

**MINUTES OF ORDINARY COUNCIL MEETING OF
THE COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY 22ND AUGUST 2006 AT 6:11 P.M.**

PRESENT:

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

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

North Ward	-	Crs J. Kenny, P. Tracey & M. Woodsmith
South Ward	-	Crs R. Belleli, M. Daley (from 8.02 pm) & A. White
East Ward	-	Cr B. Notley-Smith & D. Sullivan
West Ward	-	Crs B. Hughes, S. Nash & J. Procopiadis
Central Ward	-	Crs A. Andrews & C. Bastic

OFFICERS PRESENT:

General Manager	Mr. R. Brownlee.
Director, City Services	Mr. J. Frangoples.
Director, City Planning	Ms. S. Truuvvert.
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, Corporate & Financial Planning	Ms. A. Singh.
Manager, Organisational Policy & Performance	Ms. K. Walshaw.

1. COUNCIL PRAYER

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

2. APOLOGIES.

Nil.

3. MINUTES

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY, 25TH JULY, 2006.**

221 **RESOLUTION:** *(Belleli/Andrews) that the Minutes of the Ordinary Council Meeting held on Tuesday, 25th July, 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. DECLARATIONS OF PECUNIARY & NON-PECUNIARY INTERESTS.

- (a) Cr Matson declared a non-pecuniary interest in Mayoral Minute 58/2006 as his daughter attends Coogee Public School.
- (b) Cr Belleli declared a non pecuniary interest in Mayoral Minutes 56/2006 and 57/2006 as both he and his wife have provided free entertainment to both groups in question.
- (c) Cr Sullivan declared a non pecuniary interest in Mayoral Minute 56/2006 as he is the patron of Des Renford Chair of Heart Research.

5. ADDRESSES TO THE COUNCIL BY THE PUBLIC.

ITEM 9.6 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 56/2006 - EARTHWATCH FELLOWSHIPS.

For Mr John Eather 25 Elsemere Street Kensington

ITEM 10.2 DIRECTOR, CITY PLANNING REPORT 72/2006 - 28 MARCEL AVENUE, RANDWICK.

Objector Mrs Erica Rink 2/24 Gardyne Street, Bronte

ITEM 11.7 MOTION BY COUNCILLOR ANDREWS – KERB & GUTTERING (GLANFIELD STREET, MAROUBRA).

For Mr Norman Bible 62 Glanfield Street, Maroubra

The meeting was adjourned at 6.25 p.m. and was resumed at 6.44 p.m.

RESOLVED: (PROCEDURAL MOTION) (Andrews/Notley-Smith) that Items 9.6, 10.2 and 12.7 be brought forward for debate immediately after the mayoral minutes.

6. MAYORAL MINUTES.

6.1 MAYOR'S MINUTE 56/2006 - DES RENFORD CHAIR OF HEART RESEARCH SWIM CHALLENGE AND CHARITY DAY - USE OF DES RENFORD AQUATIC CENTRE. (F2004/06639)

(Note: Crs Belleli and Sullivan had previously declared a non pecuniary interest in this matter and left the chamber, taking no part in discussion of and voting thereon.)

222 **RESOLUTION: (His Worship the Mayor, Cr. T. Seng)** that Council vote \$5,700.00 to cover the costs associated with Council's contribution towards the organising and staging of the Des Renford Family Day and Swim Challenge to be held on Sunday 29 October, 2006 for the purpose of raising money for the Victor Change Cardiac Foundation and that this be funded from the Contingency Fund 2006/2007.

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

6.2 MAYOR'S MINUTE 57/2006 - MAROUBRA CHAMBER OF COMMERCE - WAIVING OF FEES FOR FUN RUN/OKTOBERFEST AND MARKET DAY. (F2004/08114)

(Note: Cr Belleli had previously declared a non pecuniary interest in this matter and left the chamber, taking no part in discussion of and voting thereon.)

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

- (a) *Council vote \$4,741.75 to cover the costs associated with Council's contribution towards the organising of the Maroubra Fun Run, Oktoberfest and Market Day to be held on Sunday 22nd October, 2006, and that these funds be allocated from the 2006/2007 Contingency Fund;*
- (b) *Council advise the organisers of the Maroubra Fun Run, Oktoberfest and Market Day, that Council be given adequate and appropriate acknowledgement for its contribution to the running of this event. Such acknowledgement to include Council's logo for inclusion on promotional literature and Council's banner be displayed at the event; and*
- (c) *the organisers be advised that Council requires an acceptance in writing that should Council property be damaged in any way the organisers of the event will compensate Council for the repair or replacement of the damaged item(s).*

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

6.3 MAYOR'S MINUTE 58/2006 - DONATION OF PLANTS - COOGEE PUBLIC SCHOOL. (F2004/07430)

(Note: Cr Matson had previously declared a non pecuniary interest in this matter and left the chamber, taking no part in discussion of and voting thereon.)

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

- a) *Council donate \$500.00 worth of plants to the Coogee Public School; and*
- b) *this amount be funded from the Council's 2006/07 Contingency Fund.*

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

6.4 MAYOR'S MINUTE 59/2006 - REQUEST FOR FINANCIAL ASSISTANCE - EASTERN SUBURBS BUSINESS ENTERPRISE CENTRE & RANDWICK CITY COMBINED CHAMBERS OF COMMERCE. (F2006/0000)

225 **RESOLUTION:** (*His Worship the Mayor, Cr. T. Seng*) that Council provide up to \$1,200.00 in financial assistance from the Council Contingency Fund towards the production of two (2) joint banner displays for use at business related functions throughout the Randwick City area.

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

6.5 MAYOR'S MINUTE 60/2006 – INVITATION TO ATTEND SISTER CITIES CONFERENCE. (F2005/00294)

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

- a) *the invitation from the Mayor of Devonport for any interested Councillors to attend the Australian Sister Cities Association National Conference be accepted; and*
- b) *any interested councillors advise the General Manager as soon as possible for registration purposes.*

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

6.6 MAYOR'S MINUTE 61/2006 – INTERNATIONAL AWARDS FOR LIVEABLE COMMUNITIES - LIVCOM – 2006. (F2004/07719)

227 **RESOLUTION:** (*His Worship the Mayor, Cr. T. Seng*) that Council note this report and endorse Randwick City's attendance at the International Liveable Cities Conference in Hangzhou in November 2006.

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

6.7 MAYOR'S MINUTE 62/2006 – REPORT FROM OUTGOING MAYOR ON HIS TERM IN OFFICE. (F2004/06576)

228 **RESOLUTION:** (*His Worship the Mayor, Cr. T. Seng*) that the Mayor's report back to the Council on his term in office be received and noted.

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

Note: Items 9.6, 10.2 and 12.7 were brought forward for debate at this stage of the meeting.

7. GENERAL MANAGERS' REPORTS.

7.1 GENERAL MANAGER'S REPORT 26/2006 - JUNE 2006 QTR REVIEW - MANAGEMENT PLAN 2005/08. (F2005/00380)

229 **RESOLUTION:** (*Notley-Smith/Bastic*) that the information contained in the report of the June 2006 Quarterly Review – 2005/08 Management Plan is received and noted.

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

7.2 GENERAL MANAGER'S REPORT 27/2006 - PROCEDURAL FAIRNESS IN RESPONDING TO AGENCY REQUESTS. (F2004/06569)

230 **RESOLUTION:** (*Notley-Smith/Bastic*) that the report be received and noted.

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

7.3 GENERAL MANAGER'S REPORT 28/2006 - AFFIXING OF THE COUNCIL SEAL. (F2004/07367)

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

1. *Mr Sharif Faragalla (T/As Vinnys Woodfire Pizza) in relation to a licence for the purpose of outdoor dining at 1-3 Maroubra Road, Maroubra.*
2. *Deruli Pty Ltd in relation to a residential lease agreement over a one bedroom unit at 1/32 Belmore Road, Randwick.*
3. *Tracy McKeown (T/As Salt & Lemon) in relation to a licence for the purpose of outdoor dining at 76 Clovelly Road, Clovelly.*
4. *Angela & Jim Geras (T/As Cheeky Chook) in relation to a licence for the purpose of outdoor dining at 315 Malabar Road, Maroubra.*
5. *Paul Rattansay (T/As Coogee Plate Café) in relation to a licence for the purpose of outdoor dining at 209B Coogee Bay Road, Coogee.*
6. *A residential tenant in relation to a residential lease over Unit 4/32 Belmore Road, Randwick.*
7. *The Sunnyfield Association in relation to a licence for the use of office space at Suite 1, Office 2, Level 3, HACC Facility, Bowen Library, 669-673 Anzac Parade, Maroubra Junction.*

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

7.4 GENERAL MANAGER'S REPORT 29/2006 - CRIME PREVENTION PARTNERSHIP. (F2004/07501)

(Note: Cr Procopiadis left the chamber at this point in the meeting, the time being 7.24 pm.)

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

- a) *the report be received and noted;*
- b) *Council endorse the following;*
 - i. *Introduction of a trial secured services taxi rank on the eastern side of Arden Street, Council to make the necessary request to the State Government and NSW Taxis asking for a trial of this secure Taxi Rank to service the Coogee beachfront from 10.30pm to 5.00am on Friday & Saturday evenings and to seek letters of support from the Police, Liquor Accord, Coogee Precinct Committee and interested residents;*
 - ii. *Not to re-open the public toilets in Goldstein Reserve in order to avoid antisocial behaviour;*
 - iii. *write to the Local Area Commander seeking his consent to the employment of user pay policing in the Coogee Basin to work alongside Council rangers in order to deal with antisocial behaviour that may occur during the summer months;*
 - iv. *Change the alcohol free zones to alcohol prohibited zones, giving police the power to issue substantial fines to offenders; and*
- c) *Council establish a working party with Police, Liquor Accord and residents to formulate a Policy for the Code of Respect.*

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

AMENDMENT:(Sullivan/Andrews) that Council pays for user pay policing and have two trained security patrols working with the NSW Police to deal with antisocial behaviour in the Coogee area. **LOST.**

8. DIRECTOR, CITY SERVICES' REPORTS.

8.1 DIRECTOR, CITY SERVICES' REPORT 60/2006 - TENDER FOR DRY WASTE RECOVERY AND DISPOSAL. (F2005/00435)

233 **RESOLUTION: (Notley-Smith/Bastic) that Council:**

- a) *under Regulation 178(1)(b) of the Local Government (General) Regulation 2005 decline to accept any of the tenders;*
- b) *under Regulation 178(3)(b) of the Local Government (General) Regulation 2005 Council authorise the General Manager to call for fresh tenders for the disposal of dry waste.*

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

8.2 DIRECTOR, CITY SERVICES' REPORT 61/2006 - FEASIBILITY INTO THE INSTALLATION OF CCTV CAMERAS AT COOGEE. (F2004/08007)

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

- (a) *Council liaise with the Local Area Command to determine an appropriate scope for this project together with numbers and locations for CCTV cameras;*
- (b) *Council invite the Local Area Command to enter into a partner program in relation to this project;*
- (c) *following determination of the scope of the project, a more detailed costing plan be prepared for Council's consideration; and*
- (d) *Council agree in principle to proceed with the project subject to the matters outlined above and a community consultation exercise be undertaken to ascertain the community's acceptance or otherwise for this proposal prior to implementation.*

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

9. DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORTS.

9.1 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 51/2006 - AMENDMENTS TO THE LOCAL GOVERNMENT ACT 1993. (F2004/07403)

235 **RESOLUTION: (Notley-Smith/Bastic) that the report be received and noted.**

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

9.2 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 52/2006 - AUTHORITY TO ENTER INTO A LICENCE AGREEMENT AND AFFIXING OF THE COUNCIL SEAL. (F2004/07367)

236 **RESOLUTION:** *(Notley-Smith/Bastic)* that authority is granted to enter into two licence agreements with the Randwick Rugby Club for the Jeff Sayle Pavilion and the old Changeroom building located within Latham Park and Council's Common Seal to be affixed to the agreements.

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

9.3 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 53/2006 - LOCAL GOVERNMENT ASSOCIATION OF NSW - 2006 ANNUAL CONFERENCE. (F2004/06645)

Note: A rescission motion on this matter was handed to the General Manager at the conclusion of the meeting.

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

- a) *Crs Matson, Notley-Smith, Seng, Tracey and Woodsmith be nominated as delegates to attend the Local Government Association's Conference in Leura in October 2006;*
- b) *Crs Belleli, Hughes, Nash, Procopiadis and Sullivan be nominated as alternate delegates to attend the conference; and*
- c) *Other interested Councillors attend the conference in the capacity of observers.*

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

9.4 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 54/2006 - CONFLICT OF INTEREST GUIDELINES. (F2004/07864)

238 **RESOLUTION:** *(Notley-Smith/Bastic)* that the Conflict of Interest Guidelines (as distributed) be adopted.

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

9.5 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 55/2006 - GENERAL PURPOSE FINANCIAL REPORTS 2005/2006. (F2004/08339)

239 **RESOLUTION:** *(Sullivan/Nash)* that:

1. *the General Purpose Financial Reports for the year ended 30 June 2006 be adopted as per Attachment 1 to this report;*
2. *the Recurrent and Capital Carryovers be adopted as per Attachment 2 to this report;*
3. *in relation to the statements required in accordance with Section 413(2)(c) of the Local Government Act 1993:*
 - a) *Council resolve that in its opinion the general purpose financial reports and*

the special purpose financial reports for the year ended 30 June 2006 and special schedules are properly drawn up in accordance with the provisions of the Local Government Act 1993 and the Regulations there under;

- b) the statements be approved and signed by the Mayor, another Councillor, the General Manager and the Responsible Accounting Officer;*
- 4. the financial reports be referred to Council's Auditors for audit;*
- 5. arrangements be made to place copies of the audited financial reports on public exhibition and the necessary advertisements be published;*
- 6. copies of the audited financial reports be forwarded to the Department of Local Government; and*
- 7. the audited financial reports be presented at a meeting of council to be held on 26 September 2006 in accordance with Section 418 of the Local Government Act, 1993.*

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

9.6 DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT 56/2006 - EARTHWATCH FELLOWSHIPS. (F2004/08357)

- 240 **RESOLUTION: (Notley-Smith/Bastic)** that Council undertake two Earthwatch Fellowship sponsorships, funding for the project to come from the 2007/08 budget.

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

10. DIRECTOR, CITY PLANNING REPORTS.

10.1 DIRECTOR, CITY PLANNING REPORT 71/2006 - 7 CANBERRA STREET, RANDWICK. (DA/457/2006 & PROP 049699)

- 241 **RESOLUTION: (White/Daley)** 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.4579/06 for permission to use the premises for remedial massage, naturopathy, herbal medicine and nutrition advice at 7 Canberra Street Randwick subject to the following conditions: -

- 1. The development must be implemented substantially in accordance with the plans and statement received by Council on the 19th June 2006, 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 hours of operation are restricted to:-*

*Monday to Friday: 7.30am to 9.00pm
Saturday 8.30am to 7.00pm*

Sunday

11.00am to 2.30pm

3. *The massage services are restricted to remedial massage. The premises must not be used for the purpose of a brothel and in this regard, no sexual services are to be offered in association with the massage service.*
4. *The maximum number of employees operating from the subject premises must be restricted to 3 and their relevant remedial and therapeutic massage qualifications are to be provided to Council. Council will keep a record of the employee and their relevant qualifications, and at no time are the employees to vary without first notifying Council.*

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

5. *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.

The following conditions have been applied to ensure that noise emissions from the development satisfy legislative requirements and maintain reasonable levels of amenity to the area:

6. *The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.*

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background (L_{A90}), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as a $L_{Aeq, 15 min}$ and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

7. *The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises.*

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

AMENDMENT: (Andrews/Nil) that the hours of operation be restricted to 7.00pm.

LAPSED FOR WANT OF A SECONDER.

10.2 DIRECTOR, CITY PLANNING REPORT 72/2006 - 28 MARCEL AVENUE, RANDWICK. (DA/25/2006 & PROP 051763)

242 **RESOLUTION: (Woodsmith/Kenny) that Council as the consent authority, refuse development consent under Section 80 and 80A of the Environmental Planning and**

This is Page No. 9 of the Minutes of the Ordinary Council Meeting held on Tuesday, 22nd August, 2006.

Assessment Act 1979 (as amended) to Development Application No.25/06 for permission to replace the balustrade and install a planter box to the roof of the garage at 28 Marcel Avenue Randwick for the following reasons;

1. *The proposed development does not satisfy the objectives of the Randwick Local Environmental Plan 1998 in that the proposal will compromise the amenity of the surrounding residents and is not compatible with the dominant character of the existing development;*
2. *The proposal does not comply with the objectives and performance requirements of the Visual and Acoustic Privacy section of the DCP - Dwellings Houses and Attached Dual Occupancies;*
3. *The proposal will be visually obtrusive in the local streetscape and will detract from the character of the existing streetscape; and*
4. *The proposal does not comply with Clause 46 of Randwick LEP 1988 in that the proposal will increase the dominance of the existing garage structure in the streetscape of Marcel Avenue and will detract from the significance of the adjoining Moira Crescent Conservation Area.*

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

11. PETITIONS.

11.1 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR ON BEHALF OF RESIDENTS OF TUNSTALL AVENUE OBJECTING TO THE INSTALLATION OF "NO STOPPING" SIGNS. (F2005/00172 xr F2004/07433 xr F2006/00254)

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

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

11.2 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR ON BEHALF OF RESIDENTS OF TUNSTALL AVENUE OBJECTING TO THE INSTALLATION OF PARKING BAYS. (F2005/00172 xr F2006/00402)

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

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

12. MOTIONS PURSUANT TO NOTICE.

12.1 NOTICE OF RESCISSION MOTION BY COUNCILLORS ANDREWS, BASTIC, TRACEY - WORKS COMMITTEE MEETING, 8TH AUGUST, 2006 - ITEM 5.1, DIRECTOR, CITY SERVICES' REPORT 57/2006 - FEASIBILITY OF CONSTRUCTION OF A SKATE PARK AT OR NEAR LA PEROUSE OR YARRA BAY AND INVESTIGATION OF THE CONSTRUCTION OF A REMOTE CONTROL RACING CAR DIRT TRACK IN LA PEROUSE. (F2004/07601)

This motion was withdrawn with the consent of Council.

12.2 MOTION BY COUNCILLOR WOODSMITH – ELIGIBILITY TO STAND FOR ELECTION TO COUNCIL. (F2005/00518 XR F2005/00171)

245 **RESOLUTION:** *(Woodsmith/Hughes) that:*

- (a) as public confidence is important and it is inappropriate for a financial link to exist between developers and decision makers in local government, the State Government be urged to enact legislation to prohibit real estate agents and developers from standing for election to councils; and*
- (b) this motion be sent to the Local Government & Shires Associations for inclusion on the agenda at the annual conference.*

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

12.3 MOTION BY COUNCILLOR WOODSMITH – DECLARATION OF INTERESTS BY COUNCILLORS. (F2004/06573 XR F2005/00171)

246 **RESOLUTION:** *(Woodsmith/Hughes) that:*

- a) Councillors who accept donations and whose political organisations accept donations from developers for their election campaigns, be required to declare an interest in all issues that come before council that involve these developers; and*
- b) this motion be sent to the Local Government & Shires Associations for inclusion on the agenda at the annual conference.*

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

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

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

12.4 MOTION BY COUNCILLOR ANDREWS – PEDESTRIAN & CYCLEWAY ALONG BUNNERONG ROAD (SHIRLEY CRESCENT MATRAVILLE TO ANZAC PARADE LITTLE BAY). (F2004/00880 XR F2005/00171)

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

- (a) *Council consider in the 2007/08 budget funding a combined pedestrian/cycleway along Bunnerong Road, between the intersections of Shirley Crescent, Matraville to Anzac Parade, Little Bay, including but not limited kerb and guttering and landscaping; and*
- (b) *the pro-biking organisation Bikeast be consulted for its views on this proposal.*

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

12.5 MOTION BY COUNCILLOR ANDREWS – RESURFACING OF MOVERLY ROAD (BETWEEN LOCH MARIE & BYRNE CRESCENTS, MAROUBRA). (F2004/00755 XR F2005/00171)

248 **RESOLUTION: (Andrews/Tracey) that Council consider in the 2007/08 budget funding the road re-surfacing of the entire surface of Moverly Road between the intersections of Loch Marie & Byrne Crescents, Maroubra.**

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

12.6 MOTION BY COUNCILLOR ANDREWS – INSTALLATION OF A FURTHER SLIP LANE AT THE INTERSECTION OF ANZAC PARADE & AVOCA STREET. (F2004/07377 XR F2004/06108 XR F2005/00171)

249 **RESOLUTION: (Andrews/Sullivan) that Council request the Traffic Committee to consider the installation of a further slip lane at the intersection of Anzac Parade and Avoca Street for vehicles turning right into Avoca Street from Anzac Parade heading northbound, noting the present situation where one lane becomes two lanes.**

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

12.7 MOTION BY COUNCILLOR ANDREWS – KERB & GUTTERING (GLANFIELD STREET, MAROUBRA). (F2004/06115 XR F2005/00171)

250 **RESOLUTION: (Andrews/Notley-Smith) that the Council consider in the 2007/08 Budget, kerb and guttering for Glandfield Street, Maroubra between the intersections of Hannon and Royal Streets.**

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

12.8 MOTION BY COUNCILLOR MATSON – MAROUBRA BY-ELECTION - REFERRAL OF MISUSE OF COUNCIL RESOURCES TO THE ICAC. (F2004/06569 XR F2005/00171)

251 **RESOLUTION: (Woodsmith/Tracey) that this matter be deferred for further consideration by all councillors.**

MOTION: (Matson/Nash) that Council views the production by Council staff of a how-to-vote card for Councillor Bastic's personal use in the Labor Party's pre-selection process for the Maroubra by-election to be an unacceptable misuse of Council resources and resolves to

refer the matter and all documentation held on it to the ICAC and the Department of Local Government.

AMENDMENT: (Woodsmith/Tracey) CARRIED – SEE RESOLUTION.

12.9 MOTION BY COUNCILLOR MATSON – COUNCIL SPONSORSHIP FOR ANNUAL SBAR FUNDRAISING EVENT. (F2004/07079 XR F2005/00171)

Note: A rescission motion on this matter was handed to the General Manager prior to the conclusion of the meeting.

252 **RESOLUTION: (Matson/Woodsmith) that:**

- a) *Council allocate \$3,000.00 from this year's contingency fund to sponsor the next SBAR event;*
- b) *Council write letters of support on SBAR's behalf to key stakeholders such as local Members of Parliament, South Maroubra Surf Club and the Traffic Committee to ensure that the event is another great success;*
- c) *this event be recognised as an annual event and be financially supported by Council; and*
- d) *Council inform the Centennial & Moore Park Trust authority that it supports the Children's Cancer Institute's request to host a sausage sizzle at the beginning of the SBAR event.*

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

AMENDMENT: (Sullivan/Daley) that this matter be deferred for further information on the event to be provided to all councillors. **LOST.**

13. URGENT BUSINESS.

Nil.

14. CONFIDENTIAL REPORTS.

14.1 CONFIDENTIAL DIRECTOR, CITY SERVICES' REPORT 62/2006 - TENDER FOR ARCADIA ST DRAINAGE WORKS T15/06. (F2006/00363)

253 **RESOLUTION: (Notley-Smith/Bastic) that:**

- a) *Council accepts the tender offered by Hughes Group P/L at a lump sum price of \$221,010.00 to carry out the Arcadia Street Drainage Works; and*
- b) *\$91,010.00 be reallocated from Council's reserve funding for the Arcadia Street drainage works; and*
- c) *delegates the General Manager authority to sign a contract with Hughes Group P/L to carry out the work.*

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

14.2 CONFIDENTIAL DIRECTOR, CITY SERVICES' REPORT 63/2006 - TENDER REPORT T14/2006 - MAROUBRA BEACH PAVILION ROOF RESTORATION. (F2006/00353)

254 **RESOLUTION: (Notley-Smith/Bastic) that:**

- a) *all tenders be rejected and, due to the need to fix the leaking sections of the roof, Council enter into negotiations with suitably qualified persons to carry out repair work to the critical parts of the roof only; and*
- b) *the unsuccessful tenderer be advised.*

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

14.3 CONFIDENTIAL DIRECTOR, CITY SERVICES' REPORT 64/2006 - YARRA BAY CLOSED LANDFILL REMEDIATION TENDER REPORT. (F2005/00886)

255 **RESOLUTION: (Notley-Smith/Bastic) that Council:**

- a) *accepts the tender offered by Kelly and Shepherd P/L at a lump sum price of \$2,099,389.30 to carry out the Yarra Bay closed landfill remediation and landscaping; and*
- b) *delegates the General Manager authority to sign a contract with Kelly and Shepherd P/L to carry out the work.*

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

14.4 CONFIDENTIAL MAYOR'S MINUTE 63/2006 – GENERAL MANAGER'S PERFORMANCE REVIEW. (PERSONNEL)

256 **RESOLUTION: (Notley-Smith/Kenny) that**

- (a) *Council receive and note the General Manager's Performance Review;*
- (b) *Council determine the representatives on the Committee for the General Manager's Performance Review for 2006 at the extraordinary council meeting to be held on 19th September 2006; and*
- (c) *Based on the General Manager's Performance Review committee evaluation of the more than satisfactory performance of the General Manager and the contractual obligations between Council and the General Manager, that the General Manager's total remuneration package be increased by the amount determined by the Remuneration Tribunal for the State Executive Service effective on the 6 October, 2006.*

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

15. NOTICE OF RESCISSION MOTIONS.

- (a) A rescission motion on Item 12.9, Motion by Councillor Matson – Council Sponsorship for Annual SBAR Fundraising Event, was handed to the General Manager prior to the conclusion of the meeting and will be considered at the next Extra Ordinary Council meeting on 31st August, 2006.
- (b) A rescission motion on Item 9.3, Director, Governance & Financial Services' Report 53/2006 - Local Government Association of NSW - 2006 Annual Conference, was handed to the General Manager at the conclusion of the meeting and will be considered at the next Extra Ordinary Council meeting on 31st August, 2006.

There being no further business, His Worship the Mayor, Cr T. Seng, declared the meeting closed at 9.40 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 26TH SEPTEMBER, 2006.

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CHAIRPERSON