



## MINUTES OF ORDINARY COUNCIL MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 22 APRIL 2008 AT 6:05PM

### Present:

The Mayor, Councillor B Notley-Smith (Chairperson) (East Ward)

Councillor M Matson (Deputy Chairperson) (East Ward)

North Ward - Councillors J Kenny & P Tracey & M Woodsmith

South Ward - Councillors R Belleli & A White

West Ward - Councillors B Hughes, S Nash & J Procopiadis

Central Ward - Councillors A Andrews, C Bastic (arrived 7.10pm) & T Seng

### 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
Senior Administrative Coordinator	Ms J Hartshorn
Communications Manager	Ms D Brien
Manager Organisational Performance Improv't	Ms K Walshaw

### Prayer & Acknowledgement of Local Indigenous People

The Council Prayer was read by Councillor Kenny. The Acknowledgement of Local Indigenous People was read by Councillor Woodsmith.

### Apologies/Granting of Leave of Absences

Apologies were received from Councillors Daley and Sullivan and from Councillor Bastic (for late arrival).

**RESOLVED: (Nash/Kenny)** that the apologies received from Councillors Daley and Sullivan and from Councillor Bastic (for late arrival) be accepted and leave of absence from the meeting be granted.

## Confirmation of the Minutes

### Confirmation of the Minutes of the Ordinary Council Meeting held on Tuesday 25 March 2008

'82/08

**RESOLUTION: (Andrews/ Woodsmith)** that the Minutes of the Ordinary Council Meeting held on Tuesday 25 March 2008 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

## Declarations of Pecuniary and Non-Pecuniary Interests

Councillors Kenny, Seng and White all declared non-pecuniary interests in Item CP12/08 (Maroubra Beach Urban Design Review) as members of the Maroubra Seals Club.

Councillor White declared an interest in MM23/08 (Mayoral Minute - St Andrew's Market Day) and did not take part in debate or the vote on the matter as his children attend St Andrew's School.

## Address of Council by Members of the Public

Prior to consideration of the Agenda by the Council, deputations were received in respect of the following matters:

### CP12/08 Maroubra Beach Urban Design Review

**For** Jackie Biro

### GM9/08 Lease of Retail Premises and Authority to Affix the Council Seal

**Against** John Geerligs (representing the Junction Neighbourhood Centre)

### NM10/08 Motion Pursuant to Notice by Cr Procopiadis - Half Road Closure of Lenthall Street, Kensington

**For** Mark Pistilli

### NM12/08 Motion Pursuant to Notice by Cr Nash - Formation of the Kingsford/Kensington LATM Implementation Committee

**For** Mr Paul Sampson

### NM13/08 Motion Pursuant to Notice by Cr Matson - Proposed Expansion of Resident Preferred Parking Scheme in the Judge Street Area

**For** Peter Dickinson

The meeting was adjourned at 6.45pm and was resumed at 7.10pm.

**RESOLVED: (PROCEDURAL MOTION) (Matson/Andrews)** that the items for which members of the public addressed the Council and the Rescission Motion in relation to 212 Arden Street, Coogee, be brought forward for immediate consideration for the benefit of the public gallery.

## Mayoral Minutes

### **MM18/08 Mayoral Minute - Salvation Army Red Shield Appeal - Request for Waiving of Associated Fees (F2004/06257)**

83/08

**RESOLUTION: (Mayor, Cr B Notley-Smith) that:**

- a) Council vote to waive the fees associated with the installation and removal of a banner at the intersection of Bunnerong Road and Anzac Parade, Kingsford and funds in the amount of \$1,027.92 be allocated from the 2007/2008 Contingency Fund; and
- b) the Appeal's organisers undertake to appropriately and prominently acknowledge and promote Council's contribution during the Red Shield Appeal.

**MOTION: (Mayor, Cr B Notley-Smith) CARRIED - SEE RESOLUTION.**

### **MM19/08 Mayoral Minute - Waiving of Fees - Coogee to Bondi 5km Ocean Swim (F2004/08286)**

84/08

**RESOLUTION: (Mayor, Cr B Notley-Smith) that:**

- a) Council vote \$528.40 to cover the fees associated with the Coogee to Bondi 5km Paddler Assisted Ocean Swim and funds be charged to the Contingency Fund 2007/08;
- 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: (Mayor, Cr B Notley-Smith) CARRIED - SEE RESOLUTION.**

### **MM20/08 Mayoral Minute - New South Wales 2008 Management Challenge Winners (F2008/00032)**

85/08

**RESOLUTION: (Mayor, Cr B Notley-Smith) that:**

- a) the members of the 2008 Management Challenge be congratulated on their efforts and offered the best of luck in their endeavours at the Australasian Final.
- b) interested Councillors be authorised to attend the LGMA National Congress on the Gold Coast to support the Management Challenge team.

**MOTION: (Mayor, Cr B Notley-Smith) CARRIED - SEE RESOLUTION.**

### **MM21/08 Mayoral Minute - Cana Ball - Waiving of Fees for Use of the Town Hall (F2007/00001)**

86/08

**RESOLUTION: (Mayor, Cr B Notley-Smith) that:**

- a) Council vote \$1,410.00 to cover the fees associated with the use of the Town Hall for the Cana Ball and funds be allocated from the 2008/2009 Contingency Fund;

- b) the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and
- c) Councillor Paul Tracey & Mrs Sue Tracey be authorised to attend the ball as Council's representatives and be given the opportunity to address the event on behalf of Council.

**MOTION: (Mayor, Cr B Notley-Smith) CARRIED - SEE RESOLUTION.**

**MM22/08 Mayoral Minute - Improving the NSW Planning System - Draft Environmental Planning and Assessment Amendment Bill 2008 and Draft Building Professionals Bill 2008 (F2006/00158)**

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87/08

**RESOLUTION: (Mayor, Cr B Notley-Smith)** that a detailed submission noting the comments and concerns raised in the General Manager Report dated 22 April 2008 and titled, "Improving the NSW Planning System – Draft Environmental Planning and Assessment Amendment Bill 2008 and Draft Building Professionals Bill 2008" be forwarded to the Department of Planning.

**MOTION: (Mayor, Cr B Notley-Smith) CARRIED - SEE RESOLUTION.**

**MM23/08 Mayoral Minute - St Andrew's Market Day (F2004/07550)**

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Having declared an interest in this item earlier in the meeting, Councillor White did not take part in the debate or the vote on the matter.

88/08

**RESOLUTION: (Mayor, Cr B Notley-Smith)** that Council vote to waive the fees for St Andrews Primary School, Malabar, associated with the purchase, installation and removal of banners within Randwick City Council and funds in the amount of \$4,353.60 be allocated from the 2007/2008 Contingency Fund.

**MOTION: (Mayor, Cr B Notley-Smith) CARRIED - SEE RESOLUTION.**

**MM24/08 Mayoral Minute - Randwick City Tourism Sports Coast Flags - Request for Financial Assistance (F2004/06257)**

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89/08

**RESOLUTION: (Mayor, Cr B Notley-Smith)** that Council approve \$2,780 + GST for the production of 40 "Sports Coast" flags, from the 2008/2009 Contingency Fund.

**MOTION: (Mayor, Cr B Notley-Smith) CARRIED - SEE RESOLUTION.**

**Urgent Business**

Nil

**Director City Planning Reports**

**CP12/08 Director City Planning Report - Maroubra Beach Urban Design Review (F2006/00355)**

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(Note: A rescission motion on this item was submitted to the General Manager in accordance with Council's Code of Meeting Practice.)

90/08

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

- a) Council not proceed with the recommendations in the Draft Maroubra Beach Commercial Centre Review.

b) Council seeks to foster acceptable change in the Maroubra Beach area via a working group, with the following operating principles:

- The working group will recommend ways to regenerate the Maroubra Beach district that balance the needs of all interested parties
- The working group will be Chaired by a facilitator
- Representation on the work group will include; the Maroubra Seals Club, other major property owners in the area, several precinct committee representatives, Fenton Avenue residents/owners, small business representatives, chamber of commerce representatives, social issues representatives and an independent urban planner.

**MOTION: (Andrews/ Seng)** that Council not proceed with the recommendations in the Draft Maroubra Beach Commercial Centre Review.

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

Councillors Matson and Woodsmith called for a **DIVISION**.

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST the amendment were as follows:

FOR	AGAINST
Councillor Andrews	Councillor Bastic
Councillor Belleli	
Councillor Hughes	
Councillor Kenny	
Councillor Matson	
Councillor Nash	
Councillor Notley-Smith	
Councillor Procopiadis	
Councillor Seng	
Councillor Tracey	
Councillor White	
Councillor Woodsmith	
<b>Total (12)</b>	<b>Total (1)</b>

**CP13/08 Director City Planning Report - NSW Food Regulation Partnership (F2004/08221)**

'91/08

**RESOLUTION: (Nash/Kenny)** that:

- a) the Director City Planning report on the NSW Food Regulation Partnership be noted, and
- b) the NSW Food Authority be advised that Randwick City Council has nominated the enforcement agency functions identified in Category B as the preferred role under the Food Act and Food Regulation Partnership for Randwick City Council.

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

**General Manager's Reports**

**GM7/08 General Manager's Report - Affixing of the Council Seal (F2004/06336)**

'92/08

**RESOLUTION: (Nash/Kenny)** that the Council's Seal be affixed to the signing of agreements between Council and:

1. Coogee Legion Ex-Service Club Limited in relation to an airspace lease over the balcony above 204-210 Arden Street, Coogee.
2. Malabar Boat Owners & Sea Rescue Club & Malabar RSL Sub-Branch Club Ltd in relation to a licence over the boat ramp and boat store area at 2R Bay Parade, Malabar.
3. Rosa Vizza (T/As Café Ciao) in relation to a licence for the purpose of outdoor dining at 41 Perouse Road, Randwick.
4. Tarik Ors (T/As ATA Turkish Restaurant) in relation to a licence for the purpose of outdoor dining at 303/132 Maroubra Road, Maroubra.
5. A residential tenant in relation to a lease of Unit 3/32 Belmore Road, Randwick.
6. A residential tenant in relation to a lease of Unit 2/32 Belmore Road, Randwick.
7. A residential tenant in relation to a lease of Unit 1/32 Belmore Road, Randwick.
8. A residential tenant in relation to a lease of 26-28 Waratah Avenue, Randwick.

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

**GM8/08 General Manager's Report - Draft Randwick City Council  
Management Plan 2008-12 (F2007/00621)**

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93/08

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

- a) the Draft Management Plan, and attachments as outlined below, be placed on public exhibition for not less than 28 days, from 1 May 2008 to 29 May 2008, inviting submissions from the public;
- b) at the conclusion of the period of public exhibition a meeting of Council is 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; and
- c) in accordance with the Code of Accounting Practice and Financial Reporting (April 2005) Section 9.5, in respect to each broad function of council, expenses that can be reliably attributed have been allocated to that function (AAS 27 paragraph 79 (b)).

**MOTION: (Nash/Andrews) CARRIED - SEE RESOLUTION.**

**GM9/08 General Manager's Report - Lease of Retail Premises and Authority  
to Affix the Council Seal (F2004/07367)**

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94/08

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

- a) Council grants authority to affix the Council seal to the three (3) + two (2) year lease agreement with Liferun Pty Ltd over the premises at Shop 3, 669-677 Anzac Parade, Maroubra.
- b) the General Manager prepare a report outlining a course of action to accommodate the expansion of the Junction Neighbourhood Centre and to also accommodate The Shack.

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

**Director City Services Reports****CS12/08 Director City Services Report - NSW Seniors Week Achievement Award 2008 (F2004/08383)**

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'95/08 **RESOLUTION: (Nash/Belleli)** that the report be received and noted.

**MOTION: (Nash/Belleli) CARRIED - SEE RESOLUTION.**

**CS13/08 Director City Services Report - Randwick City Council register of significant trees - 2008 Energy Australia National Trust Heritage Awards (F2004/07359)**

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'96/08 **RESOLUTION: (Nash/Kenny)** that the report be received and noted.

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

**CS14/08 Director City Services Report - Benvenue Street - Proposed Road Closures (F2004/07140)**

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'97/08 **RESOLUTION: (Nash/Kenny)** that Council approve the proposed closure for part (24.24m<sup>2</sup>) of Benvenue Street, Maroubra adjacent to 32 Benvenue Street for the purposes of selling the land subject to:

- a) All survey and legal costs being borne by the applicant.
- b) Council briefing its own valuer to set a reasonable value for the land in question.
- c) The applicant demonstrating that none of the utility authorities including AGL, Energy Australia, Telstra etc. have any objections to the closure and sale of the subject land.
- d) The applicant advising the Council of the acceptance of all the above conditions and providing Council with payment of the application fee and all other fees required by the NSW Department of Lands prior to Council making application for this closure.

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

**CS15/08 Director City Services Report - Concept Design for the Upgrade of Mahon Pool Facilities (F2007/00043)**

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(Note: Two (2) rescission motions on this item were submitted to the General Manager in accordance with Council's Code of Meeting Practice.)

98/08 **RESOLUTION: (Tracey/Procopiadis):** that:

- a) Council advise the Department of Lands that Council seeks to make an amendment to the Maroubra Beach Plan of Management to effect the inclusion of a café/kiosk above Mahon Pool within Jack Vanny Memorial Reserve.
- b) Council approves the Concept Design for the Upgrade of Mahon Pool Facilities.
- c) Council proceed with public exhibition of the Concept Design for a period of 28 days.

**MOTION: (Bastic/Andrews)** that Council does not proceed with public exhibition of the Concept Design for the Upgrade of Mahon Pool Facilities and that no further action be taken in relation to the inclusion of a café/kiosk above Mahon Pool within Jack Vanny Memorial Reserve. **LOST**

**MOTION: (Tracey/Procopiadis) CARRIED - SEE RESOLUTION.**

**Councillor Andrews requested that his name be recorded as voting against this resolution.**

### **Director Governance & Financial Services Reports**

#### **GF16/08 Director Governance & Financial Services Report - Investment Report - March 2008 (F2004/06527)**

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99/08 **RESOLUTION: (Nash/Kenny)** that the investment report for March 2008 be received and noted.

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

#### **GF17/08 Director Governance & Financial Services Report - Investments - The Cole Inquiry Report (F2004/06527)**

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100/08 **RESOLUTION: (Nash/Kenny)** that the report be received and noted.

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

### **Petitions**

Nil

### **Motion Pursuant to Notice**

#### **NM10/08 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr Procopiadis - Half Road Closure of Lenthall Street, Kensington (F2006/00084)**

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101/08 **RESOLUTION: (Procopiadis/Nash)** that:

- a) as a matter of urgency, the Mayor, General Manager, relevant officers and any West Ward Councillor meet with the Minister for Roads so as to facilitate the half road closure of Lenthall Street, Kensington, allowing traffic in a westerly direction only.
- b) support from the Minister, the State Government and the RTA be sought to assist Council in planning and implementing a comprehensive LATM for the West Kingsford/West Kensington precinct area that considers the impact of the half road closure of Lenthall Street on other streets in the precinct.

**MOTION: (Procopiadis/Nash) CARRIED - SEE RESOLUTION.**

#### **NM11/08 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr Nash - YMCA's NSW Youth Parliament Program 2008 (F2004/08274)**

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102/08 **RESOLUTION: (Nash/Kenny)** that Council agree to sponsor the participation of Shailee Mendeleovich (of Matraville) in the YMCA's NSW Youth Parliament Program for 2008 by contributing \$450 towards the cost of travel to and accommodation at the Sydney Olympic Park Lodge for the 6 day program.



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

**NM12/08 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr Nash - Formation of the Kingsford/Kensington LATM Implementation Committee (F2004/08211)**

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103/08

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

- a) Council form a committee (to be known as the "Kingsford/Kensington LATM Implementation Committee") to oversee the Council's proposed development and implementation of a local area traffic management plan (LATM) for the Kingsford/Kensington precinct. The committee will consist of:
  1. all West Ward Councillors;
  2. Council's Integrated Transport Manager; and
  3. the Chairperson and Secretary of the Kingsford/Kensington Precinct Committee.
- b) a quarterly report be presented to Council (or at such more frequent times as may be necessary) updating Councillors on the development of the LATM and the committee's deliberations; and
- c) the committee will not have delegated authority, although its minutes will be reported to Council from time to time as necessary.
- d) Council authorise the General Manager to allocate all necessary funds as required to fund the development of an LATM plan for Kensington/Kingsford in the 2008/09 financial year, to consult the community, plan for and cost the recommended road changes and treatments identified in the forthcoming traffic impact assessment study that will be completed by late July 2008.

**MOTION: (Nash/Hughes) CARRIED - SEE RESOLUTION.**

**NM13/08 Motion Pursuant to Notice - Motion Pursuant to Notice by Cr Matson - Proposed Expansion of Resident Preferred Parking Scheme in the Judge Street Area (F2007/00617)**

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104/08

**RESOLUTION: (Matson/Woodsmith) that Council conduct a resident survey of Judge and Dolphin Streets, Randwick to determine whether:**

- a) present parking pressure is caused by commuters or a lack of off street parking for local residents; and
- b) whether an extension of resident preferred parking would reduce parking competition.

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

**Confidential reports**

**GM10/08 Confidential - Draft Randwick City Council Management Plan 2008-12: Confidential Fees and Charges (F2007/00621)**

*This matter is considered to be confidential under Section 10A(2) (c) Of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. (In accordance with s404(5) of the Local Government Act 1993,*

*fees and charges for the services provided by this program have not been published as they could confer a commercial advantage to a competitor of Council. )*

105/08 **RESOLUTION: (Nash/Kenny)** that the Draft Confidential Fees and Charges 2008-09 be noted.

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

**GF18/08 Confidential - Professional Consultancy Services - Tender No T01/2008 (F2007/00533)**

*This matter is considered to be confidential under Section 10A(2) (d) Of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.*

106/08 **RESOLUTION: (Nash/Kenny)** that:

- a) The tenderers listed in each category of the "Recommended Consultants Schedule" for Professional Consulting Services be accepted for a 3 year term with 2 options to extend for a further term of 12 months each, and that Council enter into Contracts under Clause 178 of the Local Government (General) Regulation 2005; and
- b) That authority be granted for the General Manager in conjunction with the Mayor to sign and affix Councils Common Seal to enter into contracts on behalf of Council with the recommended tenderers for Professional Consulting Services, as listed in the "Recommended Consultants Schedule"; and
- c) The unsuccessful tenderers be notified of the Tender result.

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

**Notice of Rescission Motions**

**NR3/08 Notice of Rescission Motion - Notice of Rescission Motion by Councillors Seng, Kenny & Nash - Planning Committee Meeting - 8 April, 2008 - Item D17/08 - Development Application Report - 212 Arden Street, Coogee (DA/423/2005/E)**

107/08 **RESOLUTION: (Seng/Nash)** that the rescission motion be withdrawn on the basis of comments received from the Maroubra Licensing Police (Sergeant Gray).

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

There being no further business, His Worship the Mayor, Cr B Notley-Smith, declared the meeting closed at 8.55pm.

**The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 27 May 2008.**

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**CHAIRPERSON**

