

**MINUTES OF ORDINARY COUNCIL MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 28TH FEBRUARY 2006 AT 6:10 P.M.**

PRESENT:

His Worship the Mayor, Cr. T. Seng (Central Ward) (Chairperson)

Councillor M. Matson (East Ward) (Deputy Mayor)

North Ward	-	Crs P. Tracey & M. Woodsmith
South Ward	-	Crs R. Belleli & A. White
East Ward	-	Cr B. Notley-Smith
West Ward	-	Crs B. Hughes, S. Nash & J. Procopiadis
Central Ward	-	Crs A. Andrews & C. Bastic (from 6.31 pm)

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.
Manager, Administrative Services	Mr. D. Kelly.
Communications Manager	Ms. D. Brien.
Manager, Development Assessment	Mr. K. Kyriacou
Manager Policy, Planning & Performance	Ms. K. Walshaw

1. COUNCIL PRAYER.

The Council Prayer was read by His Worship the Mayor, Cr T. Seng.

2. APOLOGIES.

Apologies were received from Crs Daley and Sullivan.

RESOLVED: (Nash/Belleli) that the apologies from Crs Daley & Sullivan for non-attendance at the Ordinary Council Meeting of the Council held on Tuesday, 28th February, 2006 be received & accepted.

2A. LEAVE OF ABSENCE.

Leave of Absence had previously been granted to Cr Kenny, Minute No. 507 of 22 November, 2005.

3. MINUTES

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY, 13TH DECEMBER, 2006.

- 1 **RESOLUTION:** *(Notley-Smith/Belleli)* that the Minutes of the Ordinary Council Meeting held on Tuesday, 13th December, 2006 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

4. DECLARATION OF PECUNIARY & NON-PECUNIARY INTERESTS.

- (a) Cr Tracey declared a non-pecuniary interest in Item 6.5, Mayor's Minute 5/2006 - waiving of fees for filming of non-commercial short drama at Yarra Bay Beach for Tropfest as he was involved in arranging bridging finance for this group.

RESOLVED (PROCEDURAL MOTION: (Notley-Smith/Procopiadis) that Item 7.1 and Mayor's Minute 14/06 be dealt with at this stage of the meeting.

5. ADDRESSES TO THE COUNCIL BY THE PUBLIC.

7.1 GENERAL MANAGER'S REPORT 1/2006 - COMMUNITY GRANTS, DONATIONS AND SUBSIDIES.

Against Ms Sacha Horler 30 Waratah Street, Randwick.

10.1 DIRECTOR, CITY PLANNING REPORT 5/2006 – 67 THE CORSO, MAROUBRA.

Objector Ms Anne Maree Paul 64 Sackville Street, Maroubra

Applicant Mr Pierre Della-Putta 1 Weeroona Avenue, Maroubra

10.3 DIRECTOR, CITY PLANNING REPORT 7/2006 – 3 HAMILTON STREET, COOGEE.

Objector Mrs Suzanne O'Rourke 106 Arden Street, Coogee

11.1 PETITION RECEIVED FROM THE FREE BEACH ACTION GROUP REGARDING NUDE BATHING AT CONGWONG BEACH & LITTLE CONGWONG BEACH, LA PEROUSE.

Against Mr Gary Peters 15 Gurawahl Avenue La Perouse

12.4 MOTION BY COUNCILLOR SULLIVAN – CLOVELLY SURF CLUB.

Against Ms Kate Collier 33 Shuttle Avenue Clovelly

The meeting was adjourned at 6.53 p.m. and was resumed at 7.11 p.m.

RESOLVED:(PROCEDURAL MOTION):(Notley-Smith/Andrews) that items 12.1, MM 9/06, 10.1, 10.2, 10.3 and 10.4 be brought forward and dealt with at this stage of the meeting.
CARRIED.

RESOLVED:(PROCEDURAL MOTION):(Matson/Notley-Smith) that items 12.7 and 12.4 also be brought forward and dealt with at this stage of the meeting. **CARRIED.**

6. MAYORAL MINUTES.

6.1 MAYOR'S MINUTE 1/2006 - CLEAN UP AUSTRALIA DAY - GRACEPOINT CHRISTIAN CHURCH - WAIVING OF FEES. (F2004/08286)

2 **RESOLUTION: (His Worship the Mayor, Cr T. Seng) that:**

- a) *Council vote \$1,520.00 to cover the fees associated with the '2006 Coogee Beach Clean Up Australia Day Festival' and the funds be charged to the Contingency Fund 2005/06;*
- 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 event on behalf of Council.*

MOTION: (His Worship the Mayor, Cr T. Seng) CARRIED – SEE RESOLUTION.

6.2 MAYOR'S MINUTE 2/2006 - SYDNEY AIRPORT MAJOR DEVELOPMENT PLAN PROPOSALS. (F2005/00160)

3 **RESOLUTION: (His Worship the Mayor, Cr T. Seng) that:**

- a) *Council notes the key concern for our community as raised in Council's submission on the preliminary draft Major Development Plans (MDP's); and*
- b) *Council forward copies of the Randwick City Council submission to the local Chambers of Commerce.*

MOTION: (His Worship the Mayor, Cr T. Seng) CARRIED – SEE RESOLUTION.

6.3 MAYOR'S MINUTE 3/2006 - WAIVING OF FEES - SURFING NSW, MAROUBRA SURFERS ASSOCIATION AND SOUTHEND BOARDRIDERS INC. (F2004/08302)

4 **RESOLUTION: (His Worship the Mayor, Cr T. Seng) that:**

- a) *Council vote \$7,623.40 to cover the fees associated with Surfing NSW, the Maroubra Surfers Association and Southend Boardriders Inc and funds be charged to the Contingency Fund 2005/06;*
- b) *the event organisers 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 event on behalf of Council.*

MOTION: (His Worship the Mayor, Cr T. Seng) CARRIED – SEE RESOLUTION.

6.4 MAYOR'S MINUTE 4/2006 - YOUTH AND SENIORS WEEK 2006 - REQUEST FOR DONATION OF 250 NATIVE SEEDLINGS. (F2004/07689)

5 **RESOLUTION:** *(His Worship the Mayor, Cr T. Seng) that:*

- a) *Council vote \$375.00 to cover the costs associated with the provision of the 250 seedlings from the Council Community Nursery and funds be charged to the Contingency Fund 2005/06;*
- 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 event on behalf of Council.*

MOTION: (His Worship the Mayor, Cr T. Seng) CARRIED – SEE RESOLUTION.

6.5 MAYOR'S MINUTE 5/2006 - WAIVING OF FEES FOR FILMING OF NON-COMMERCIAL SHORT DRAMA AT YARRA BAY BEACH FOR TROPFEST. (F2004/07608)

6 **RESOLUTION:** *(His Worship the Mayor, Cr T. Seng) that:*

- a) *the fees associated with filming at Yarra Bay Beach on Monday 19 and Tuesday 20 December 2005 and amounting to \$1,370.00 be refunded; and*
- b) *the Council's logo and Randwick City Council be mentioned in the title credits.*

MOTION: (His Worship the Mayor, Cr T. Seng) CARRIED – SEE RESOLUTION.

6.6 MAYOR'S MINUTE 6/2006 - MAHON POOL AND THE MAROUBRA BEACH PLAN OF MANAGEMENT OVERVIEW. (F2004/07343)

7 **RESOLUTION:** *(His Worship the Mayor, Cr T. Seng) that Council allocate \$3,000.00 for the amendments to the plan and \$30,000.00 for an architectural concept plan in the 2006/2007 budget for engagement of appropriate consultants to undertake review of the Maroubra Beach Plan of Management Overview and preparation of concept plans where required.*

MOTION: (His Worship the Mayor, Cr T. Seng) CARRIED – SEE RESOLUTION.

6.7 MAYOR'S MINUTE 7/2006 - CLOVELLY PUBLIC SCHOOL - REQUEST FOR INSTALLATION AND DISMANTLING OF BANNER ON COUNCIL FLAGPOLES. (F2004/07164)

8 **RESOLUTION:** *(His Worship the Mayor, Cr T. Seng) that:*

- a) *Council vote to waive the fees associated with the installation and dismantling of a banner on the flagpoles at Arden Street near to Malabar Road and \$691.00 be allocated from the Contingency Fund 2005/06;*

- b) *the fete organiser undertakes to appropriately and prominently acknowledge and promote Council's contribution prior to and during the fete; and*
- c) *the Mayor or his representative be given the opportunity to address the fete on behalf of Council.*

MOTION: (His Worship the Mayor, Cr T. Seng) CARRIED – SEE RESOLUTION.

6.8 MAYOR'S MINUTE 8/2006 – MAROUBRA BEACH SURFING RESERVE AND SURFING WALK OF FAME. (F2005/00603 XR F2005/00171)

9 **RESOLUTION: (His Worship the Mayor, Cr T. Seng) that Randwick City Council:**

- a) *reconfirms its commitment to the dedication of Maroubra Beach as a National Surfing Reserve with the installation of a commemorative plaque on the Promenade and a dedication ceremony on 19 March 2006; and*
- b) *agrees to developing the Maroubra Beach Promenade as the Maroubra Beach Surfing Walk of Fame, with plaques recognizing the outstanding achievements of Australia's leading surfers and surf lifesavers, and the inaugural ceremony to be held in conjunction with the Surfing Reserve dedication ceremony on 19 March 2006; and*
- c) *agrees to the first four inductee's into the Maroubra Beach Surfing Walk of Fame, as nominated by the local steering committee and outlined in this report; and*
- d) *allocates \$8,000.00 from the Contingency Fund 2005/06 for the plaques and trophies for the 2006 Surfing Walk of Fame inductees and authorises the General Manager to approve funds to cover the costs for the commemorative booklet.*

MOTION: (His Worship the Mayor, Cr T. Seng) CARRIED – SEE RESOLUTION.

6.9 MAYOR'S MINUTE 9/2006 – MAROUBRA SWIMMING CLUB. (F2004/06861)

10 **RESOLUTION: (His Worship the Mayor, Cr T. Seng) that the General Manager be given the delegation to meet with the representatives of the Maroubra Swimming Club so that the relationship with the swimming club can be formalised.**

MOTION: (His Worship the Mayor, Cr T. Seng) CARRIED – SEE RESOLUTION.

6.10 MAYOR'S MINUTE 10/2006 – MATTHEW TALBOT HOSTEL - INVITATION FOR COUNCIL TO ATTEND FUNDRAISING NIGHT. (F2006/00006)

11 **RESOLUTION: (His Worship the Mayor, Cr T. Seng) that Council support the Matthew Talbot Hostel, and Charles O'Neill house in particular, by purchasing a table of ten (10) for \$3,500.00 at the "Magic Moments at the SCG" fundraising night on Thursday, 9 March, 2006. Payment for this event is to come from the Councillors' Contingency fund.**

MOTION: (His Worship the Mayor, Cr T. Seng) CARRIED – SEE RESOLUTION.

6.11 MAYOR'S MINUTE 11/2006 – INDONESIAN COMMUNITY COUNCIL HARMONY DAY EVENT. (F2004/06540)

12 **RESOLUTION:** *(His Worship the Mayor, Cr T. Seng) that:*

1. *Council support the Indonesian Community Council Harmony Day Dinner function to be held on Saturday 25 March 2006.*
2. *An invitation be extended to Councillors to attend the event.*
3. *Council sponsor the event by waiving the fees for use of the Town Hall and that the associated fees (being \$620.00) be charged to the Contingency Fund 2005/2006.*
4. *Council's sponsorship to be acknowledged by the Indonesian Community Council at the event.*

MOTION: (His Worship the Mayor, Cr T. Seng) CARRIED – SEE RESOLUTION.

6.12 MAYOR'S MINUTE 12/2006 – SHOP LOCAL INITIATIVES. (F2004/06377)

13 **RESOLUTION:** *(His Worship the Mayor, Cr T. Seng) that:*

- a) *Council consult with and assist the local chambers of commerce to develop and implement "shop local" strategies and that, where possible, Council support those strategies in the manner outlined in Council's City Plan (and in particular 'Background Paper 3: A Prospering City'); and*
- b) *A "Shop Local" policy be developed for application to Randwick City Council purchases.*

MOTION: (His Worship the Mayor, Cr T. Seng) CARRIED – SEE RESOLUTION.

6.13 MAYOR'S MINUTE 13/2006 – MARKETING THE IDENTITY OF RANDWICK CITY'S KEY TOWN CENTRES AND PRECINCTS. (F2005/00951)

14 **RESOLUTION:** *(His Worship the Mayor, Cr T. Seng) that Council note and support the further investigation of the identity of town centres and key precincts in Randwick City, in liaison with the Chambers of Commerce and Precinct Committees, commencing with place name discussions as one means of promoting awareness of our key town centres and precincts, and their attractiveness as places to live, visit, shop and socialise.*

MOTION: (His Worship the Mayor, Cr T. Seng) CARRIED – SEE RESOLUTION.

6.14 MAYOR'S MINUTE 14/2006 – RANDWICK OPEN CARE FOR KIDS (ROCK) – UPDATE ON LEASING ARRANGEMENTS. (F2004/06336)

15 **RESOLUTION:** *(His Worship the Mayor, Cr T. Seng) that an urgent meeting be organised with the Minister for Community Services and the Local Member for Coogee to request an extension of ROCK's licence.*

MOTION: (His Worship the Mayor, Cr T. Seng) CARRIED – SEE RESOLUTION.

6.15 MAYOR'S MINUTE 15/2006 – RANDWICK COMMUNITY CENTRE, BUNDOCK STREET, RANDWICK. (F2004/06778)

16 **RESOLUTION:** *(His Worship the Mayor, Cr T. Seng) that:*

1. *The Council write to the Trustees and management of the Randwick Community Centre formally thanking them for their commendable work;*
2. *The work of the Trustees and management of the old Randwick Community Centre be formally recognised at the official opening of the new community centre; and*
3. *That Council vote \$970.00 to cover book publication costs and that these funds be allocated from the 2005/06 Contingency fund budget.*

MOTION: (His Worship the Mayor, Cr T. Seng) CARRIED – SEE RESOLUTION.

DISSENT(Belleli/Matson) on the ruling of the chairperson that Cr Bastic need not apologise as he didn't mention any particular councillors' names. **LOST.**

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

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

6.16 MAYOR'S MINUTE 16/2006 – ESTABLISHMENT OF MAYOR'S FUTURE CHAMPIONS FUND. (F2004/07396)

17 **RESOLUTION:** *(His Worship the Mayor, Cr T. Seng) that a Mayor's Future Champions Fund of \$5,000.00 (per annum) be established in the 2006/2007 Budget and that an amount of \$2,000.00 be set aside from the Mayor's Donations budget in the current (2005/2006) financial year for the Mayor's Future Champions Fund.*

MOTION: (His Worship the Mayor, Cr T. Seng) CARRIED – SEE RESOLUTION.

6.17 MAYOR'S MINUTE 17/2006 – USE OF COOGEE BEACH FOR "XBOX" LAUNCH. (F2004/08286)

18 **RESOLUTION:** *(His Worship the Mayor, Cr T. Seng) that the XBOX application to hold a promotional event at Coogee Beach be approved, in principle, subject to:*

- *Council receiving the scheduled hire fees for the beach being \$3,928.00;*
- *XBOX making a donation of \$20,000.00 to the Coogee Surf Club;*
- *XBOX accepting the Coogee Beach standard 'conditions of use';*

- *XBOX ensuring appropriate environmental considerations in relation to the clean up and disposal of the water balloons; and*
- *The water balloons be made of a recyclable material.*

MOTION: (His Worship the Mayor, Cr T. Seng) CARRIED – SEE RESOLUTION.

7. GENERAL MANAGERS' REPORTS.

7.1 GENERAL MANAGER'S REPORT 1/2006 - COMMUNITY GRANTS, DONATIONS AND SUBSIDIES. (F2005/00469)

- 19 **RESOLUTION:** *(Notley-Smith/Procopiadis) that this matter be deferred to hold a workshop to allow Councillors to receive and consider further information and to allow all affected residents to address council.*

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

7.2 GENERAL MANAGER'S REPORT 2/2006 - AFFIXING OF THE COUNCIL SEAL. (F2004/06336)

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

1. *South Coogee Bowling Club in relation to a licence over part of Latham Park more particularly known as South Coogee Bowling Club;*
2. *Bernard Loubatie (T/As Bistro St Paul) in relation to a licence for the purpose of outdoor dining at 35 St Pauls Street, Randwick;*
3. *Christene Sugito (T/As Café Elite) in relation to a licence for the purpose of outdoor dining at Shop 1, 166 Maroubra Road, Maroubra;*
4. *Yang Zhang (T/As Bunnerong Gourmet Chickens) in relation to a licence for the purpose of outdoor dining at 488 Bunnerong Road, Matraville;*
5. *Sebastian Scandurra (T/As King Gourmet) in relation to a licence for the purpose of outdoor dining at 730 Anzac Parade, Kingsford;*
6. *Kosmos Papadopoulos (T/As Clodeli Fine Foods) in relation to a licence for the purpose of outdoor dining at Shop 1, 210-212 Clovelly Road, Clovelly;*
7. *Tom Dover (T/As Dervish) in relation to a licence for the purpose of outdoor dining at 227 Coogee Bay Road, Coogee;*
8. *A residential tenancy agreement over Unit 2/20 Silver Street, Randwick;*
9. *A residential tenancy agreement over Unit 2/32 Belmore Road, Randwick;*
10. *The S.O.S. Pre-School in relation to a deed of licence over part of Lot 11 DP 1042814 more particularly known as 25 Munda Street, Randwick;*
11. *The Randwick/South Sydney Family Day Care Incorporated in relation to a deed of licence over part of Lot 11 DP 1042814 more particularly known as 23 Munda Street, Randwick; and*
12. *South Eastern Sydney & Illawarra Area Health Services in relation to a sub-lease of part of Folio 105/811813 more particularly known as part of Randwick Branch Library.*

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

7.3 GENERAL MANAGER'S REPORT 3/2006 - DECEMBER 2005 QUARTER REVIEW - 2005-08 MANAGEMENT PLAN. (F2005/00380)

- 21 **RESOLUTION:** *(Matson/Notley-Smith)* that the information contained in the General Manager's Report 3/2006 - December 2005 Quarterly Progress Report – 2005/08 Management Plan be received and noted

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

PROCEDURAL MOTION:*(Bastic/Andrews)* that the remaining items be dealt with in seriatim. LOST

8. DIRECTOR, CITY SERVICES' REPORTS.

8.1 DIRECTOR, CITY SERVICES' REPORT 4/2006 - AUSTRAL STREET, MALABAR - PROPOSED CONSTRUCTION OF NEW FOOTPATH. (F2005/00434)

- 22 **RESOLUTION:** *(Belleli/Notley-Smith)* that the footpath in Austral Street not go ahead and the funds allocated to these works be used on other footpaths in the Central and South Ward footpath program.

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

8.2 DIRECTOR, CITY SERVICES' REPORT 5/2006 - NAMING OF RESERVE ON THE CORNER OF ALISON AND WANSEY ROADS, RANDWICK "GEORGE DAN RESERVE". (F2004/06876 XR F2004/00171)

- 23 **RESOLUTION:** *(Notley-Smith/Andrews)* that:

- a) *the reserve on the corner of Wansey Road and Alison Road be named "George Dan Reserve";*
- b) *the Geographical Names Board be requested to proceed with the naming proposal application; and*
- c) *the family of the late George Dan be advised of Council's decision.*

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

8.3 DIRECTOR, CITY SERVICES' REPORT 6/2006 - ECOLOGICAL IMPACT OF THE COMMON INDIAN MYNA. (F2004/06488 XR F2005/00171)

- 24 **RESOLUTION:** *(Matson/Woodsmith)* that:

- (a) *the Director, City Services' Report 6/2006 be received and noted; and*
- (b) *the outcome of the meeting scheduled for 14th March 2006, which council staff will be attending, be reported back to the next available ordinary council meeting.*

MOTION: *(Matson/Woodsmith)* CARRIED – SEE RESOLUTION.

8.4 DIRECTOR, CITY SERVICES' REPORT 7/2006 - PROPOSED PLACE NAME OF AN AREA LOCATED AT 1613 ANZAC PARADE, LA PEROUSE. (F2004/06876)

25 **RESOLUTION:** *(Belleli/Notley-Smith) that:*

- a) *the name “Timbery” assigned as a geographical name for a reserve at La Perouse on 20 January, 2005 under the provisions of the Geographical Names Act, 1966, be noted and be advertised in the local papers; and*
- b) *the landscaping, guardrail, signage and installation of a bronze plaque at Timbery Reserve be considered in the 2006/2007 Capital Works Budget.*

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

8.5 DIRECTOR, CITY SERVICES' REPORT 8/2006 - BARDON PARK FLOODLIGHTS. (F2004/00119)

26 **RESOLUTION:** *(Andrews/Notley-Smith) that the Director, City Services' Report 8/2006 be received and noted.*

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

9. DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORTS.

9.1 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 5/2006 - CODE OF CONDUCT AND RELATED POLICIES. (F2004/06901 XR F2005/00176)

Note: A rescission motion was submitted to the General Manager at 9.35 am on 1st March, 2006 and will be considered at the next ordinary Council Meeting.

27 **RESOLUTION:** *(Notley-Smith/Belleli) that:*

- a) *the Department of Local Government's Guidelines for the Model Code of Conduct for Local Councils in NSW be adopted.*
- b) *it be noted that Council's adoption of the Department of Local Government's Model Code of Conduct and the associated Guidelines, has resulted in the following Codes and Guidelines being superseded:*
 - *Staff Code of Conduct – Policy No. 3.04.27 – 28 May 2002*
 - *Code of Conduct – Councillors - Policy No. 1.03.11 – 25 February 1997*
 - *Code of Conduct Guidelines – Policy No. 1.04.01 – 18 October 1994*
 - *Code of Councillor Practice – Policy No. 1.04.03 - 21 March 1995.*
- c) *the Declaration of Conflict of Interests Form be adopted for use outside the Council/Committee Meeting process.*
- d) *the Guidelines for the Operation of Randwick Council's Conduct Committee (as attached to the staff report) be adopted, subject to the Conduct Committee being made up of the Mayor, General Manager and the Partner in Charge of Local Government*

at Deacons Lawyers.

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

9.2 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 6/2006 - REVIEW OF COUNCILLORS' EXPENSES & FACILITIES POLICY. (F2005/00176)

28 **RESOLUTION: (Notley-Smith/Tracey)** that the draft Councillors' Expenses & Facilities Policy (as distributed) be placed on public exhibition in accordance with the requirements of Section 253 of the Local Government Act and that the matter be reported back to Council at the conclusion of the public exhibition period.

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

9.3 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 7/2006 - ACQUISITION OF LITERARY INSTITUTE. (F2004/06326)

29 **RESOLUTION: (Woodsmith/Belleli)** that:

(a) the Lands Administration Ministerial Corporation (LAMC) continue to manage the Literary Institute at 66 Clovelly Road, Randwick and that Council refer any enquiries from local artists to show their work to the Randwick Literary Institute Site Manager; and

(b) Council investigate the use of other properties as alternative sites for art exhibitions.

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

9.4 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 8/2006 - LOCAL GOVERNMENT REMUNERATION TRIBUNAL - SPECIAL DETERMINATION. (F2004/06576)

30 **RESOLUTION: (Matson/Tracey)** that:

a) a Councillor's Annual Fee of \$17,110.00 and a Mayor's Annual Fee of \$45,455.00 be set for the 2005/2006 financial year in accordance with the Remuneration Tribunal's special determination of December 2005 and that these fees be effective from 1 July 2005; and

b) the Mayoral Allowance budget for 2005/2006 be increased by \$455.00 (to \$45,455.00) and the Councillors' Allowance budget for 2005/2006 be increased by \$11,650.00 (to \$256,650.00).

MOTION: (Matson/Tracey) CARRIED – SEE RESOLUTION.

9.5 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 9/2006 - DELEGATION OF AUTHORITY. (F2006/00011)

31 **RESOLUTION: (Belleli/Notley-Smith)** that pursuant to Section 377 of the Local Government Act, 1993, and subject to compliance with all Council policies and lawful directions made by Council, the following matters be delegated to the General Manager:-

Ref	Delegation Title	Delegation to the General Manager
RC010	Complaints against Accredited Certifiers	To submit, on behalf of the Council, complaints against Accredited Certifiers in accordance with Section 109V of the Environmental Planning & Assessment Act 1979
RF016	Finance – Writing Off Debts	To approve the abandonment of debts up to the amount of \$2,500.00 in accordance with the provisions of Clause 213 of the Local Government (General) Regulation 2005.

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

AMENDMENT: (Tracey/Procopiadis) that the General Manager be delegated up to \$3,000.00 to approve requests for community funding. **LOST**

9.6 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 10/2006 - DISQUALIFICATION FROM CIVIC OFFICE. (F2004/06569 XR F2005/00171)

32 **RESOLUTION: (Andrews/Tracey) that:**

- a) *the report be received and noted; and*
- b) *Council make representations to the Minister for Local Government to amend the local government legislation so that if a councillor is convicted of an indictable offence he or she stands down immediately and that during any appeal process the councillor stands aside.*

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

9.7 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 11/2006 - WYLIES BATHS SUB-LEASING. (F2004/06336 XR F2005/00171)

Note: Cr Bastic declared a non-pecuniary interest in this item and left the chamber, taking no part in discussion of and voting thereon.

33 **RESOLUTION: (Woodsmith/Andrews)** that Council must closely monitor the compliance with the Head Lease and Sub-Lease by Wylies Baths Trust Inc. The sub-lease should not be terminated prior to the expiry date of the sub-lease on 31 December 2018.

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

9.8 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 12/2006 - ANNUAL PERE RECEVUEUR MASS - WAIVING OF FEES. (F2005/00182)

34 **RESOLUTION: (Belleli/Notley-Smith)** that Council contribute \$2,642.88 towards the hiring of the marquee for the annual Pere Receveur Mass at La Perouse, such funds to come from the Councillors' Contingency Fund.

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

9.9 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 13/2006 - E-BUSINESS STRATEGY FOR RANDWICK CITY COUNCIL-UPDATE. (F2005/00422)

35 **RESOLUTION:** *(Notley-Smith/Belleli)* that the Director, Governance & Financial Services' Report 13/2006 - Council report be received and noted.

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

9.10 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 14/2006 - ADVICE FROM DEPARTMENT OF LOCAL GOVERNMENT - MAROUBRA BEACH PAVILION TENDER. (F2005/00198)

36 **RESOLUTION:** *(Matson/Notley-Smith)* that:

- a) *the Department of Local Government's advice and findings, that the tender criteria were relevant and appropriate, be noted;*
- b) *Councillor Andrew's conduct in not declaring a non-pecuniary conflict of interest in the Maroubra Beach Pavilion Tender, be referred to the Conduct Committee for investigation as to whether further action may be required under Council's Code of Conduct;*
- c) *an investigation be carried out by management in an attempt to ascertain how the confidential information in question was released; and*
- d) *the Department of Local Government's advice in relation to the technical requirements of the Local Government (General) Regulation, with respect to entering into negotiations with tenderers, be received and noted.*
- e) *statutory declarations be obtained from all parties in receipt of this confidential information in question to ascertain who exposed it to other parties.*

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

AMENDMENT: (Tracey/Andrews) that:

- a) the Department of Local Government's advice and findings, that the tender criteria were relevant and appropriate, be noted;
- b) an investigation be carried out by management and police in an attempt to ascertain how the confidential information in question was released; and
- c) the Department of Local Government's advice in relation to the technical requirements of the Local Government (General) Regulation, with respect to entering into negotiations with tenderers, be received and noted. **LOST**

9.11 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 15/2006 - 2005/06 BUDGET - REVIEW AS AT 31 DECEMBER 2005. (F2004/06516)

37 **RESOLUTION:** *(Belleli/Notley-Smith)* that:

- a) *the report in relation to the December 2005 budget review be received and noted.*
- b) *the proposed December 2005 budget variations (as detailed in Attachment 4 to the report) be adopted.*

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

9.12 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 16/2006 - REVIEW OF CODE OF MEETING PRACTICE. (F2004/06570)

- 38 **RESOLUTION: (Notley-Smith/Belleli)** *that the draft (amended) Code of Meeting Practice that was on public exhibition from 6 December 2005 to 17 January 2006 and for which no public submissions were received, be adopted, subject to the further amendments detailed in this report.*

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

10. DIRECTOR, CITY PLANNING REPORTS.

10.1 DIRECTOR, CITY PLANNING REPORT 5/2006 - 67 THE CORSO, MAROUBRA. (DA765/2004 "A")

- 39 **RESOLUTION: (Andrews/Nash)** *that:*

- A. *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. 0765/04 on property 67 The Corso, Maroubra, in the following manner:*

Amend Condition No. 1 to read:

The development must be implemented substantially in accordance with the plans numbered A100, A101, A102, A201, A302 & A304, dated 1/6/04 and received by Council on 10 September 2004, the plans numbered A103 Issue B & A301 Issue B dated 14/10/04 and received by Council on 14 October 2004 and the plan numbered A303 Issue B, dated 13/10/04 and received by Council on 14 October 2004, the application form and on any supporting information received with the application, as amended by the Section 96 'A' plans numbered A100 to A103 (inclusive) and A301 to A304 (inclusive), dated 17 October 2005 (drawing A301 dated 24 February 2005) and received by Council on 26 October 2005, only in so far as they relate to the modifications highlighted on those Section 96 plans and detailed in the Section 96 application, except as may be amended by the following conditions and as may be shown in red on the attached plans:

Condition No.57 is to be added, to read as follows:

To minimise potential for loss of privacy to the adjoining properties to the east, the windows on the eastern elevation that belong to the bathrooms (on both floors), the stairwell and Bedroom 4 shall be fitted with translucent glass.

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

10.2 DIRECTOR, CITY PLANNING REPORT 6/2006 - 16R ST PAULS LANE, RANDWICK. (SC/66/2005)

40 **RESOLUTION:** (*Notley-Smith/Andrews*) that authority be granted for the Council's Common Seal to be affixed to the plan of subdivision, Surveyors Reference 24435 DT/SOUDAN, dated 24 October 2005.

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

10.3 DIRECTOR, CITY PLANNING REPORT 7/2006 - 3 HAMILTON STREET, COOGEE. (DA 992/2005)

41 **RESOLUTION:** (*Tracey/Procopiadis*) that Council 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.992/05 for permission to carryout alterations and additions to the dwelling at 3 Hamilton Street, COOGEE subject to the following conditions: -

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:

1. *The development must be implemented substantially in accordance with the plans numbered sheets 1-4 and received by Council on the 29th November 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:*
2. *The external materials, colours and finishes of the building are required to match, as closely as possible, the existing building and adjacent development to maintain the integrity and amenity of the building and the street scape, to the satisfaction of Council.*
3. *The design, materials and colour of the roofing to the proposed building is required to match, as closely as possible, the existing roof.*
4. *Metal roof sheeting is to be painted or colour bonded to minimise reflection and to be sympathetic and compatible with the building and surrounding environment.*
5. *The existing brushbox fence to the rear eastern boundary is to be increased in height by an additional 1.5m to preserve the privacy to the courtyard areas of the adjoining properties in Arden Street.*

The following conditions are imposed to promote ecologically sustainable development and energy efficiency.

- 6 *The consumption of water within the building shall be minimised by the use of triple A rated water efficient plumbing fixtures (taps and shower roses) and water efficient dual flush toilets. Details of compliance are to be noted in the **construction certificate** plans or specifications.*

- 7 *New external timber or metal framed and brick veneer walls and roofs are to be provided with insulation (i.e. bulk insulation and a reflective building membrane/reflective sarking/foil insulation), having a minimum total thermal resistance R-value of 3.0 in roofs and 1.5 in external walls. The insulation and reflective building membrane is to be installed in accordance with the relevant requirements of the Building Code of Australia and the manufacturer's details.*

*Details of compliance with the requirements for insulation are to be included in the **construction certificate** application.*

- 8 *New hot water service pipes are to be provided with insulation and must also satisfy any relevant requirements of Building Code of Australia and AS 3500.*

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

- 9 *Surface water/stormwater must be drained and discharged to the street gutter 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.*

Absorption pits must be located not less than 3m from any adjoining premises and the stormwater must not be directed or flow onto any adjoining premises or cause a nuisance.

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.

- 10 *External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the 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:

- 11 *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.

- 12 *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.*

- 13 ***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***

14 **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.

15 *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.

16 *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”.

17 *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.*

An Occupation Certificate must not be issued for the development if the development is inconsistent with the development consent. The requirements of the Environmental Planning & Assessment Act 1979 and conditions of development consent must be satisfied prior to the issuing of an occupation certificate.

18 ***Prior to the issuing of an interim or final occupation certificate**, a statement is required to be obtained from the Principal Certifying Authority, which confirms that the development is not inconsistent with the development consent and the relevant conditions of development consent have been satisfied.*

Details of critical stage inspections carried out by the principal certifying authority together with any other certification relied upon and must also be provided to Council with the occupation certificate.

19 *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.

- 20 *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 0.35% of the cost of the works.

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

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

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

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

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

The following conditions are applied to ensure that the development satisfies relevant standards of construction, and to maintain adequate levels of health, safety and amenity during construction:

- 22 *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.*

- 23 *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.

24 *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.*

25 *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.*

26 *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.

27 *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.*

28 *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.*

29 *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*

30 *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.

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.

- 31 *Any part of Council's nature strip which is damaged as a result of the work must be back-filled, top-soiled and re-turfed with kikuyu turf prior to occupation or finalisation of the development, to Council's satisfaction.*
- 32 *A local approval application must be submitted to and be approved by Council's Building Services section prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:-*
- *Install or erect any site fencing, hoardings or site structures*
 - *Operate a crane or hoist goods or materials over a footpath or road*
 - *Placement of a waste skip (greater than 3m in length) or any container or other article.*

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

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

The following conditions are applied to maintain reasonable levels of public health, amenity and safety:

- 34 *The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with Randwick City Council's Asbestos Policy and the relevant requirements of WorkCover NSW and the NSW Department of Environment & Conservation (formerly the Environment Protection Authority), including:*
- *Occupational Health and Safety Act 2000*
 - *Occupational Health and Safety (Hazardous Substances) Regulation 2001*
 - *Occupational Health and Safety (Asbestos Removal Work) Regulation 2001*
 - *WorkCover NSW Code of Practice for the Safe Removal of Asbestos*
 - *Australian Standard 2601 (2001) – Demolition of Structures*
 - *The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.*
 - *Relevant Department of Environment & Conservation (DEC) / Environment Protection Authority (EPA) and WorkCover NSW Guidelines.*

A copy of Council's Asbestos Policy is available on Council's web site at www.randwick.nsw.gov.au in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.

ADVISORY MATTERS:

A1 *Building or excavations works must not be commenced until a construction certificate has been obtained from Council's Building Certification Services or an Accredited Certifier and either Council's Building Certification Services or an Accredited Certifier has been appointed as the Principal Certifying Authority (PCA) for this development.*

Failure to obtain a Construction Certificate and appoint a PCA before commencing works is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million under the Environmental Planning & Assessment Act 1979.

A2 *The applicant is advised that the Construction Certificate plans and specification must comply with the provisions of the Building Code of Australia (BCA) and the construction certificate must not be inconsistent with the development consent.*

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 ensure that the development is not inconsistent with Council's consent and 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.

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

10.4 DIRECTOR, CITY PLANNING REPORT 8/2006 - 199-203A MALABAR ROAD, SOUTH COOGEE. (DA 370/2003 "A")

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

A. *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. 0370/03 on property 199-203A Malabar Road, South Coogee in the following manner:*

- *Amend Condition No. 27 to read:*

The applicant shall contribute 50% to the cost, (including associated signposting), for installation of a pedestrian refuge on Malabar Road, south of Nymboida Street, the final design and location of the pedestrian island to be subject to the approval of the Randwick Traffic Committee.

The applicant's contribution has been calculated, by Council's Traffic Engineer, at \$6,000.00.

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

11. PETITIONS.

11.1 PETITION RECEIVED FROM THE FREE BEACH ACTION GROUP REGARDING NUDE BATHING AT CONGWONG BEACH & LITTLE CONGWONG BEACH, LA PEROUSE. (F2005/00172 xr F2005/00881)

43 *RESOLUTION: (Belleli/Notley-Smith) that the tabled petition be received and noted.*

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

11.2 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR T. SENG FROM RESIDENTS REGARDING NOISE POLLUTION FROM ILLEGAL BACKPACKER ACCOMMODATION AT 19 & 21 VICAR STREET, COOGEE. (F2005/00172 xr F2005/00161)

44 *RESOLUTION: (Belleli/Notley-Smith) that the tabled petition be received and noted.*

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

11.3 PETITION SUBMITTED BY CR TRACEY FROM RESIDENTS OF VICTORIA & ALBERT STREETS, RANDWICK REGARDING MOTORISTS IGNORING THE ONE WAY STREET SIGN IN ALBERT STREET. (F2005/00172 xr F2005/00305)

45 *RESOLUTION: (Belleli/Notley-Smith) that the tabled petition be received and noted.*

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

11.4 PETITION SUBMITTED BY CR BELLELI FROM RESIDENTS WHO REGULARLY USE HEFFRON PARK REGARDING ITEMS IN HEFFRON PARK THAT NEED ATTENTION. (F2005/00172 xr F2004/08289)

46 *RESOLUTION: (Belleli/Notley-Smith) that the tabled petition be received and noted.*

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

11.5 PETITION SUBMITTED BY CR BELLELI FROM LOCAL RESIDENTS REGARDING THE DANGERS TO PEDESTRIANS USING THE LANEWAY TO THE COUNCIL CARPARK IN BAIRD AVENUE, MATRAVILLE. (F2005/00172 xr F2004/06184)

47 *RESOLUTION: (Belleli/Notley-Smith) that the tabled petition be received and noted.*

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

11.6 PETITION SUBMITTED BY CR ANDREWS FROM LOCAL RESIDENTS REGARDING THE NO STOPPING SIGN AT THE INTERSECTION OF HOLMES STREET AND AVOCA STREET, MAROUBRA. (F2005/00172 xr F2005/00305)

48 *RESOLUTION: (Belleli/Notley-Smith) that the tabled petition be received and noted.*

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

12. MOTIONS PURSUANT TO NOTICE.

12.1 NOTICE OF RESCISSION MOTION BY COUNCILLORS BASTIC, PROCOPIADIS & SULLIVAN –ORDINARY COUNCIL MEETING – 13TH DECEMBER, 2005 – ITEM 7.4 – GENERAL MANAGER’S REPORT 64/2005 - REVIEW - DES RENFORD AQUATIC CENTRE. (F2005/00920)

This notice was withdrawn with the consent of Council.

12.2 MOTION BY COUNCILLOR PROCOPIADIS – COASTAL COUNCILS MEETING. (F2004/07898 XR F2005/00171)

49 **RESOLUTION: (Andrews/Nash)** that the matter be referred to the Sydney Coastal Councils Committee & ask our delegates to support a representation by the aerial patrol company.

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

12.3 MOTION BY COUNCILLOR BASTIC – CODE OF MEETING PRACTICE. (F2004/06570 XR F2005/00171)

This matter was withdrawn with the consent of Council.

12.4 MOTION BY COUNCILLOR SULLIVAN – CLOVELLY BEACH RESIDENT PARKING SCHEME. (F2004/08439 XR F2005/00171)

50 **RESOLUTION: (Matson/Woodsmith)** that Council:

1. *not proceed with the door knocking program proposed by the Deputy Mayor;*
2. *extend the decision time on the proposed Clovelly Resident’s Preferred Parking Scheme by a period of four months and then place it on public exhibition;*
3. *amend the proposed Clovelly Resident’s Preferred Parking Scheme by adopting an abbreviated scheme derived from suggestions made to the Mayor from the Precinct Committee, consisting of timed zone permit parking in the lower end of Clovelly Road, some of which will be permit holders exempt, near commercial outlets including the Clovelly Hotel; and timed zone permit parking along one side of Melrose Parade to discourage hotel patrons using Melrose Parade balanced by non-timed spaces on the other side to cater to visitors;*
4. *distribute to the Clovelly community the following information:*
 - a) *a detailed map showing intended streets and the intended times zones/length of time/periods of the year; the cost and process of obtaining a permit (number of households);*
 - b) *criteria for obtaining a permit/s; availability and cost of visitors permits; and*
 - c) *how visitors and non-resident family members will be affected by the time zoned scheme.*

5. *forward the following suggestions from the Clovelly Precinct Committee to the Traffic Committee for consideration:*
- a) *Extend the car park to the grassed area in Victory Street, this could add an additional 50-70 car spaces;*
 - b) *Angle parking to 2 sides of the grassed area at the lower end of Melrose Parade;*
 - c) *Allow parking on lower part of Donnellan Circuit on one or both sides of the median strip and possibly a pedestrian barrier on the median strip to ensure pedestrian safety;*
 - d) *Angle parking in Eastbourne Avenue adjacent to 42-44 Eastbourne;*
 - e) *Investigate increasing parking spaces along Surfside Avenue on the upper verge of the footpath;*
 - f) *Angle parking along Boundary Street on the cemetery side of the road if this is not the domain of Waverley Council;*
 - g) *Re-claim some of the footpath along the southern side of Surfside Avenue to add additional parking spots and landscaping;*
 - h) *Investigating making Surfside Avenue a one-way street and having parking along both sides;*
 - i) *Formalise and maximise the parking spaces in the area at the back of the grassed area of the beach which is accessed from Donnellan Circuit; and*
6. *authorise the Deputy Mayor to meet the Clovelly Precinct Committee to discuss the request from Andrew and Karen Finch on the need for timed parking restrictions in Surfside Avenue.*

MOTION: (Andrews/White) that Council hold a public meeting in four months time in conjunction with the Clovelly Precinct Committee, with Council staff in attendance, at the Clovelly Surf Club to consult and hear from the Clovelly residents about Council's proposal for a resident parking scheme.

AMENDMENT:(Matson/Woodsmith) CARRIED & BECAME THE MOTION. MOTION CARRIED – SEE RESOLUTION.

AMENDMENT: (Tracey/White) that conditions 5 and 6 be deleted. **LOST.**

12.5 MOTION BY COUNCILLORS BASTIC & SULLIVAN – STA LAND. (F2005/03238 XR F2005/00171)

- 51 **RESOLUTION: (Notley-Smith/Matson)** that a full and detailed report be brought before the Council on the status of discussions between the developer of the former STA land at Doncaster Avenue and the Council.

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

12.6 MOTION BY COUNCILLOR MATSON – RESPONSE TO DEPARTMENT OF LOCAL GOVERNMENT ADVICE ON PAVILION CAFÉ TENDER. (F2004/06569 XR F2005/00198 XR F2005/00171)

- 52 **RESOLUTION: (Matson/Woodsmith)** that Council notes the recent advice received from the Department of Local Government concerning the Pavilion Café tender and resolves to

refer Councillor Andrews to the Conduct Committee for failing to declare a conflict of interest during the debate on the tender applications.

MOTION: (Matson/Woodsmith) CARRIED – SEE RESOLUTION.

12.7 MOTION BY COUNCILLOR MATSON – MANAGEMENT OF WYLIES BATHS BY WYLIES BATHS TRUST INC. (F2004/07490XR F2005/00171)

Note: Cr Bastic declared a non-pecuniary interest in this item and left the chamber, taking no part in discussion of and voting thereon.

53 **RESOLUTION: (Matson/Woodsmith) that Council:**

- a) *resolves to write to the Wylies Baths Trust Inc. informing them of Council's dissatisfaction with the Trust's practice of making donations to other institutions and groups;*
- b) *will consider in the next budget cutting back Council's yearly funding of Wylies Baths Trust Inc. by a sum equivalent to the donations; and*
- c) *will consider in the next budget donating an equivalent amount directly to the institutions and groups currently being funded by Wylies Baths Trust Inc.*

MOTION: (Matson/Woodsmith) CARRIED – SEE RESOLUTION.

13. URGENT BUSINESS.

Nil.

14. CONFIDENTIAL REPORTS.

14.1 CONFIDENTIAL DIRECTOR, CITY SERVICES' REPORT 9/2006 - COOGEE BEACH TOILET BLOCK REFURBISHMENT TENDER NO T049/05. (F2005/00788)

54 **RESOLUTION: (Notley-Smith/Andrews) that this matter be referred to the Health, Building & Planning Committee.**

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

14.2 CONFIDENTIAL DIRECTOR, CITY SERVICES' REPORT 10/2006 - GALVIN AND FERGUSON STREET, MAROUBRA. ROAD PAVEMENT, KERB AND GUTTER AND DRAINAGE CONSTRUCTION TENDER NO T048/05 (F2004/008216)

55 **RESOLUTION: (Notley-Smith/Andrews) that:**

1. *the tender from Kingston Industries Pty Ltd for Galvin Street & Ferguson Street, Road Pavement, Kerb & Gutter and Drainage Works (T048/05) be accepted and that Council enter into a Contract under Clause 19 of the Local Government (Tendering) Regulation 1999;*

2. *authority be granted for the General Manager in conjunction with the Mayor, to sign and affix Councils Common Seal to the contract with the recommended tenderer for Galvin Street & Ferguson Street, Road Pavement, Kerb & Gutter and Drainage Works T048/05;*
3. *the unsuccessful tenderers are notified of the Tender result.*

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

15. COMMITTEE-OF-THE-WHOLE.

Nil.

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

Nil.

17. NOTICE OF RESCISSION MOTIONS.

A notice of rescission motion on Item 9.1, Director, Governance & Financial Services' Report 5/2006 - Code of Conduct and related policies was submitted to the General Manager at 9.35 a.m on 1st March, 2006 by Crs Bastic, Daley & White and will be considered at the next Ordinary Council Meeting on 28th March, 2006.

There being no further business, His Worship the Mayor, Cr T. Seng, declared the meeting closed at 9.38 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 MARACH, 2006.

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CHAIRPERSON