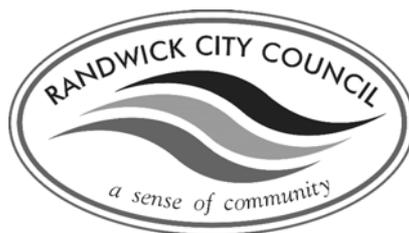


ORDINARY COUNCIL MEETING
SUPPLEMENTARY BUSINESS PAPER

TUESDAY 24 JUNE 2008

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24 June 2008

ORDINARY COUNCIL MEETING

Notice is hereby given that an Ordinary Council Meeting of the Council of the City of Randwick will be held in the Council Chamber, Town Hall, 90 Avoca Street, Randwick, on Tuesday, 24 June 2008 at 6:00pm.

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Mayoral Minute No. MM41/08



Subject: Coogee Hotels Late Hour Entry Declaration

Folder No: F2004/07501

Author: Councillor Notley-Smith, Mayor

Introduction

I refer to Mayoral Minute No. MM16/08 and the resulting resolution of the Council with regard to seeking a 1:00am 'Late hour entry declaration' for the Coogee Bay Hotel and the Beach Palace Hotel on Friday and Saturday nights. In this regard, Council resolved, at its Ordinary Meeting held on the 25 March 2008:

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

1. The General Manager, in conjunction with the Premier's Eastern Beaches Crime Prevention Partnership, undertake the necessary action and prepare a submission to the NSW Director of Liquor, Gaming and Racing requesting that a "Late hour entry declaration" be made to prevent the entry of patrons after 1.00am the following day on Friday and Saturday nights, at:
 - (a) the Coogee Bay Hotel situated at 212 Arden Street, Coogee, and
 - (b) the Beach Palace Hotel situated at 169 -181 Dolphin Street, Coogee; and
2. The above submission is completed and forwarded to the NSW Director of Liquor, Gaming and Racing upon the commencement of the Liquor Act 2007."

Importantly, the power to make a 'Late hour entry declaration' is a 'discretionary power' conferred on the NSW Director of Liquor and Gaming, pursuant to *Liquor Act 2007*, which commences operation on the 1 July 2008.

The purpose of this Report is to inform Council that the substantive "action" required to be undertaken by Council in seeking a 'Late hour entry declaration' with respect to Coogee Bay Hotel and the Beach Palace Hotel has now been completed.

Issues

Subsequent to Council's resolution to seek the *declaration*, Council officers and Eastern Beaches Local Area Command Police conducted a number of observations operations in the two Hotels and at the surrounding public areas.

The abovementioned observations commenced on the 28 March 2008 and concluded on the 1 June 2008. All observations were carried out on a Friday night and/or Saturday night commencing at 10.00pm and concluded at approximately 4.00am the following day. All observations were documented contemporaneously then distilled into spreadsheets for the corresponding observation period.

This information, including DVDs of video footage of the area taken by Council officers, has been forwarded to the Office of Liquor, Gaming & Racing and to Eastern Beaches Police.

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In this regard, I now propose to write to the Eastern Beaches Local Area Commander to request that Council and Police conduct a joint analysis of the data collected during the abovementioned period to determine the sufficiency of this information and whether there is a requirement to undertake further work.

A preliminary assessment of the empirical data gathered thus far indicates relatively low Hotel patronage. This may be explained by a number of factors which may include the introduction of smoking prohibition at licensing premises, the recent voluntary introduction of the 2:00am 'lock-out' at the Coogee Bay Hotel (commenced on 9 May 2008), a tightening of fiscal policy which affects disposable income and the logical presumption that Coogee experiences a seasonal downturn in business activity during the cooler months of the year. As such, it is Council officers' view that it is likely that the data collected during the recent observations would not be indicative of data collected over a similar period during summer.

Notwithstanding the relatively low patronage of the late trading Hotels, Council officers witnessed sporadic incidents of violence, intoxication, anti-social behaviour and acts of indecency directly attributable to patrons of the late trading licensed premises at Coogee. This is of major concern to Council officers particularly should these types of incident become more frequent during periods of peak patronage at Coogee's licensed premises.

Also of relevance in respect to this matter is the current s. 104 complaint (*Liquor Act 1982*) made by a number of Coogee residents to the Liquor Administration Board concerning the Beach Palace Hotel, Coogee Bay Hotel and the Randwick Rugby Club.

Initially there were concerns with the ability for the Director of Liquor and Gaming exercising his power with respect to the making of a 'Late hour entry declaration' whilst there is a complaint before the Liquor Administration Board concerning the same licensed premises.

In this regard, Council officers have been recently advised that the resident complainant has discussed this matter with the Director of Liquor and Gaming and was informed that the current s. 104 complaint would not interfere with the exercise of the *Director's* power to make a 'Late hour entry declaration' under the new Liquor Act, if he was minded to do so.

Notwithstanding the above, it is the view of Council officers that where there is information that may inform the current complaint process, the principled approach for Council, as a 'party' to the complaint, should be to make that information available to the Liquor Administration Board. This is not to suggest that Council should takeover the complaint. Moreover, it would provide the Board with relevant information with respect to the complaint which has not been progressed since November 2006.

Financial impact statement

There is no direct financial impact for this matter.

Conclusion

In accordance with Council's resolution to seek a 'Late hour entry declaration' with respect to the Coogee Bay Hotel and the Beach Palace Hotel, Council officers and Eastern Beaches Local Area Command Police have conducted a number of observations operations in the two Hotels and at the surrounding public areas.

In this regard, I propose to write to the Eastern Beaches Local Area Commander to request that Council and Police conduct a joint analysis of the data collected during the abovementioned period to determine the sufficiency of this information and

whether there is a requirement to undertake further work, prior to making a joint submission to the NSW Director of Liquor and Gaming.

In addition, I propose to contact the Liquor Administration Board to ascertain the proper process in which Council may make this information available to the Board relevant to the current unresolved resident complaint pursuant to s. 104 of the *Liquor Act 1982*, concerning the Coogee Bay Hotel, the Beach Palace Hotel and Randwick Rugby Club.

Recommendation

That:

- a) the General Manager write to the Eastern Beaches Local Area Commander to request that Council and Police conduct a joint analysis of the data collected during the recent observations of the Coogee Bay Hotel and Beach Palace Hotel and surrounding public areas to determine the sufficiency of this information, prior to making a submission to the Director of Liquor and Gaming in respect to making a 'Late hour entry declaration' pursuant to the *Liquor Act 2007*; and
- b) the General Manager writes to the Liquor Administration Board to ascertain the proper process in which Council may make this information available to the Board in respect to the current resident complaint pursuant to s.104 of the *Liquor Act 1982*, concerning the Coogee Bay Hotel, the Beach Palace Hotel and Randwick Rugby Club.

Attachment/s:

Nil

Item MM41/08

Mayoral Minute No. MM42/08



Subject: Fred Hollows Foundation donation
Folder No: F2004/08302
Author: Councillor Notley-Smith, Mayor

Introduction

Gabi Hollows, widow of the esteemed ophthalmologist Fred Hollows who died in 1993, and their daughter Emma, are touring an exhibition to celebrate Fred's life and work and the ongoing work of the Fred Hollows Foundation. The exhibition, which is currently on show at Randwick City Libraries, raises awareness and encourages donations to continue the worthwhile work of the Foundation.

Issues

In 2007 The Fred Hollows Foundation restored the sight of 143,759 people, provided eye care for over 1.2 million people, trained 3,284 eye health workers and supplied over \$1.3 million worth of essential medical equipment. In May 2008, The Foundation was named 'Best Practice Not-For-Profit Organisation 2008' by the Givewell Good Giving Guide.

Randwick City Library Service is touring the exhibition that celebrates the life and work of the late Professor Fred Hollows from 16 June to 17 July 2008. The exhibition uses pictures and text to outline the life and achievements of Fred Hollows and the continuing work of The Fred Hollows Foundation.

"Randwick was home to Fred and I and it's where I continue to live, so I'm really proud to be able to display this exhibition here," Gabi Hollows said.

"The exhibition gives local people the chance to learn more about Fred's life and the work of The Foundation, which I think is extremely important given that he remains a very significant person in Australia history."

Following its display at Bowen and Randwick Branch Libraries, the exhibition will continue to spend about 18 months touring approximately 36 metropolitan and regional libraries.

A donation of just \$25 will cover the cost of restoring the sight of a person in less development nations. I propose a donation of \$3,750 to the Fred Hollows Foundation on behalf of Council, to save the sight of 150 people, in recognition of Council's 150th anniversary.

Financial impact statement

Should Council accept the report recommendation, the financial implication to Council is \$3,750. It is recommended that this amount be funded from the 2008/09 Contingency Fund.

Conclusion

It is considered that Council's assistance be given to this worthwhile organisation to save the sight of 150 people and encourage others to emulate Council's example.

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Recommendation

That Council vote \$3,750 to the Fred Hollows Foundation to save the vision of 150 people and funds be allocated from the 2008/09 Contingency Fund.

Attachment/s:

Nil

Item MM42/08

Mayoral Minute No. MM43/08



Subject: United Nations Association of
Australia - World Environment Day Awards

Folder No: F2007/00485

Author: Councillor Notley-Smith, Mayor

Introduction

To advise Council of Randwick's success at the 2008 United Nations Association of Australia World Environment Day Awards.

Issues

Randwick Council received important recognition of its water conservation efforts winning the award category for 'Excellence in Sustainable Water Management' at the 2008 United Nations Association of Australia Awards.

I attended the Awards night, as outlined in my previous Mayoral Minute (MM38/08), where I was greatly pleased to receive this award on behalf of Council. The Awards were held in Melbourne on 6 June as part of the global celebrations for United Nations' World Environment Day (5 June).

These national Awards seek to acknowledge action taken at a local level to address global environmental issues.

Financial impact statement

There is no direct financial impact for this matter.

Conclusion

Randwick Council's continues to demonstrate its commitment to sustainability, working collaboratively with the community to achieve on-ground environmental changes.

This recognition continues to place Randwick Council amongst a relatively small number of local Council's across Australia who are leading by example in delivering significant sustainability and behavioural changes, both within the organisation itself and within its local community.

Recommendation

That the report be received and noted

Attachment/s:

Nil

Item MM43/08

Mayoral Minute No. MM44/08



Subject: Sponsorship - 2008 Children's Circus Spectacular for Disadvantaged Children

Folder No: F2004/08174

Author: Councillor Notley-Smith, Mayor

Introduction

The Leukemia Foundation has written to Council requesting support for the 2008 Children's Circus Spectacular, which is planned to be held in Centennial Park in September this year.

Issues

The Children's Circus Spectacular aims to give local disadvantaged children and their families a special gift – a fun-filled day out at the circus. Council's support will help to make this happen, and at the same time help fund the ongoing work of the Leukemia Foundation and DRUG ARM Street Outreach Services.

The Leukemia Foundation is the only national not-for-profit organisation dedicated to the care and cure of patients and families living with leukemia, lymphomas, myeloma and related blood disorder. In addition to sponsoring children to attend the circus spectacular, Council's support will help the Foundation to provide free support services such as education programs, transportation to and from hospital, and accommodation in the Foundation's fully furnished flats close to major hospitals.

Financial impact statement

Should Council accept the report recommendation, the sponsorship amount (being \$500.00) could be funded from the 2008/09 Contingency Fund.

Conclusion

It is recommended that Council support this worthwhile community event by sponsoring a group of 10 children (at \$50 per child) to attend the Circus Spectacular.

Recommendation

That Council sponsor a group of 10 disadvantaged children (at \$50 per child) to attend the Leukemia Foundation's 2008 Children's Circus Spectacular and the funds be allocated from the 2008/09 Contingency Fund.

Attachment/s:

Nil

Item MM44/08

Mayoral Minute No. MM45/08



Subject: 9th Annual Des Renford Chair of Heart Research Family Gala and Charity Day - Use of Des Renford Aquatic Centre

Folder No: F2006/00108

Author: Councillor Notley-Smith, Mayor

Introduction

The Des Renford Chair of Heart Research was established in memory of Des Renford who was a famous long distance swimmer and strong supporter of Victor Chang Cardiac Research Institute.

On Sunday 2 November 2008, the Des Renford Aquatic Centre will be hosting the ninth annual family day and swim challenge to raise money for the Victor Chang Cardiac Research Institute. On this day there are many activities including sausage sizzle, water slides, canoe polo and many other free activities run by community groups enabling them to promote their services.

Funds are raised through a \$3.00 donation upon entry, sale of food and drinks, raffles and a Swimathon sponsored by family and friends.

Issues

Randwick City Council has supported this event since it began in November 2000. Council has been asked to provide support as per previous years by the provision of:

- Stage and Public Announcement system;
- Tables, chairs, barricades and Sulo garbage bins;
- Printing of posters and flyers;
 - Advertising the event through the 'Regarding Randwick' page in the Southern Courier;
- Pool lifeguards and first aid officers;
- Jumping Castle;
- Use of Des Renford Aquatic Centre.

Financial impact statement

Should Council accept the recommendation, the financial implication to Council inclusive of waiving fees would be in the vicinity of \$7,500.

Conclusion

That Council vote \$7,500.00 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 2 November 2008 for the purpose of raising money for the Victor Chang Cardiac Foundation and this be funded from the 2008/09 Contingency Fund.

Recommendation

That Council vote \$7,500.00 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 2 November 2008 for the purpose of raising money

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for the Victor Chang Cardiac Foundation and this be funded from the 2008/09 Contingency Fund.

Attachment/s:

Nil

Item MM45/08

Mayoral Minute No. MM46/08



Subject: Randwick City Council Sporting Awards 2008 - proposed change to judging panel

Folder No: F2008/00012

Author: Councillor Notley-Smith, Mayor

Introduction

The City of Randwick is renowned for producing sporting champions. The list of Olympic Legends is long and distinguished, as is the list of those who have represented both NSW and Australia through sports such as rugby, netball, surfing, surf life saving and swimming.

For 27 years Randwick City Council has acknowledged our finest young athletes with the **Bradley Matthews Memorial Award for Sporting Excellence**. This Award has been open to students at high school level.

In addition, Council acknowledges the great sporting legends of Randwick City by placing their names on the **Randwick City Hall of Sporting Champions** Honour Board, located at Bowen Library Maroubra. Now in its fifth year, the **Randwick City Junior Sports Award is offered** to encourage the up and coming young athletes aged between 5-12 years.

Issues

Council has a number of competitions and awards that are judged by representatives of professional bodies such as the Australian Institute of Horticulture and the NSW Arts Council. These judges are engaged to provide professional services and to ensure equality and independence.

The Sporting Awards is a very successful program offered by Council annually and it is recommended that Council obtain representatives from professional sporting peak bodies to judge the ever increasing complexity of the entries of the above categories of Awards beginning in 2008. The awards attract a high quality selection of nominees from a range of sporting backgrounds and abilities.

The process and decisions can create heightened tension and emotions amongst the nominees and it is for this reason an elected panel of three members, including a male & female, is introduced to maintain equality and independence from Council.

Financial impact statement

There is no additional cost to Council as funds have been allocated and approved in the 2007/2008 Events budget.

Conclusion

To ensure Council continues to remain independent and able to make well informed decisions, it would benefit from having an external sporting professional judging panel. This would also continue the current process of engaging independent Judges for other Council competitions and Awards.

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Recommendation

That Council agree to engage a panel of independent sporting professionals to judge Councils Sporting Awards.

Attachment/s:

Nil

Item MM46/08

Mayoral Minute No. MM47/08



Subject: 48 - 58 Maroubra Road, Maroubra -
Liquor Act 1982 - Application by Coles Liquor for
Conditional Removal of Off-Licence (Retail)

Folder No: F2004/07767

Author: Councillor Notley-Smith, Mayor

Introduction

Council is in receipt of a Notice of Application to the Licensing Court of New South Wales for the conditional transfer of the Off-Licence (Retail) – Licence No. 354690 – currently situated at 497 – 503 Bunnerong Road, Matraville (known as Theo's Liquor Market) to the proposed premises to be situated at 48 – 58 Maroubra, Road, Maroubra and to be known as "1st Choice Liquor Superstore".

This application is listed before the Licensing Court on the 7 July 2008.

The purpose of this Mayoral Minute is to propose that, pursuant to Division 5 of Part 3 of the *Liquor Act 1982*, Randwick City Council formally objects to the granting of this application.

Issues

By way of background information, on Appeal to the Land and Environment Court, *development consent* was granted to Coles Myer Limited (Development Application No. DA/745/2005) to partially demolish the existing building, to alter and add to the existing building and to a change of use from a motor showroom and workshop to a retail liquor outlet, at 54-58 Maroubra Road, Maroubra (see *Coles Myer Limited v Randwick City Council* [2007] NSWLEC 345).

Notwithstanding that *development consent* under the *Environmental Planning and Assessment Act 1979* has been granted for the proposed use of the site for the purpose of retail liquor outlet, the Applicant is now required to seek approval pursuant to the *Liquor Act 1982*, for the sale and supply of liquor at the proposed premises. What is sought, in this regard, is the transfer of the Off-Licence from the Bunnerong Road store to the proposed premises in Maroubra Road.

Essentially, the liquor licensing process for the transfer of an Off-Licence (Retail) from an existing premises to a proposed premises, as is required in this instance, is a two-tiered process.

Social Impact Assessment

Under the *Liquor Act 1982*, the proponent must obtain approval from the New South Wales Liquor Administration Board (LAB) of a Category B Social Impact Assessment (SIA).

The relevant SIA in respect to the licence removal application has been made to the LAB. As a result, Council in February 2008 made written submissions to the LAB which articulated the view that the proposed premises will have a detrimental social impact to the community and should not be approved. I am advised that the SIA has yet to be determined by the LAB.

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Licensing Court Application

The other tier of the application process is that in addition to the SIA application to the LAB, an application must be made to the Licensing Court for the transfer of the Off-Licence (Retail) from one premises to another. A prerequisite to the Court granting the application to transfer the licence is the approval of a Category B SIA by the LAB. However, this does not prevent the making of the application.

Now that the liquor licence application has been made to the Licensing Court, Council has the right to object to the grant of the application on the grounds that, *inter alia*, that it would not be in the public interest to grant the application.

Given that this Council has consistently opposed this development because of concerns with the potential adverse impacts on the community, it is my view that the correct approach is now to formally oppose the liquor licence application, for these very reasons.

Financial impact statement

The financial impact for this matter will be in the order of \$15,000.00 to \$30,000.00 (legal costs).

Conclusion

Randwick City Council has consistently opposed this development because of concerns with the potential adverse impacts on the community. These concerns are not just confined to the direct physical impact on the surrounding residential amenity, but also the broader social impacts with the increased availability of alcohol. It is my view that Maroubra does not need another retail liquor outlet and the granting of this application should be opposed.

Recommendation

That:

1. Randwick City Council resolve to formally object to the granting of the application to the Licensing Court of NSW made by Curtis Field (Coles Liquor) for the conditional removal of the Off-Licence (Retail) – Licence No. 354690 – currently situated at 497 – 503 Bunnerong Road, Matraville (known as Theo's Liquor market) to be removed to proposed premises at 48 – 58 Maroubra, Road, Maroubra to be known as "1st Choice Liquor Superstore"; and
2. the General Manager instruct Council's legal representatives to file and serve a Notice of Objection in accordance with Division 5 of Part 3 of the *Liquor Act 1982*, on grounds which include, but are not limited to, that the granting of the application would not be in the public interest.

Attachment/s:

Nil

Mayoral Minute No. MM48/08



Subject: Local Government Chief Officers Group

Folder No: F2008/00390

Author: Councillor Notley-Smith, Mayor

Introduction

The General Manager has sought permission from Council to apply for membership of the Local Government Chief Officers Group.

Issues

The Local Government Chief Officers Group is the peak professional development network of Australia and New Zealand Local Government Chief Executives. The objectives of the Local Government Chief Officers Group are:

1. To act as a forum for the exchange of experience and information between Chief Officers to benefit their Councils in particular and local government in general.
2. To utilise the experience and knowledge of Chief Officers at various government and organisational levels.
3. To facilitate the professional development and training of Chief Officers.

Membership of the Local Government Chief Officers Group is limited to 100 Chief Officers throughout Australia and New Zealand. A requirement is that the member must have their Council's support to participate and attend at least one in every three group meetings. Group meetings are held quarterly and rotate throughout Australia and New Zealand. The next group meeting is in July 2008 in Ipswich, Queensland.

Financial impact statement

There are no membership fees associated with joining the Local Government Chief Officers Group. It is proposed to fund the cost of travel, accommodation and meals from Council's training budget.

Conclusion

Randwick City council is recognised with the Local Government industry as a leader. The exchange of experience and information within this group will provide many benefits and opportunities for the Council.

Recommendation

That Council endorse the General Manager's membership application for the Local Government Chief Officers Group as outlined in this report.

Attachment/s:

Nil

Item MM48/08

Mayoral Minute No. MM49/08



Subject: Waiving of Fees - Banner - Our Lady of the Sacred Heart School

Folder No: F2004/08174

Author: Councillor Notley-Smith, Mayor

Introduction

A request has been received from Our Lady of the Sacred Heart Parents and Friends Association, seeking the waiving of fees associated with the installation of a banner advertising the school's Spring Fair fundraising event.

Issues

Our Lady of the Sacred Heart is a small school and the Parents and Friends are striving to improve the school's facilities and the Spring Fair is one of their major fundraising activities. By placing a banner on the corner of Arden Street and Malabar Road, Coogee the school hopes to maximise exposure to the fundraising day, adding to its success.

Costing is as follows:

Application fee	\$134.90
Installation and removal of banner	\$590.50
Hire of banner poles @ \$497.90 per week for six weeks	<u>\$2,987.40</u>
Total	\$3,712.28

Financial impact statement

Should Council accept the report recommendation, the financial implication to Council is \$3,712.28 and there are currently sufficient funds in the Council Contingency Fund 2007/08 to cover this contribution.

Conclusion

It is considered that Council should vote to waive the fees associated with the installation and dismantling of the banner and that the funds be allocated from the Council Contingency Fund 2007/08.

Recommendation

That:

- a) the fees associated with the installation and dismantling of a banner for the Our Lady of the Sacred Heart School (on the flagpole on the corner of Arden Street and Malabar Road, Coogee), be waived and \$3,712.28 be allocated from the Council Contingency Fund 2007/08;
- b) the fundraising event organiser undertakes to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event.

Attachment/s:

Nil

Item MM49/08

Mayoral Minute No. MM50/08



Subject: Waiving of Fees - Banner - Rainbow Street Public School

Folder No: F2004/06257

Author: Councillor Notley-Smith, Mayor

Introduction

A request has been received from the Rainbow Street Public School Parents and Friends Association, seeking the waiving of fees associated with the installation of a banner advertising the school's *Car Boot* fundraising event.

Issues

Rainbow Street Public School is a small school and the Parents and Friends are striving to improve the school's facilities and the car boot sale is one of their major fundraising activities. By placing a banner on the corner of Alison Road and Doncaster Avenue, Randwick the school hopes to maximise exposure to the fundraising day, adding to its success.

Costing is as follows:

Application fee	\$ 134.90
Installation and removal of banner	\$ 590.50
Hire of banner poles @ \$497.90 per week times 4 weeks	<u>\$1,991.60</u>
Total	\$2,717.00

Financial impact statement

Should Council accept the report recommendation, the financial implication to Council is \$2,717.00 and there are currently sufficient funds in the Council Contingency Fund 2007/08 to cover this contribution.

Conclusion

It is considered that Council should vote to waive the fees associated with the installation and dismantling of the banner and that the funds be allocated from the Council Contingency Fund 2007/08.

Recommendation

That:

- a) the fees associated with the installation and dismantling of a banner for the Rainbow Street Public School (on the flagpole on the corner of Alison Road and Doncaster Avenue, Randwick), be waived and \$2,717.00 be allocated from the Council Contingency Fund 2007/08;
- b) the fundraising event organiser undertakes to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event.

Attachment/s:

Nil

Item MM50/08