

**MINUTES OF ORDINARY COUNCIL MEETING OF THE
COUNCIL OF THE CITY OF RANDWICK
HELD ON TUESDAY, 29TH APRIL, 2003 AT 6.22 P.M.**

PRESENT:

His Worship the Mayor, Cr D. Sullivan (North Ward) (Chairperson)

Councillor M. Daley (South Ward) (Deputy Mayor)

North Ward	-	Crs J. Greenwood and P. Tracey
South Ward	-	Crs C. Matthews and A. White
East Ward	-	Cr B. Notley-Smith and M. Matson
West Ward	-	Cr M. Whitehead and J.Procopiadis
Central Ward	-	Crs C. Bastic, T. Seng and A. Andrews

OFFICERS PRESENT:

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

1. COUNCIL PRAYER

The Council Prayer was read by His Worship the Mayor, Cr D. Sullivan.

2. APOLOGIES.

Apologies were received from Crs Backes and Schick.

RESOLVED: (Andrews/Daley) that the apologies be received and accepted and leave of absence be granted to Crs Backes and Schick from the Ordinary Council Meeting held on Tuesday, 29th April, 2003.

3. MINUTES

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY, 25TH MARCH, 2003.**

- 80 **RESOLUTION: (Daley/Andrews)** that the Minutes of the Ordinary Council Meeting held on Tuesday, 25th March, 2003 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

CONFIRMATION OF THE MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON TUESDAY, 27TH MARCH, 2003.

- 81 **RESOLUTION: (Daley/Bastic)** that the Minutes of the Extraordinary Council Meeting held on Tuesday, 27th March, 2003 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

CONFIRMATION OF THE MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON WEDNESDAY, 16TH APRIL, 2003.

- 82 **RESOLUTION: (Andrews/White)** that the Minutes of the Extraordinary Council Meeting held on Wednesday, 16th April, 2003 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

RESOLVED: (His Worship the Mayor, Cr D. Sullivan/Daley) that the meeting be adjourned at 6.24 p.m. to permit members of the public entitled and wishing to address the assembled Councillors.

4. ADDRESSES TO THE COUNCIL BY THE PUBLIC.

1. Mr Greg Talbot, 7 Fenton Avenue, Maroubra on Item 8.2, Director Planning & Community Development's Report 28/2003 - 11-13 Fenton Avenue, Maroubra.
2. Mr Peter Reid, 216 Marine Parade, Maroubra on Item 8.2, Director Planning & Community Development's Report 28/2003 - 11-13 Fenton Avenue, Maroubra.

The meeting was resumed at 6.28 p.m.

RESOLVED: (PROCEDURAL MOTION) (Daley/White) that Item 8.2, Director Planning & Community Development's Report 28/2003 - 11-13 Fenton Avenue, Maroubra be dealt with at this stage of the meeting.

5. MAYORAL MINUTES.

5.1 MAYOR'S MINUTE 21/2003 - FESTIVAL OF THE SAILS 2003 - USE OF FRENCHMANS BAY. (98/S/1617)

- 83 **RESOLUTION: (His Worship the Mayor, Cr D. Sullivan)** that Council vote \$533.80 to cover the fees associated with the Festival to be held on Saturday 26 April and Sunday 27 April, 2003, at Frenchmans Bay and that funds be allocated from the Councillors' Bids Vote for 2002/03, and, further, that the "Festival of the Sails 2002' organisers undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the Festival.

MOTION: (His Worship the Mayor, Cr D. Sullivan) SEE RESOLUTION.

5.2 MAYOR'S MINUTE 22/2003 - MARCELLIN COLLEGE - USE OF COUNCIL DAIS AND BANNER INSTALLATION. (98/S/2311)

84 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan)* that Council vote \$1,500 to cover the cost of the installation and removal of the dais and banner for the Marcellin Annual Fete to be held on Saturday 25 May, 2003 and that funds be allocated from the Councillors' Bids Vote for 2002/03, and also that the fete organisers undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event.

MOTION: (His Worship the Mayor, Cr D. Sullivan) SEE RESOLUTION.

5.3 MAYOR'S MINUTE 23/2003 - BEACH TO BUSH DROUGHT APPEAL HELD IN JANUARY, 2003 - REQUEST TO WAIVE FEES. (98/S/3851)

85 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan)* that Council vote \$64.70 to cover the fees associated with the event held throughout the City on Sunday 26 January, 2003, and funds be allocated from the Councillors' Bids Vote for 2003.

MOTION: (His Worship the Mayor, Cr D. Sullivan) SEE RESOLUTION.

5.4 MAYOR'S MINUTE 24/2003 - AUSTRALIAN NATIONAL SPORTFISHING ASSOCIATION INC NSW - ANGEL RING PROJECT. (98/S/4357)

86 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan)* that approval be given to the Australian National Sportfishing Association Inc NSW Branch to install angel ring rescue devices at the seven (7) locations selected, subject to the concurrence of the Department of Land and Water Conservation being obtained for locations under their control.

MOTION: (His Worship the Mayor, Cr D. Sullivan) SEE RESOLUTION.

5.5 MAYOR'S MINUTE 25/2003 - 2003 JESUS PRO AM (SURFING EVENT) AT MAROUBRA BEACH - REQUEST FOR WAIVING FEES. (98/S/0099)

87 **RESOLUTION:** *(His Worship the Mayor, Cr D. Sullivan)* that Council vote \$663.00 to cover the associated fees for the 2003 Jesus Pro Am Surfing Contest to be held at Maroubra Beach on 3rd and 4th May, 2003, and that funds be allocated from the Councillors' Bids Vote for 2002/03, and also that the organisers undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event.

MOTION: (His Worship the Mayor, Cr D. Sullivan) SEE RESOLUTION.

6. GENERAL MANAGERS' REPORTS.

6.1 GENERAL MANAGER'S REPORT 07/2003 - 2003/06 DRAFT MANAGEMENT PLAN & BUDGET. (98/S/0555)

88 **RESOLUTION:** *(Andrews/Bastic)* that the Draft Management Plan be placed on public exhibition for not less than 28 days, from 30 April 2003 to 29 May 2003, inviting submissions from the public and at the conclusion of the period of public exhibition a meeting of Council be held to consider any submissions made concerning the Draft Plan, and after taking into consideration such matters, as it considers relevant, Council adopt the Management Plan.

MOTION: (Andrews/Bastic) SEE RESOLUTION.

AMENDMENT: (Matson/Whitehead) that \$100 be provided to each Precinct Committee in the Management Plan. **LOST.**

6.2 GENERAL MANAGER'S REPORT 08/2003 - AFFIXING COUNCIL'S SEAL TO DOCUMENTATION. (98/S/0018)

89 **RESOLUTION: (Daley/White)** that authority is granted for the Council's Common Seal to be affixed to NSW Department of Community Services CSGP Service Specifications for Community Workers 1 & 2 and the Youth Worker positions as outlined in the report.

MOTION: (Daley/White) SEE RESOLUTION.

6.3 GENERAL MANAGER'S REPORT 09/2003 - AFFIXING OF THE COUNCIL SEAL. (98/S/1803 xr P/002151 xr P/001264 xr P/012914 xr P/000738)

90 **RESOLUTION: (Andrews/White)** that authority be granted for the Council's Common Seal to be affixed to the lease and licence agreements between Council and:

- (a) Randwick Information & Community Centre for the four (4) month Commercial Lease Agreement for the purpose of temporary accommodation during refurbishment works of Bowen Library, of an information centre, training area and consultation rooms including neighbourhood and community centre at 26-28 Waratah Avenue, Randwick;
- (b) Transcend Properties Pty Limited for a Commercial Lease Agreement for the purpose of commercial (Architectural) offices at 128 Belmore Road, Randwick;
- (c) Sandra Sostres (T/As Bluegroper Café) for the purpose of Outdoor Dining at 201 Clovelly Road, Clovelly; and
- (d) Jing Cong Xue & Mali Zhuang (T/As Le Casa De Spaghetti) for the purpose of Outdoor Dining at 190 Arden Street, Coogee.

MOTION: (Andrews/White) SEE RESOLUTION.

6.4 GENERAL MANAGER'S REPORT 10/2003 - BANK OVERDRAFT. (98/S/0038)

91 **RESOLUTION: (Daley/Procopiadis)** that application be made to the Commonwealth Bank of Australia for an overdraft facility of \$400,000 in respect of the General Fund and that it be completed under the Common Seal of the Council.

MOTION: (Daley/Procopiadis) SEE RESOLUTION.

7. DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES' REPORT.

7.1 DIRECTOR GOVERNANCE, MANAGEMENT & INFORMATION SERVICES' REPORT 10/2003 - RATES PAYMENTS AT AUSTRALIA POST. (98/S/0181)

92 **RESOLUTION: (Daley/Andrews)** that Council allow payment of Rates and Charges at Australia Post, but limited to cash, cheques and debit cards.

8. DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORTS.

**8.1 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
27/2003 - USE OF STATE ENVIRONMENTAL PLANNING POLICY (SEPP)
NO. 1 IN DEVELOPMENT APPLICATIONS - UPDATE FOR THIRD
QUARTER OF 2002/03 FINANCIAL YEAR. (98/S/3412)**

93 **RESOLUTION:** *(Bastic/Daley)* that the Council receive and note the Director Planning & Community Development's Report 27/2003.

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

**8.2 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
28/2003 - 11-13 FENTON AVENUE, MAROUBRA. (D/1105/2002)**

(Note: This item was dealt with following Addresses to the Council by the Public.)

94 **RESOLUTION:** *(Daley/Procopiadis)* that Council as the responsible authority refuse development consent under Section 80 of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 1105/2002 to demolish existing buildings, regrade land for use as a new car park for the Maroubra Seals Club at 11- 13 Fenton Avenue, Maroubra for the following reasons:

1. *The proposed use of the land as a car park would be incompatible with the residential nature of the surrounding area. In terms of its late night usage that could potentially cause noise and disturbance that is to the detriment of the amenity of the residents;*
2. *The proposed car park at this location would be detrimental to character and visual appearance of Fenton Avenue, that is residential in nature and effectively isolate No. 15 Fenton from the rest of the street;*
3. *No parking study has been provided to justify the need for additional car parking for the club. Currently there is ample on-street and off-street parking provided in the immediate vicinity of the club;*
4. *The proposal is inconsistent with the aims of the Randwick LEP 1998 in that it does not promote, protect and enhance the environmental qualities of Randwick;*
5. *The proposed car park is located within the vicinity of a 1 in 100 year flood level and could be subject to flooding and potentially put the public at risk;*
6. *The proposed car park will obstruct an existing right of way that benefits Nos. 1 -15 Fenton Avenue, 39 – 45 McKeon Street, and 194 - 202 Marine Parade;*
7. *The proposed car park layout is unsatisfactory as there is insufficient turning area for vehicles to execute a 3-point turn to exit car space No. 23;*
8. *The proposal does not satisfy the aims of the DCP for Maroubra Beach, in that the development will affect the amenity of the adjoining residential area and the use will be detrimental to character and appearance of the locality; and*

9. *The proposed development would establish an undesirable precedent and is not in the public interest.*

MOTION: (Daley/Procopiadis) SEE RESOLUTION.

A division was called for by Crs Matthews and Andrews. Voting was as follows:

For	Against
Cr Bastic	Cr Andrews
Cr Daley	Cr Matthews
Cr Greenwood	
Cr Matson	
Cr Notley-Smith	
Cr Procopiadis	
Cr Seng	
His Worship the Mayor, Cr D. Sullivan	
Cr Tracey	
Cr White	
Cr Whitehead	

**8.3 DIRECTOR PLANNING & COMMUNITY DEVELOPMENT'S REPORT
29/2003 - S94 CONTRIBUTIONS PLAN - DRAFT AMENDMENT APPLYING
TO KENSINGTON TOWN CENTRE. (98/S/2665)**

95 **RESOLUTION: (Procopiadis/Daley) that Council:**

- (a) *Endorse the public exhibition of the draft amended Section 94 Contributions Plan;*
- (b) *Agree that, should there be no submissions or required amendments as a result of this exhibition, the plan may be finalised; and*
- (c) *Agree that the Director, Planning and Community Development may make minor modifications to rectify any numerical, typographical and formatting errors if required, in the finalisation of the amended S.94 Plan.*

MOTION: (Procopiadis/Daley) SEE RESOLUTION.

9. PETITIONS.

9.1 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR D. SULLIVAN ON BEHALF OF RESIDENTS OPPOSING THE DEVELOPMENT APPLICATION FOR 11-13 FENTON AVENUE, MAROUBRA. (98/S/1173 xr D/1105/2002)

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

MOTION: (Procopiadis/Bastic) SEE RESOLUTION.

(Note: This application was dealt with at Item 8.2 on this meeting agenda.)

9.2 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR D. SULLIVAN ON BEHALF OF RESIDENTS OPPOSING THE DEVELOPMENT APPLICATION FOR 214 ANZAC PARADE AND 14 DARLING ST, KENSINGTON (98/S/1173 xr D/0195/2003)

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

MOTION: (Procopiadis/Bastic) SEE RESOLUTION.

9.3 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR D. SULLIVAN ON BEHALF OF RESIDENTS OPPOSING THE DEVELOPMENT APPLICATION FOR 11 TOWER STREET, COOGEE. (98/S/1173 xr D/0118/2003)

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

MOTION: (Procopiadis/Bastic) SEE RESOLUTION.

9.4 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR D. SULLIVAN ON BEHALF OF RESIDENTS OPPOSING THE DEVELOPMENT APPLICATION FOR 1891 BOTANY ROAD, MATRAVILLE (AMCOR PAPER MILL). (98/S/1173 xr D/0120/2003)

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

MOTION: (Procopiadis/Bastic) SEE RESOLUTION.

9.5 PETITION SUBMITTED BY HIS WORSHIP THE MAYOR, CR D. SULLIVAN ON BEHALF OF RESIDENTS REQUESTING A SKATEBOARD BOWL & PARK AT THE TOP OF DUNNINGHAM RESERVE, COOGEE. (98/S/1173 xr 98/S/2974)

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

MOTION: (Procopiadis/Bastic) SEE RESOLUTION.

9.6 PETITION SUBMITTED BY CR MATTHEWS ON BEHALF OF RESIDENTS OPPOSING THE DEVELOPMENT APPLICATION FOR 1891 BOTANY ROAD, MATRAVILLE (AMCOR PAPER MILL). (98/S/1173 xr D/0120/2003)

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

MOTION: (Procopiadis/Bastic) SEE RESOLUTION.

10. MOTIONS PURSUANT TO NOTICE.

**10.1 By Councillor Matthews – Replacement Bus Shelter in Anzac Parade, Chifley.
(98/S/4463 xr 98/S/0178)**

MOTION: (Matthews/Matson) that this Council replace the bus shelter in Anzac Parade, near Mitchell Street, Chifley as soon as possible. **LOST.**

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

For	Against
Cr Matson	Cr Andrews
Cr Matthews	Cr Bastic
Cr Notley-Smith	Cr Daley
Cr Seng	Cr Greenwood
Cr Whitehead	Cr Procopiadis
	His Worship the Mayor, Cr D. Sullivan
	Cr Tracey
	Cr White

11. URGENT BUSINESS.

Nil.

12. CONFIDENTIAL REPORTS.

Nil.

13. COMMITTEE-OF-THE-WHOLE.

Nil.

14. REPORT OF COMMITTEE-OF-THE-WHOLE.

Nil.

15. NOTICE OF RESCISSION MOTIONS.

Nil.

There being no further business, His Worship the Mayor, Cr D. Sullivan, declared the meeting closed at 7.13 p.m.

THE MINUTES OF THIS MEETING WERE CONFIRMED AT THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 27TH MAY, 2003.

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CHAIRPERSON