan

West Ward - Crs B. Hughes, S. Nash & J. Procopiadis

Central Ward - Cr A. Andrews

OFFICERS PRESENT:

General Manager	Mr. R. Brownlee.
Director, City Services	Mr. J. Frangoples.
Director, City Planning	Ms. S. Truuvert.
Director, Governance & Financial Services	Mr. G. Banting.
Acting Public Officer	Mr. D. Kelly.
Manager Policy, Planning & Performance	Ms. K. Walshaw.

1. COUNCIL PRAYER

The Council Prayer was read by Cr Notley-Smith.

2. APOLOGIES.

Apologies were received from Crs Bastic and Seng.

RESOLVED: (Notley-Smith/Kenny) that the apologies from Crs Bastic and Seng for non-attendance at the Ordinary Council Meeting of the Council held on Tuesday, 24th May, 2005 be received & accepted.

3. MINUTES

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY, 26TH APRIL, 2005.

204 **RESOLUTION:** (Nash/Kenny) that the Minutes of the Ordinary Council Meeting held on Tuesday, 26th April, 2005 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting, subject to the

inclusion of the original condition of consent number three (3) for 25 Byrne Crescent, Maroubra as follows:

3. *The extension of the south eastern balcony is not to extend beyond the alignment of the southern external wall of the existing dwelling ie. a maximum extension of 2.35m to the south. This is to ensure the retention of views currently enjoyed by the owners of No. 27 Byrne Crescent and also to reduce the potential loss of privacy to the owners of No. 27 Byrne Crescent.*

4. DECLARATION OF PECUNIARY & NON-PECUNIARY INTERESTS

Nil.

RESOLVED: (Andrews/Procopiadis) that the meeting be adjourned at 6.13 p.m. and be further adjourned at 6.53 p.m. to permit members of the public entitled and wishing to address the assembled Councillors.

5. ADDRESSES TO THE COUNCIL BY THE PUBLIC.

1. Miss Gabbie Bodai, PO Box 81, Randwick on Item 6.5, Mayoral Minute 63/2005 – Commendation of SABR Fundraising Effort for Cancer Body.
2. Ms Suzanne Egan, 172A Doncaster Avenue, Kensington on Item 6.6, Mayoral Minute 64/2005 - RTA Access Ramps: Briefing Session for Councillors with LATM Working Party and other Street Representatives.
3. Mr Chris Markodis, 55 Eastern Avenue, Kingsford on Item 6.6, Mayoral Minute 64/2005 - RTA Access Ramps: Briefing Session for Councillors with LATM Working Party and other Street Representatives.
4. Mr Wesley Freier, 1/45 Ritchard Avenue, Coogee On Item 10.1, Director, City Planning Report 27/2005 - Unit 1/45 Ritchard Avenue, Coogee.
5. Mr Nunzio Caruoto, 1/88 Currie Street, Adelaide on Item 10.2, Director, City Planning Report 28/2005 - 50 Dolphin Street, Coogee.
6. Mr Stuart Murray, 1/225 Carrington Road, Coogee on Item 10.2, Director, City Planning Report 28/2005 - 50 Dolphin Street, Coogee.
7. Ms Gwyn Greenaway, 50 Lenthal Street, Kensington on Item 12.1, Notice Of Rescission Motion By Councillors Andrews, Bastic, Daley, Procopiadis, Sullivan, Tracey And White – Ordinary Council Meeting, Tuesday, 26th April, 2005– Item 6.3 – Mayoral Minute 46/2005 - Clarification Of Lenthal Street’s Status as a Local Road and Establishing Council’s Authority in Local Street Traffic Issues.
8. Mr Timothy Dalton, 27 Dawes Street, Little Bay on Item 12.2, Notice Of Rescission Motion By Councillors Daley, Sullivan And White – Ordinary Council Meeting, Tuesday, 26th April, 2005– Item 10.3 – Director, City Planning Report 22/2005 - 25 Byrne Crescent, Maroubra.
9. Mr Garry Glazebrook, 31 The Boulevard, Lewisham on Item 12.7, Motion by Councillor Hughes – Impact of Southern Cross Drive/Gardener's Road Access Ramps on Future Plans for Light Rail and the Viability of the Commercial Centres on Anzac Parade.
10. Ms Linda Wilson, 3/22 Abbott Street, Coogee on Item 6.11, Mayor’s Minute 69/2005 - Outcome of Street Meeting on Council Resolution to Remove Ficus ‘Hilli’ Growing Adjacent to 27 Melody Street, Coogee.

The meeting was resumed at 7.40 p.m.

(Note: The speaker for Item 6.11 was given permission to speak at 8.30 p.m. after being unavoidably detained.)

RESOLVED: (PROCEDURAL MOTION) (Sullivan/Nash) that items 6.5, 6.6, 6.11, 10.1, 10.2, 12.1, 12.2 and 12.17 be brought forward and dealt with immediately due to the large number of interested parties in attendance. See respective minute numbers for resolutions.

6. MAYORAL MINUTES.

6.1 MAYORAL MINUTE 59/2005 - WAIVING OF FEES - STATE JUNIOR TITLES. (F2004/08302)

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

- a) *Council vote \$855.00 to cover the fees associated with the NSW State Junior Titles Surfing event to be held at Maroubra Beach on the 17th to 19th June, 2005, and funds be allocated from the Contingency Fund 2004/05; 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 M. Matson) CARRIED - SEE RESOLUTION.

6.2 MAYORAL MINUTE 60/2005 - KROPKA THEATRE. (F2004/07108)

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

- a) *Council vote \$700.00 to cover the fees associated with the hire of the town hall for the Kropka Theatre production to be held on the 17, 18, 23, 24 and 25 September 2005, and funds be allocated from the Contingency Fund 2004/05;*
- b) *the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and*
- c) *the Mayor or his representative be given the opportunity to address the production on behalf of Council.*

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

6.3 MAYORAL MINUTE 61/2005 - DONATION OF 20 CHAIRS TO THE COAST CENTRE FOR SENIORS. (F2004/07690)

207 **RESOLUTION: (His Worship the Mayor, Cr M. Matson) that Council donate 20 chairs to the Coast Centre for Seniors at \$33.00 each, which will come to a total value of \$660.00 and be charged to the Contingency Fund 2004/05.**

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

6.4 MAYORAL MINUTE 62/2005 – REMOVAL OF UP TO SEVEN BUS SHELTERS BY JC DECAUX. (F2004/00811)

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

- a) *the General Manager liaise with JC Decaux to ensure that Council is in a position to adequately notify the affected local businesses when the company is removing or replacing its bus shelters; and*
- b) *a report be brought to Council as to how we can advise local businesses on how best to take advantage of the clause in the contract (between Council & J C Decaux) under which J C Decaux must consider giving favourable treatment to local businesses.*

MOTION: (His Worship the Mayor, Cr M. Matson) that:

- a) the General Manager liaise with JC Decaux to ensure that Council is in a position to adequately notify the affected local businesses when the company is removing or replacing its bus shelters; and
- b) Council respond positively to any local business with a community basis of operation who request us to negotiate with JC Decaux over retaining accustomed advertising at the old Adbin bus shelters.

AMENDMENT: (Sullivan/Daley) CARRIED AND BECAME THE MOTION. MOTION CARRIED – SEE RESOLUTION.

PROCEDURAL MOTION: (Notley-Smith/His Worship the Mayor, Cr M. Matson) that the meeting be adjourned for 5 minutes. LOST.

(Note:- the Mayor asked Councillor Andrews on three occasions to explain his accusation that the Mayor misled Council. The Mayor advised that he would be moving a motion of censure against Councillor Andrews at the next meeting of Council unless the Mayor receives an apology.)

6.5 MAYORAL MINUTE 63/2005 – COMMENDATION OF SBAR FUNDRAISING EFFORT FOR CANCER BODY. (F2004/07079)

(Note: This item was dealt with as the 8th item of business on the agenda.)

209 **RESOLUTION: (Hughes/Daley) that:**

- (a) *the Mayor write to the bodies and individuals (noted in Attachment A to the Mayoral Minute) commending them on supporting this year's SBAR fundraising effort for the Children's Cancer Institute of Australia (CCIA) and inviting them to support a further Council endorsed and sponsored ride next year in the Council area; and*
- (b) *next year's event be subject to men being required to wear speedos, board shorts or equivalent and women being required to wear bikinis or equivalent.*

MOTION: (His Worship the Mayor, Cr M. Matson) that the Mayor write to the bodies and individuals (noted in Attachment A to the Mayoral Minute) commending them on supporting this year's SBAR fundraising effort for the Children's Cancer Institute of Australia (CCIA) and inviting them to support a further Council endorsed and sponsored ride next year in the Council area.

AMENDMENT: (Hughes/Daley) CARRIED - BECAME MOTION. MOTION CARRIED - SEE RESOLUTION.

6.6 MAYORAL MINUTE 64/2005 - RTA ACCESS RAMPS: BRIEFING SESSION FOR COUNCILLORS WITH LATM WORKING PARTY AND OTHER STREET REPRESENTATIVES. (F2004/08216)

210 **RESOLUTION: (His Worship the Mayor, Cr M. Matson) that, not-with-standing its resolution of the 22nd February, 2005 to suspend its previous in principle support for the concept of the Gardeners Road Access Ramps, Council:**

- 1) *commends all participants in the Kensington Kingsford Local Area Traffic Working Party for the work done to date in scrutinising options for an LATM to control rat running should the proposed Access Ramps be approved;*
- 2) *resolves that if the Access Ramps are approved, that the ideal version of the LATM should include the concepts of:*
 - *comprehensive no left turns from Gardeners Road;*
 - *no right turn (buses excepted) from Eastern Avenue into Gardeners Road;*
 - *no right turn from Houston Road into Gardeners Road;*
 - *a partial closure of Lenthal Street;*
 - *traffic converging to the ramps is managed and does not create rat runs in the area;*
 - *fair and equitable treatment of all other streets; and*
 - *consideration of the impact to the residents and businesses on Gardeners Road and Anzac Parade;*
- 3) *notes its concern that the proposed Access Ramps may detrimentally impact on the current bike path along Southern Cross Drive and other alternative transport options and requests the RTA to provide its modelling on this issue;*
- 4) *will write to the MP for Coogee asking him what he expects will be the anticipated impact on his seat's residents from altered traffic flows resulting from the proposed Access Ramps and the RTA's modelling of possible LATM options; and*
- 5) *notes and endorses the Mayor's intention of arranging a briefing meeting for interested Councillors with street representatives of the Working Party and representatives from other affected streets not presently included in the Working Group and authorises him to select such representatives from residents who can demonstrate a reasonable level of support from their neighbours.*

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

6.7 MAYORAL MINUTE 65/2005 – REQUEST FOR FUNDING – ALERT. (F2004/07685)

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

1. *Council agree to support the ALERT program managed by the Kooloora Community Centre;*

2. *Council vote \$8000.00 from Council's Community Development Grant Program budget 05/06, to assist the ALERT group;*
3. *Council consider any further requests for financial assistance beyond 05/06, following the review of its Community Development Grants Program; and*
4. *all promotional material relating to the ALERT program acknowledge Council's support.*

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

6.8 MAYORAL MINUTE 66/2005 – COOGEE LIONS CLUB CHARTER CIVIC RECEPTION. (F2005/00506)

- 212 **RESOLUTION: (His Worship the Mayor, Cr M. Matson) that Council host a Civic Reception for the Coogee Lions Club and \$2000.00 be allocated from Council's 2005/06 Events budget in order to fund the Reception.**

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

6.9 MAYOR'S MINUTE 67/2005 - RANDWICK CITY COUNCIL'S PARTICIPATION IN THE PREPARATORY PROCESS FOR THE 4TH WORLD WATER FORUM. (F2005/00520)

- 213 **RESOLUTION: (His Worship the Mayor, Cr M. Matson) that Council:**

- 1) *establishes a 4th World Water Forum working group to report to Council meetings with the objectives of:*
 - a) *steering Council's participation in the preparatory process leading up to the 4th World Water Forum to be held in Mexico in March 2006;*
 - b) *coordinating with other local and regional participants in the preparatory process;*
 - c) *initiating appropriate Local Projects as an input to the 4th World Water Forum and to apply for Community Water Grants under the Australian Government Water Fund of up to \$50,000.00 to contribute towards the funding of such projects;*
- 2) *sets the working group's quorum at three and appoints to it, the Mayor as Chair, the Deputy Mayor, the General Manager or his representative, Crs Hughes and Woodsmith and;*
- 3) *authorises the committee to appoint to it non-voting expert advisors from the community as it sees fit.*

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

6.10 MAYOR'S MINUTE 68/2005 – BIKE FRIENDLY DESIGN FOR BOTANY/RAINBOW STREET INTERSECTION. (F2004/08002)

214 **RESOLUTION:** (*His Worship the Mayor, Cr M. Matson*) that the Randwick Traffic Committee be asked to investigate a redesign for the Botany Street/Rainbow Street intersection that incorporates a 1.5 metre wide gap in the median as recommended by the Randwick City Council Bicycle Plan 1998.

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

6.11 MAYOR'S MINUTE 69/2005 - OUTCOME OF STREET MEETING ON COUNCIL RESOLUTION TO REMOVE FICUS 'HILLI' GROWING ADJACENT TO 27 MELODY STREET, COOGEE. (F2004/06189)

215 **RESOLUTION:** (*Notley-Smith/Nash*) that:

- (a) *the General Manager reviews Council's letter box distribution procedures;*
- (b) *the Mayor convene a final meeting of Abbot and Melody Street residents in the lodge room prior to actioning Council's existing resolution to remove the Hills Fig at the corner of Melody and Abbott Streets Coogee; and*
- (c) *the Mayor, General Manager, any interested ward councillors and Council's Tree Officer be delegated to consult with residents to choose a more suitable species of tree for the affected location.*

The Mayor vacated the Chair at 8.38 p.m. and the Deputy Mayor assumed the Chair.

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

- (a) the General Manager reviews Council's letter box distribution procedures;
- (b) the Mayor convene a final meeting of Abbot and Melody Street residents in the lodge room prior to actioning Council's existing resolution to remove the Hills Fig at the corner of Melody and Abbott Streets Coogee; and
- (c) Council commissions an independent consultant to assess the appropriateness of using various replacement species in Abbott Street. Species to assess would include *Syzygium Luehmannii*, *Acmena Ingens*, *Flindersia Schottiana* and *Harpullia Pendula* and other suggestions put forward by affected residents.

AMENDMENT: (*Notley-Smith/Nash*) **CARRIED AND BECAME THE MOTION. MOTION CARRIED - SEE RESOLUTION.**

The Mayor resumed the Chair at 8.52 pm.

6.12 MAYOR'S MINUTE 70/2005 - EMULATING US MAYORS' CLIMATE PROTECTION AGREEMENT. (F2005/00324)

216 **RESOLUTION:** (*Tracey/Daley*) that Council submit a motion to the Local Government Association requesting that the Association develop an Australian version of the US Mayors' Climate Agreement.

MOTION: (*His Worship the Mayor, Cr M. Matson*) that Council:

- (a) authorise the Mayor to ask other Australian Mayors to sign the attached Australian version of the US Mayors' Climate Protection Agreement on behalf of their Councils; and
- (b) submit a motion to the next Local Government Association meeting requesting that the Association endorse the attached Australian version of the US Mayors' Climate Protection Agreement.

AMENDMENT: (Tracey/Daley) CARRIED – BECAME THE MOTION. MOTION CARRIED – SEE RESOLUTION.

6.13 MAYOR'S MINUTE 71/2005 - DEVELOPER DONATIONS. (F2005/00518)

(NOTE: A NOTICE OF RESCISSION MOTION WAS HANDED TO THE GENERAL MANAGER PRIOR TO THE CONCLUSION OF THE MEETING AND WILL BE CONSIDERED AT THE ORDINARY COUNCIL MEETING ON TUESDAY, 28TH JUNE, 2005.)

217 **RESOLUTION: (Notley-Smith/Hughes) that Council:**

- (a) *recognises the potential or perceived corrupting effect of campaign donations from development interests to parties and candidates for council elections;*
- (b) *believes changes to the Local Government Act are necessary in order to ban such donations in future; and delegates authority to the General Manager to write to the Minister for Local Government and to the Premier to inform them of Council's position and requesting the Local Government Act be amended before the Council elections in 2008 to ban developer donations,*
- (c) *in the interim, requests all individual councillors who have accepted donations from corporations and individuals with property development interests, or councillors who represent a state party that has passed on to them donations from corporations and individuals with property development interests, to declare the details and extent of those donations and to absent themselves from any vote where those donors will receive a benefit from the passing of a council resolution; and*
- (d) *establishes a committee comprising the Mayor and a one representative of the Greens, Liberal and Labor parties to investigate and report back to Council no later than 11 April, 2006 on:*
 - *the changes required to the New South Wales Local Government Act 1993 and other relevant legislation to achieve the objectives of this resolution, including addressing perceived conflicts of interest between Councillors and donors and seeking the Minister to issue a discussion paper on reforms to the Act that can include the prohibition of donations from corporations, companies and other entities (including political parties) and permitting donations from individuals only to the maximum of \$2,000 per year; that expenditure in cash and kind (except volunteers) on election campaigns for local government be capped at a maximum of \$1 per enrolled vote in a candidate's Council Ward (or local government area if wards do not exist);*

- *adopt any changes to Council's Code of Conduct and Code of Meeting Practice which would enable implementation of the objects of this resolution as interim measures;*
- (e) *prepare and bring a report back to an Ordinary Council meeting on the introduction of Independent Assessment Panels for Randwick City Council; and*
- (f) *note the ICAC Commissioner Irene Moss' recommendation that Councillors do not caucus on development applications before them.*

MOTION: (His Worship the Mayor, Cr M. Matson) that the recommendation contained in Mayor's Minute No. 71/2005 be adopted.

AMENDMENT: (Sullivan/Daley) that:

- a) it be recommended that all political parties do not caucus; and
- b) an investigation be carried out into the introduction of Independent Assessment Panels for Randwick City Council. **LOST.**

A division on the amendment was called for by Crs Sullivan & Daley. Voting was as follows:-

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

AMENDMENT: (Notley-Smith/Hughes) CARRIED AND BECAME THE MOTION. MOTION CARRIED - SEE RESOLUTION.

A division was called for by Crs Hughes & Notley-Smith. Voting was as follows:-

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

7. GENERAL MANAGERS' REPORTS.

7.1 GENERAL MANAGER'S REPORT 20/2005 - DECEMBER 2005 QUARTER REVIEW - 2004-07 MANAGEMENT PLAN. (F2005/00378)

218 **RESOLUTION:** *(Notley-Smith/Nash) that the information contained in the Report on the March 2005 Quarterly Review – 2004/07 Management Plan be received and noted.*

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

7.2 GENERAL MANAGER'S REPORT 21/2005 - WAIVING OF FEES - PUPPY LOVE DAY - GRANT RESERVE, COOGEE. (F2004/07843)

219 **RESOLUTION:** *(Notley-Smith/Nash) that Council vote \$215.00 to cover the fees associated with the 'Puppy Love Day' held at Grant Reserve, Coogee on 15th May, 2005 and funds be charged to the Contingency Fund 2004/05.*

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

7.3 GENERAL MANAGER'S REPORT 22/2005 - AUTHORITY TO INCREASE HIRING FEES - SNAPE PARK TENNIS CENTRE. (F2004/06336)

220 **RESOLUTION:** *(Kenny/Nash) that authority be granted to Rosa Game Pty Ltd to increase their court hire fees to the following:*

*Saturday to Sunday - \$17.00 per hour per court;
Public Holidays - \$17.00 per hour per court.*

MOTION: (Kenny/Nash) CARRIED - SEE RESOLUTION.

7.4 GENERAL MANAGER'S REPORT 23/2005 - AFFIXING OF THE COUNCIL SEAL. (F2004/06862 xr F2004/06336)

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

1. *Mr Sam Julian Attard and Ms. Maria Anne Attard in relation to a Withdrawal of Caveat form to remove a caveat number L355262 from the title of property at 29 White Avenue, Maroubra (Folio Identifier: 719/236610);*
2. *Mr Frank Karlovecz & Mrs Agnes Karlovecz in relation to a Withdrawal of Caveat form to remove a caveat number L345070 from the title of property at 32 White Avenue, Maroubra (Folio Identifier: 1706/531884);*
3. *Mr Frans Josef Eigenstetter in relation to a Withdrawal of Caveat form to remove a caveat number K287265 from the title of the property at 21 Tyrwhitt Street, Maroubra (Folio Identifier: 90/226181);*
4. *Mrs Joan Mary Day in relation to a Withdrawal of Caveat form to remove a caveat number L182673 from the title of the property at 465 Beauchamp Road, Maroubra (Folio Identifier: 423/235632);*
5. *Mr Kenneth Asprey & Mrs Sophia Asprey in relation to a Withdrawal of Caveat form to remove a caveat number L121108 from the title of the property at 17 Hargraves Place, Maroubra (Folio Identifier: 202/10406);*
6. *Ms Angela Giuffre in relation to a Withdrawal of Caveat form to remove a caveat number K409237 from the title of the property at 56 Broome Street, Maroubra (Folio Identifier: 44/226181);*

7. *Rosa Game Pty Ltd in relation to a commercial lease for part of Snape Park more particularly known as the Snape Park Tennis Centre;*
8. *Permanent Legal Services in relation to a Transmission Application for the preparation of transfer of 6 Barrett Place, Randwick (Folio Identifier: 3480/6) to Randwick City Council as beneficiary of the will of the deceased registered proprietor, Mrs Harrie Sylvia Marett;*
9. *Gosan Pty Limited in relation to a commercial lease for Lot 2 DP 623630 being 128 Belmore Road, Randwick; and*
10. *Coogee Bay Kiosk Pty Ltd in relation to a commercial lease for part of Goldstein Reserve (Part Lot 7087 in DP 93755) more particularly known as the Café/Kiosk.*

MOTION: (Notley-Smith/Kenny) CARRIED - SEE RESOLUTION.

7.5 GENERAL MANAGER'S REPORT 26/2005 - 2004/05 BUDGET - REVIEW AS AT 31 MARCH 2004. (F2004/06516 xr 98/S/5310 (2))

222 **RESOLUTION:** *(Notley-Smith/Kenny) that the General Manager's Report 26/2005 in relation to the March 2005 budget review be received and noted.*

MOTION: (Notley-Smith/Kenny) CARRIED - SEE RESOLUTION.

8. DIRECTOR, CITY SERVICES' REPORTS.

8.1 DIRECTOR, CITY SERVICES' REPORT 43/2005 - RECEIVAL OF GREEN WASTE FROM MARRICKVILLE COUNCIL AT RANDWICK CITY COUNCIL'S RECYCLING CENTRE. (F2004/08122)

223 **RESOLUTION:** *(Notley-Smith/Hughes) that Council:*

- a) *note that Randwick City Council's quotation for receipt and processing of Marrickville Council's green waste at Bumborah Point Road Recycling Centre has been successful; and*
- b) *authorises the General Manager to accept Marrickville Council's green waste at the recycling facility.*

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

8.2 DIRECTOR, CITY SERVICES' REPORT 44/2005 - RE-ALLOCATION OF BUDGET FUNDING. (F2004/06616)

224 **RESOLUTION:** *(Notley-Smith/Nash) that Council reallocate the \$269,500.00 which was allocated to Council's Financial Reserve pending the General Manager's organisational review, to the Local Road Amenity and Road Safety Related Projects.*

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

8.3 DIRECTOR, CITY SERVICES' REPORT 45/2005 - ACQUISITION OF BANNERS. (F2004/06257)

225 **RESOLUTION:** *(Sullivan/Andrews) that:*

- (a) *the Director City Services' Report 45/2005 be received and noted; and*
- (b) *Council purchase the appropriate number of the 2.8 metre sail type banners made with fire resistant material.*

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

8.4 DIRECTOR, CITY SERVICES' REPORT 46/2005 - IDENTIFYING AN UNNAMED PARK, RESERVE OR ROAD AFTER THE FORMER LA PEROUSE PUBLIC SCHOOL PRINCIPAL, MR PAUL TRAVINI. (F2005/00266)

226 **RESOLUTION: (Woodsmith/Procopiadis)** *that this matter be deferred to the next Ordinary Council Meeting as there are several local community groups in the La Perouse area meeting this week to discuss this matter.*

PROCEDURAL MOTION: (Woodsmith/Procopiadis) CARRIED - SEE RESOLUTION.

8.5 DIRECTOR, CITY SERVICES' REPORT 47/2005 - 2005-2006 REGIONAL ROADS BLOCK GRANT AGREEMENT. (F2004/06616)

227 **RESOLUTION: (Notley-Smith/Nash)** *that:*

- a) *Council accept the Block Grants totalling \$403,000.00 for the 2005-2006 program; and*
- b) *the Agreement of Block Grant of Assistance to Council for Regional Roads be executed and forwarded to the Roads and Traffic Authority.*

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

9. DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORTS.

9.1 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 23/2005 - DELEGATION OF AUTHORITY TO GENERAL MANAGER REVIEW OF REFUSAL OF ACCESS UNDER SECTION 12 OF THE LOCAL GOVERNMENT ACT (F2005/00121 xr 98/S/1238)

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

- (a) *Council amend the Delegation of Authority Policy No. 2.01.04 in the following manner:*

RS 030 – SECTION 12 REVIEWS OF REFUSAL FOR ACCESS

“To review any restriction of access to information sought under Section 12 of the Local Government Act no later than 3 months after it is imposed; and

To carry out a further review of the restriction at the request of any person, made after the expiry period of 3 months after the initial review (or of a period of 3 months after the most recent of any subsequent reviews).”

(b) Council approve this delegation to the General Manager; and

(c) the policy register be updated accordingly.

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

9.2 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 24/2005 - CLOVELLY PICNIC SHELTERS - WRITE-OFF OF MATERIALS. (F2004/08153)

229 **RESOLUTION: (Andrews/Woodsmith)** that the stores ledger be adjusted in accordance with delegation of authority No. RA 022 granted to the General Manager by Council, the total variation to the stores ledger amounting to a net loss of \$47,598.00.

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

10. DIRECTOR, CITY PLANNING REPORTS.

10.1 DIRECTOR, CITY PLANNING REPORT 27/2005 - UNIT 1/45 RITCHARD AVENUE, COOGEE. (DA0273/2002/GE)

230 **RESOLUTION: (Andrews/Kenny)** 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.273/02 by raising the height of the front fence including two side fences & gates for property at 45 Ritchard Avenue, Coogee in the following manner:

- Amend Condition No. 1 to read:

1. The development must be implemented substantially in accordance with the plans numbered 0108 DA00-05B, dated 5/2/02 and received by Council on 28/3/02, and modified by the Section 96 application 'A' plans numbered 0108 DA00D-DA05D, dated Dec 2002 and received by Council on the 3 Jan 2003, the application forms and on any supporting information received with the applications, and unless modified by the Section 96 application 'B' plans numbered 0508 DA02D, 0508 DA03D and 0508 DA05D, dated March 2005, 0508 DA04D, dated February 2005, and received by Council on 6 April 2005, 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 any conditions and as may be shown in red on the plans.

- Amend Condition No. 7 to read:

7. The proposed front fence including the two side fences and gates shall have a maximum height of 1800mm, measured from any point of the fence to existing ground level and the fences & gates are to be at least 50% open when viewed from Ritchard Avenue.

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

10.2 DIRECTOR, CITY PLANNING REPORT 28/2005 - 50 DOLPHIN STREET, COOGEE. (DA0193/2005)

231 **RESOLUTION:** *(Woodsmith/Hughes)* that Council as the responsible authority refuse development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 05/00193 for expansion to existing Unit 3 to create a new living room, kitchen, laundry and toilet with deck as a part third floor at 50 Dolphin Street, Coogee for the following reasons:-

- (1) *the proposal does not comply with the maximum permissible FSR of 0.65:1 and results in adverse impacts in terms of bulk and scale;*
- (2) *the proposal is excessive in height and does not comply with the wall height and overall height requirements of RLEP 1998;*
- (3) *the proposal represents an overdevelopment of the site given the significant departures from the FSR and height requirements of RLEP1998;*
- (4) *the proposal will adversely impact upon the amenity of adjoining and neighbouring properties in terms of overshadowing, privacy and visual bulk and scale; and*
- (5) *the proposal does not satisfy the objectives and performance requirements of the DCP – Multi-Unit Housing in relation to the side setbacks.*

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

10.3 DIRECTOR, CITY PLANNING REPORT 29/2005 - 2005 BUSINESS AWARDS. (F2004/07737)

232 **RESOLUTION:** *(Belleli/Andrews)* that Council:

- a) *endorse the membership of Mr John Deegan of The Spot Business Association and Mr Peter Schick of Kingsford Chamber of Commerce to the Business Awards Committee;*
- b) *endorse the staging of the 2005 Business Awards;*
- c) *appoint Precedent Productions to project manage the Business Awards 2005 Program; and*
- d) *allocate \$15,000.00 towards the Business Awards 2005 event from the 2005/06 budget.*

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

11. PETITIONS.

11.1 PETITION SUBMITTED BY CR BELLELI ON BEHALF OF CONCERNED RESIDENTS REGARDING THE PROPOSED CLISBY WAY CONSERVATION AREA. (F2005/00172 xr F2005/00217)

233 **RESOLUTION:** *(Belleli/Notley-Smith)* that the petition be referred to the appropriate Committee and/or the Councillors' Bulletin with a report from the relevant officer.

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

11.2 PETITION SUBMITTED BY CR ANDREWS ON BEHALF OF RESIDENTS CONCERNED WITH TRAFFIC ISSUES IN SNAPE STREET, MAROUBRA. (F2004/07239 XR F2005/00171)

234 **RESOLUTION: (Andrews/Notley-Smith)** that the petition be referred to the appropriate Committee and/or the Councillors' Bulletin with a report from the relevant officer.

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

12. MOTIONS PURSUANT TO NOTICE.

12.1 NOTICE OF RESCISSION MOTION BY COUNCILLORS ANDREWS, BASTIC, DALEY, PROCOPIADIS, SULLIVAN, TRACEY AND WHITE – ORDINARY COUNCIL MEETING, TUESDAY, 26TH APRIL, 2005– ITEM 6.3 – MAYORAL MINUTE 46/2005 - CLARIFICATION OF LENTHAL STREET'S STATUS AS A LOCAL ROAD AND ESTABLISHING COUNCIL'S AUTHORITY IN LOCAL STREET TRAFFIC ISSUES. (F2004/08251)

235 **RESOLUTION: (Procopiadis/Sullivan)** that the resolution passed at the Ordinary Council Meeting held on Tuesday, 26th April, 2005, reading as follows:-

that Council:

- a) informs the NSW Roads Classification Review Panel that it wishes to withdraw its submission of 30th August 2004 concerning Lenthal Street and that Council deems Lenthal Street to be a "local road";
- b) writes to the RTA reiterating its recent resolution to suspend support for the proposed Southern Cross Drive Access ramps until either an EIS or REF is concluded and advise that we have now also withdrawn our re-classification submission concerning Lenthal Street;
- c) writes as a matter of urgency to the State Government noting reports that the capacity of the Eastern Distributor and the M5 East may be expanded and urging;
 - i. that Council requests acknowledgement of, and responses to our call for a Regional Traffic and Transport Planning Process;
 - ii. that both the approved expansion of Sydney Airport and any proposed motorway expansion are considered under the EIS or REF intended for the Southern Cross Drive Access Ramps proposal; and
 - iii. that either the implementation of light rail to the Airport or the expansion of existing heavy rail services be adopted rather than major road expansions;
- d) writes to Heffron MP Kristina Keneally asking her to:
 - i. clarify her personal support for, or opposition to, the reported expansion of the capacity of the Eastern Distributor and the M5 East;

- ii. *recognise that her current project of attempting to draft a LATM is dangerously pre-empting the REF process for the Access Ramps and is effectively high jacking Councils delegated authority for deciding traffic matters in local streets, and to desist from doing so;*
- e) *writes to the Premier, the Leader of the Opposition and Greens Upper House MLC Lee Rhiannon asking for the behaviour of Heffron MP Kristina Keneally to be raised in State Parliament with a request that she desist from both pre-empting the ramp approval process and attempting to supplant Council's authority over local streets;*
- f) *supports the implementation of the half road closure of Lenthall Street at Epsom Road, in a direction to be determined by public submissions, with entry only for buses and emergency vehicles, with a report to be brought back to Council; and*
- g) *deems Lenthall Street to be a local residential street and deems it not to be a collector road under Council's road hierarchy nomenclature and this be referred to the Randwick City Council Traffic Committee for their concurrence.*

BE AND IS HEREBY RESCINDED.

MOTION: (Procopiadis/Sullivan) CARRIED – SEE RESOLUTION.

236 **RESOLUTION: (Procopiadis/Daley) that:**

- a) *informs the NSW Roads Classification Review Panel that it wishes to withdraw its submission of 30th August 2004 concerning Lenthal Street and that Council deems Lenthal Street to be a "local road";*
- b) *writes to the RTA reiterating its recent resolution to suspend support for the proposed Southern Cross Drive Access ramps until either an EIS or REF is concluded and advise that we have now also withdrawn our re-classification submission concerning Lenthal Street;*
- c) *writes as a matter of urgency to the State Government noting reports that the capacity of the Eastern Distributor and the M5 East may be expanded and urging;*
 - i. *that Council requests acknowledgement of, and responses to our call for a Regional Traffic and Transport Planning Process;*
 - ii. *that both the approved expansion of Sydney Airport and any proposed motorway expansion are considered under the EIS or REF intended for the Southern Cross Drive Access Ramps proposal; and*
 - iii. *that either the implementation of light rail to the Airport or the expansion of existing heavy rail services be adopted rather than major road expansions;*
- d) *that this Council agrees that Lenthal Street is to be closed to eastbound traffic at Epsom Road under the overpass, with STA buses, police, and emergency services vehicles excepted.*

Public notification, 28 days exhibition and consideration of submissions from Lenthal Street residents and the triangle of streets between Lenthal Street, Todman Avenue and

Southern Cross Drive;

Written notification be sent to the City of Sydney, with consultation sought from them on the potential impact on their city's traffic planning;

Written notification be sent to the RTA of our intention to implement the partial closure, requesting their input and their support;

Written notification be sent to Sydney Buses of our intention to implement the partial closure, requesting their input and their support;

Written notification be sent to the appropriate contacts at the NSW Ambulance Service, NSW Fire Brigades and NSW Police of our intention to implement the partial closure, requesting their input and their support;

That this matter also be referred to Council's traffic committee for its concurrence;

This Council undertakes whatever process may be necessary to bring this partial closure into effect with the greatest expediency possible;

A report identifying the available options for implementation of the closure be brought back to a meeting of this Council for its consideration and approval within sixty days; and

- e) *Deems Lenthall Street to be a local residential street and deems it not to be a collector road under Council's road hierarchy nomenclature and this be referred to the Randwick City Council Traffic Committee for their concurrence.*

MOTION: (Procopiadis/Daley) CARRIED - SEE RESOLUTION.

(Note: This resolution was unanimously carried by Council.)

12.2 NOTICE OF RESCISSION MOTION BY COUNCILLORS DALEY, SULLIVAN AND WHITE – ORDINARY COUNCIL MEETING, TUESDAY, 26TH APRIL, 2005– ITEM 10.3 – DIRECTOR, CITY PLANNING REPORT 22/2005 - 25 BYRNE CRESCENT, MAROUBRA. (996/2004)

237 **RESOLUTION: (Daley/White)** *that he resolution passed at the Ordinary Council Meeting held on Tuesday, 26th April, 2005, reading as follows:-*

that:

- A. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 996/2004 for the Extension of existing balconies to the rear (eastern side) of dwelling, including new balustrading to entry stairs and rebuilding existing balcony on north elevation at 25 Byrne Crescent, Maroubra subject to the following conditions:-*
1. *The development must be implemented substantially in accordance with the amended plans numbered C – 01 A & C – 02 A, dated Sept. '04 and received by Council on 18 January 2005, 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 balconies are to be compatible with the existing dwelling house and the adjacent development to maintain the integrity and amenity of the building and when viewed from the foreshore.*

The following conditions are site specific:

3. *The extension of the south eastern balcony is not to extend beyond the alignment of the southern external wall of the existing dwelling ie. a maximum extension of 2.35m to the south. This is to ensure the retention of views currently enjoyed by the owners of No. 27 Byrne Crescent and also to reduce the potential loss of privacy to the owners of No. 27 Byrne Crescent.*
- 3(a) *The extension of the north east balcony is not to extend beyond the alignment of the northern external wall of the existing dwelling.*
4. *The balustrade to the northern edge of the northern balcony at the second floor level shall be constructed of a solid non-translucent material in order to prevent light spillage to the adjoining property.*
5. *The section of glass balustrade beneath the privacy screen on the north eastern balcony shall be constructed of obscure glass to ensure additional privacy to 23 Byrne Crescent.*

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; and
 - a statement stating that “unauthorised entry to the work site is prohibited”.
12. In accordance with clause 98 of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition, that in the case of residential building work, a contract of insurance must be obtained and in force, in accordance with the 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.

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:

13. 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.
14. 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”.
15. A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
16. 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.

17. *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.*
18. *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.*
19. *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.

20. *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.*
21. *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.*
22. *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*
23. *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.

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).

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.

BE AND IS HEREBY RESCINDED.

MOTION: (Daley/White) CARRIED – SEE RESOLUTION.

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

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

A. *Council as the responsible authority grant its development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No 996/2004 for the Extension of existing balconies to the rear (eastern side) of dwelling, including new balustrading to entry stairs and rebuilding existing balcony on north elevation at 25 Byrne Crescent, Maroubra subject to the following conditions:-*

1. *The development must be implemented substantially in accordance with the amended plans numbered C – 01 A & C – 02 A, dated Sept. '04 and received by Council on 18 January 2005, 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 balconies are to be compatible with the existing dwelling house and the adjacent development to maintain the integrity and amenity of the building and when viewed from the foreshore.*

The following conditions are site specific:

3. *The extension of the south eastern balcony (second level) is to be set back 1550mm from the alignment of the existing external wall of the existing dwelling, being 3 metres from the side boundary.*

4. *The balustrades along the north eastern balcony are to be a minimum height of 1.2 metres and are to incorporate solid timber 45 degree fixed angled louvres so as to preserve privacy and are to be designed, constructed and installed in accordance with AS 1926-1986 and are to be set back 500mm from the alignment of the existing wall.*

5. *The balustrades along the north side balcony (second level) are to incorporate an opaque screen to be to a height that will stop the intrusion of light into the neighbouring window and are to be designed, constructed and installed in accordance with AS 1926-1986. A similar screen is to be constructed on the landing below this balcony.*

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; and*
 - *a statement stating that "unauthorised entry to the work site is prohibited".*

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

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:

13. *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.*
14. *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”.*
15. *A copy of the construction certificate, the approved plans & specifications and development consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.*
16. *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.*
17. *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.*
18. *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.*
19. *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.

20. *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.*
21. *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.

22. *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*
23. *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.

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).

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.

MOTION: (Daley/Andrews) CARRIED – SEE RESOLUTION.

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

PROCEDURAL MOTION: (Sullivan/Daley) that the costings of the following motions be ascertained and brought back to the next ordinary meeting of Council:-12.3, 12.4, 12.5, 12.6, 12.8, 12.10, 12.11, 12.12 & 12.14. **LOST.**

12.3 BY COUNCILLOR BELLELI – IMPROVEMENTS AT DUFFY'S CORNER & LEXINGTON PLACE, MAROUBRA. (F2004/08045 XR F2005/00171)

239 **RESOLUTION: (Belleli/Notley-Smith)** that a report be brought back to Council on the costing of the following in the 2006/07 budget:-

- a) *Council replacing the old fence in the council car park at Duffy's Corner with a stronger, more robust fence of the same length as the existing fence;*
- b) *Council re-marking parking lines in Council's car park opposite Duffy's Corner; and*
- c) *Council re-marking parking lines at Lexington Place Car Park.*

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

**12.4 BY COUNCILLOR BELLELI – SOUTH MAROUBRA VILLAGE GREEN.
(F2005/00507 XR F2005/00171)**

240 **RESOLUTION:** *(Belleli/Notley-Smith)* that a report be brought back to the Works Committee regarding options of lighting in South Maroubra Village Green West (Cnr Malabar Rd & Tyrwhitt St) and South Maroubra Village Green East and Playground East (East side of Car Park). The report should include consultation with the local community/businesses.

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

**12.5 BY COUNCILLOR BASTIC – GRAFFITI REMOVAL AT TOTEM HALL,
SOUTH COOGEE. (F2004/06111 XR F2005/00171)**

241 **RESOLUTION:** *(Daley/Andrews)* that Council undertake graffiti removal at Totem Hall South Coogee and report on other minor works to clean up the site in conjunction with the local Scouts Brigade.

MOTION: (Daley/Andrews) CARRIED – SEE RESOLUTION.

**12.6 BY COUNCILLOR BELLELI – DES RENFORD AQUATIC CENTRE
CARPARK. (F2004/08045 XR F2005/00171)**

242 **RESOLUTION:** *(Belleli/Notley-Smith)* that a report be brought back to Council on the need and costs of improved lighting in the DRAC carpark.

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

**12.7 BY COUNCILLOR BELLELI – FOOTPATH CREATION IN RANDWICK
CITY. (F2004/06108 XR F2005/00171)**

243 **RESOLUTION:** *(Belleli/Notley-Smith)* that Council agree in principle that when the objective of providing at least one footpath to every street in the City of Randwick is completed, that Council commences the initiative of providing a footpath on both sides of the street for all streets in the City of Randwick. Streets should be surveyed to ensure residents are in favour of any proposed footpaths.

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

**12.8 BY COUNCILLOR NOTLEY-SMITH – INSTALLATION OF CROSS STREET
BANNER POLES IN ALL COMMERCIAL CENTRES IN RANDWICK CITY.
(F2004/07164 XR F2005/00171)**

244 **RESOLUTION:** *(Notley-Smith/Sullivan)* that a report be brought back to the Works Committee on the cost of installation of cross street banner poles in all commercial centres in Randwick City.

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

**12.9 BY COUNCILLOR NOTLEY-SMITH – PROPOSED UNDERGROUNDING OF
ELECTRICITY/TELECOMMUNICATIONS CABLES. (F2005/00508 XR
F2005/00171)**

245 **RESOLUTION:** *(Notley-Smith/Belleli)* that all future major civic reconstruction/restoration works in precincts/commercial centres include consideration of the undergrounding of electricity/telecommunications cables.

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

12.10 BY COUNCILLOR NOTLEY-SMITH – IMPROVING THE FORECOURT OF RANDWICK TOWN HALL. (F2004/07744 XR F2005/00171)

246 **RESOLUTION:** *(Notley-Smith/Belleli)* that a report be prepared and submitted to Council for its consideration, on options and costs for improving:-

- a) *the forecourt of Randwick Town Hall;*
- b) *the Town Hall interior; and*
- c) *Council Chambers and surrounds.*

The report should address issues such as parking, plantings, lighting, signage etc., recognising the historical significance of the Town Hall.

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

12.11 BY COUNCILLOR NOTLEY-SMITH – STREETScape IMPROVEMENTS TO AVOCA STREET & ALISON ROAD. (F2004/07239 XR F2005/00171)

247 **RESOLUTION:** *(Notley-Smith/Belleli)* that a report be prepared on options and costs of streetscape improvements to Avoca Street from Belmore Road to Cowper Street and Alison Road from The Avenue to approximately Lingard Avenue. The report should address the significant heritage items in this locality and recommend improvements to plantings, paving, street lighting, monuments and powercabling etc. which will enhance the historical amenity of this precinct. The report shall come back to Council for its consideration.

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

12.12 BY COUNCILLOR BELLELI – REPAIR TO CRICKET NETS AT CORAL SEA PARK. (F2004/08288 XR F2005/00171)

248 **RESOLUTION:** *(Belleli/Daley)* that Council immediately investigates the replacement of the cricket nets at Coral Sea Park.

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

12.13 BY COUNCILLOR BELLELI – PROPOSED DESALINATION PLANT ON MALABAR HEADLAND. (F2004/06759 XR F2005/00171)

249 **RESOLUTION:** *(Belleli/Notley-Smith)* that this Council immediately writes to the Premier, Bob Carr, the Minister for the Environment, Bob Debus and the Minister for Planning and Infrastructure, Craig Knowles, stating its strong opposition to any proposal for a desalination plant on the Malabar Headland.

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

AMENDMENT: *(Woodsmith/Hughes)* that Council oppose the installation of desalination plants anywhere in the City of Randwick. **LOST.**

12.14 BY COUNCILLOR NASH – PROPOSED PROGRAMME FOR KERB AND GUTTERING. (F2004/06115 XR F2005/00171)

250 **RESOLUTION:** *(Nash/Notley-Smith)* that a report be brought before Council:

- a) *identifying all streets in the City of Randwick requiring kerb and guttering or requiring substantial repairs to existing kerb and guttering;*
- b) *detailing costings for the provision of kerb and guttering in all such streets; and*
- c) *which sets out a programme for the provision of kerb and guttering in all such streets.*

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

12.15 BY COUNCILLOR NASH – PROPOSED MASTERPLAN FOR THE DOLINA SITE IN EPSOM ROAD, ROSEBERY. (F2004/07907 XR F2005/00171)

251 **RESOLUTION:** *(Nash/Belleli)* that:

- a) *Council note the resolution of the Central Sydney Planning Committee to refuse consent to the Masterplan application proposed for the Dolina site, in Epsom Road, Rosebery;*
- b) *Council write to the Central Sydney Planning Committee/City of Sydney Council:*
 - i. *expressing the gratitude of Randwick City residents for their decision to refuse consent to the Masterplan application;*
 - ii. *requesting that should any future revised Masterplan application or development application be submitted for the Dolina site, that Randwick City Council be notified immediately of such application so that we can make an assessment of the impacts on Randwick residents; and*
- c) *Council prepare and forward written submissions to the Central Sydney Planning Committee/City of Sydney Council in respect of any future revised Masterplan application or development application, following consultation with Councillors and the Randwick community.*

MOTION: (Nash/Belleli) CARRIED – SEE RESOLUTION.

12.16 BY COUNCILLOR ANDREWS – ASBESTOS POLICY FOR RANDWICK CITY. (F2005/00367 XR F2005/00171)

252 **RESOLUTION:** *(Andrews/Belleli)* that:

- a) *Council develops an Asbestos Policy which aims to protect the health and safety of the community and building workers when carrying out demolition and building works involving asbestos products; and*
- b) *the Asbestos Policy should include measures and conditions of consent to ensure the safe identification, removal and disposal of asbestos products and to ensure compliance with WorkCover and public health requirements.*

MOTION: (Andrews/Belleli) CARRIED – SEE RESOLUTION.

12.17 BY COUNCILLOR HUGHES – IMPACT OF SOUTHERN CROSS DRIVE / GARDENER'S ROAD ACCESS RAMPS ON FUTURE PLANS FOR LIGHT RAIL AND THE VIABILITY OF THE COMMERCIAL CENTRES ON ANZAC PARADE. (F2004/08216 XR F2005/00171)

253 **RESOLUTION: (Hughes/Nash) that Council:**

1. *notes with concern, the potential impact on Anzac Parade of traffic volumes that would be generated if the Southern Cross Drive / Gardener's Road access ramps are constructed;*
2. *notes that Council's citywide transport study identifies light rail services running along Anzac Parade as one of the highly desirable preferred options for future public transport in the City of Randwick. The outcomes of the transport study are being incorporated in the 20-year strategic plan currently under preparation;*
3. *notes with concern that the Southern Cross Drive / Gardener's Road access ramps represent a direct threat to the future development of a light rail transport solution on Anzac Parade;*
4. *writes to the RTA:*
 - (a) *expressing this concern and the following specific concerns and requesting that they be given substantial consideration in their evaluation of the proposed Southern Cross Drive / Gardener's Road access ramps project;*
 - (b) *requesting a response regarding:*
 - i. *the potential for detrimental impact on future implementation of Light Rail on Anzac Parade, being the primary light rail path for the City of Randwick of the additional traffic that would be generated from the Southern Cross Drive / Gardener's Road access ramps; and*
 - ii. *the commercial viability of our town centres located on Anzac Parade, and the negative impact on shopping and restaurant precincts located on Anzac Parade.*
 - (c) *requesting an assurance that Anzac Parade would not be subject to extended Clearway hours in future to cope with the expected increase in traffic volumes, due to the detrimental impact this would have on the local commercial centres of Kensington and Kingsford;*
 - (d) *requesting that these concerns also be addressed in any further investigations by the RTA of future traffic and transport planning for Randwick City; and*
5. *sends copies of this correspondence 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,*

MOTION: (Hughes/Nash) CARRIED – SEE RESOLUTION.

(Note: This item was unanimously carried by Council.)

12.18 BY COUNCILLOR ANDREWS – TRAFFIC ISSUES IN SNAPE STREET, MAROUBRA. (F2004/07239 XR F2005/00171)

254 **RESOLUTION: (Hughes/Notley-Smith)** that this matter be referred to the Randwick Traffic Committee for appropriate design and recommendations to come back to Council in a report.

MOTION: (Andrews/Sullivan) that Randwick City Council:

- a) approach the State Transit Authority to stop non service buses using Snape Street as a rat run. Further, Council re-instate “NO ENTRY STA BUSES” signs at the entry of either end of Snape Street as a matter of urgency; and
- b) take all measures necessary to reduce and slow down the traffic using Snape Street as the road is not wide enough to take the number of vehicles using it. The measures that Council has recently installed have not reduced the traffic nor have slowed down the traffic. The residents believe it is a matter of time until a serious accident occurs. A number of residents have been involved in small accidents (the damage low) and therefore not reported to the police.

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

13. URGENT BUSINESS.

13.1 URGENT BUSINESS - CR PROCOPIADIS – INDUCTION OF MICHAEL JONSON INTO RANDWICK SPORTING HALL OF FAME. (F2004/08203)

255 **RESOLUTION: (Notley-Smith/Sullivan)** that permission is hereby granted to Cr Procopiadis to bring forward to the meeting and transact business of great urgency, concerning Michael Jonson being inducted into the Randwick Sporting Hall of Fame.

His Worship the Mayor, Cr M. Matson, ruled that the business proposed to be brought forward, concerning Michael Jonson was of great urgency.

256 **RESOLUTION: (Procopiadis/Andrews)** that Michael Jonson be inducted into the Randwick Sporting Hall of Fame.

MOTION: (Procopiadis/Andrews) CARRIED – SEE RESOLUTION.

14. CONFIDENTIAL REPORTS.

15. COMMITTEE-OF-THE-WHOLE.

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

EXCLUSION OF PRESS AND PUBLIC.

At the commencement of the meeting, the Committee-of-the-Whole **RESOLVED**, pursuant to Section 10 A(2)(d)(i) & 10 A(2)(f) of the Local Government Act, 1993, that the press and public be excluded from the whole of this meeting of the Committee as the matters under consideration concerned respectively (d) commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it and (f) matters affecting the security of the Council, Councillors, Council staff or Council property, on which publicity or disclosure of the proceedings of the Committee would, in the opinion of the Committee, be prejudicial and on balance would be contrary to the public interest.

RESOLVED: (His Worship the Mayor, Cr M. Matson/Notley-Smith) that the Ordinary Meeting of the Council be adjourned at 10.58 p.m. to consider the confidential items in closed session.

RESOLVED: (His Worship the Mayor, Cr M. Matson/Notley-Smith) that the Ordinary Meeting of the Council be resumed at 11.08 p.m.

16. REPORT ON CONFIDENTIAL ITEMS CONSIDERED IN CLOSED SESSION.

The General Manager reported that the following matters had been considered and the following recommendations to the Council had been formulated by the Committee-of-the-Whole.

CONFIDENTIAL GENERAL MANAGER'S REPORT 24/2005 - PROPOSED DEED OF AGREEMENT - DEPARTMENT OF DEFENCE SITE, BUNDOCK STREET, RANDWICK. (F2004/06778)

257 **RESOLUTION: (Notley-Smith/His Worship the Mayor, Cr M. Matson)** that this matter be deferred to the next Health, Building & Planning Committee as there is some terminology in the Deed of Agreement that needs to be clarified.

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

CONFIDENTIAL GENERAL MANAGER'S REPORT 25/2005 - IMPLEMENTATION OF COUNCILS ONLINE SOLUTION. (F2005/00422)

258 **RESOLUTION: (Andrews/Daley)** that the information be received and noted.

MOTION: (Andrews/Daley) CARRIED – SEE RESOLUTION.

CONFIDENTIAL DIRECTOR, CITY SERVICES' REPORT 48/2005 - TENDER T037/05 SUPPLY OF COMPACTOR TRUCKS. (T037/05)

259 **RESOLUTION: (Andrews/Daley)** that Council accept the tender submitted by Best Hino for the supply and delivery of the seven cab chassis equipped with MacDonald Johnston compactors for the sum of \$1,533,266.00

MOTION: (Andrews/Daley) CARRIED – SEE RESOLUTION.

CONFIDENTIAL DIRECTOR, CITY SERVICES' REPORT 49/2005 - COMMERCIAL WASTE CONTRACT FOR REMOVAL OF WASTE AND RECYCLABLES FROM THE UNIVERSITY OF NEW SOUTH WALES FACILITIES. (F2004/00435)

260 **RESOLUTION:** *(Andrews/Daley) that Council:*

- a) *notes the report; and*
- b) *authorises the General Manager to sign a contract with the University of New South Wales for the delivery of waste removal and recycling services for three years at a price of \$43,277.13 (GST inclusive) per month with a quarterly CPI adjustment.*

MOTION: (Andrews/Daley) CARRIED – SEE RESOLUTION.

CONFIDENTIAL DIRECTOR, CITY SERVICES' REPORT 50/2005 - PUTRESCIBLE WASTE DISPOSAL TENDER REPORT. (F2004/00435)

261 **RESOLUTION:** *(Andrews/Daley) that Council:*

- a) *note the SSROC's Tender Report for the Disposal of Material collected from the Waste Services of SSROC Participating Councils;*
- b) *accept the conforming tender offer submitted by the Service Provider, WSN Environmental Solutions at a fixed unit rate price of \$70.30 per tonne (excluding GST and the Landfill Levy charge) for disposal at Rockdale Waste Management Centre;*
- c) *authorises the General Manager to enter into a contract with WSN Environmental Solutions for a 5 year term with an option for a 2 year extension, in agreement with other participating Councils for delivery of a waste disposal service; and*
- d) *agrees not to change any terms or conditions of the contract without the agreement of all participating Councils.*

MOTION: (Andrews/Daley) CARRIED – SEE RESOLUTION.

CONFIDENTIAL DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 25/2005 - PLUMBING AND ELECTRICAL SERVICES TENDER NO. T022/05. (F2004/07743)

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

- a) *the tenderers Cornish Plumbing, Applied Resources and Shannon Black Plumbing (for Plumbing Services) and John Coulston Electrics and A1 General Contracting (for Electrical Services), be awarded contracts for a 3 year term with 2 options to extend for a further term of 12 months each for the supply of Plumbing and Electrical Services (T022/04) and that Council enter into a Contract under Clause 19 of the Local Government (Tendering) Regulation 1999;*
- b) *authority be granted for the General Manager in conjunction with the Mayor, to sign and affix Councils Common Seal to enter into contracts on behalf of Council with the recommended tenderers for Plumbing and Electrical Services T022/04; and*

c) *the unsuccessful tenderers be notified of the Tender result.*

MOTION: (Andrews/Daley) CARRIED – SEE RESOLUTION.

17. NOTICE OF RESCISSION MOTIONS.

A Notice of Rescission Motion on Item 6.13, Mayor's Minute 71/2005 - Developer Donations was handed to the General Manager prior to the conclusion of the meeting and will be considered at the Ordinary Council meeting to be held on Tuesday, 28th June, 2005.

There being no further business, His Worship the Mayor, Cr M. Matson, declared the meeting closed at 11.11 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 28TH JUNE, 2005.

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CHAIRPERSON