

THESE MINUTES ARE DRAFT UNTIL CONFIRMED AT THE NEXT MEETING OF THIS COUNCIL AND/OR COMMITTEE

**MINUTES OF ORDINARY COUNCIL MEETING OF THE
COUNCIL OF THE CITY OF RANDWICK HELD ON
TUESDAY, 22 MAY 2012 AT 6:05PM**

Present:

The Mayor, Councillor S Nash (Chairperson) (West Ward)

Councillor B Hughes (Deputy Mayor) (West Ward)

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| North Ward | - Councillors K Smith, P Tracey & M Woodsmith |
| South Ward | - Councillors R Belleli, C Matthews & A White |
| East Ward | - Councillors T Bowen, M Matson & B Notley-Smith |
| West Ward | - Councillor J Procopiadis |
| Central Ward | - Councillors A Andrews & T Seng |

Officers Present:

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoples
Director City Planning	Ms S Truvert
Acting Director Governance & Financial Services	Mr D Kelly
Manager Organisational Staff Services	Ms F Calabrese
Senior Administrative Coordinator	Ms J Hartshorn
Manager Development Assessment	Mr K Kyriacou
Communications Manager	Mr J Hay
Manager Strategic Planning	Ms K Armstrong
Manager Performance Improvement	Ms A Warner

Prayer & Acknowledgement of Local Indigenous People

The Council Prayer was read by Cr Seng. The Acknowledgement of Local Indigenous People was read by Cr Woodsmith.

Apologies/Granting of Leave of Absences

An apology was received from Cr Stevenson.

RESOLVED: (Andrews/Procopiadis) that the apology received from Cr Stevenson 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 24 APRIL 2012

124/12

RESOLUTION: (Belleli/Andrews) that the Minutes of the Ordinary Council Meeting held on Tuesday 24 April 2012 (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

- a) The General Manager announced that, given that Council had received more than 3,500 submission on the draft Comprehensive LEP, all Councillors present at the meeting had signed a non significant non pecuniary interest declaration indicating "I am aware of numerous persons who have made submissions to Council on the Draft Randwick Comprehensive LEP."
- b) Cr Tracey declared a significant non pecuniary interest in that part of Item CP30/12 that relates to the Randwick Labor Club as a member of the Labor Club and given that the Labor Club were donors to the Labor Party campaign at the last Council election. Cr Tracey indicated that he would not take part in the debate or the vote on that part of the matter involving the Labor Club.
- c) Cr White declared a significant non pecuniary interest in that part of Item CP30/12 that relates to the Randwick Labor Club as a member of the Labor Club and given that the Labor Club were donors to the Labor Party campaign at the last Council election. Cr White indicated that he would not take part in the debate or the vote on that part of the matter involving the Labor Club.
- d) Cr Bowen declared a significant non pecuniary interest in that part of Item CP30/12 that relates to the Randwick Labor Club as a member of the Labor Club and given that the Labor Club were donors to the Labor Party campaign at the last Council election. In addition, Cr Bowen declared a pecuniary interest in the matter as a Director of the Randwick Bowling Club which has amalgamated with the Randwick Labor Club. Cr Bowen indicated that he would not take part in the debate or the vote on that part of the matter involving the Labor Club.

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:

CHINESE MARKET GARDENS/CEMETERY ZONING

Ian Rose	(AGAINST Cemetery Expansion)
Greg Olsen	(AGAINST Cemetery Expansion)
Daphne Lowe-Kelly	(AGAINST Cemetery Expansion)
Nicola Moir	(AGAINST Cemetery Expansion)

Paul Parris	(FOR Cemetery expansion)
David Knoll – OAM	(FOR Cemetery expansion)
Alla Pilman	(FOR Cemetery expansion)
Ernie Frieland – OAM	(FOR Cemetery expansion)
Father Stephen Scoutas	(FOR Cemetery expansion)
James Phillips	(FOR Cemetery expansion)
Elia Economou	(FOR Cemetery expansion)
George Passas	(FOR Cemetery expansion)
Bill Kodsouolos	(FOR Cemetery expansion)

Sarah Nuckey	(AGAINST Cemetery Expansion)
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MAROUBRA BEACH TOWN CENTRE

Lindsay Shurey (AGAINST Maroubra Beach Town Centre)
 Claire Bettington (AGAINST Maroubra Beach Town Centre)
 Bronwyn Carrigg (AGAINST Maroubra Beach Town Centre)
 Tim Mitchell (AGAINST Maroubra Beach Town Centre)

John Venetoulis (FOR Maroubra Beach Town Centre)
 Jacqui Biro (FOR Maroubra Beach Town Centre)

CARR STREET, COOGEE REZONING

Rona Wade (AGAINST Carr St rezoning)
 Luke Aiken (AGAINST Carr St rezoning)

Stuart Harding (FOR Carr St rezoning)

KENSINGTON TOWN CENTRE

Margery Whitehead (AGAINST Kensington Town Centre)
 Rosemary McKenzie (AGAINST Kensington Town Centre)
 John Maloney (AGAINST Kensington Town Centre)

DEVELOPMENT STANDARDS

Del Buchanan (AGAINST Development Standards)
 John Buchanan (AGAINST Development Standards)

OTHER

Paul Chilcott (AGAINST general rezoning)
 Andrew Roydhouse (AGAINST general rezoning)
 David Alison (AGAINST general rezoning)

Peter Schick (FOR general rezoning)

Urgent Business

Nil.

Director City Planning Report**CP30/12 Director City Planning Report - Post Exhibition - Draft Randwick LEP 2012 (F2011/00522)**

125/12

RESOLUTION: (Smith/Procopiadis) that Council:

- A) Note the issues raised in submissions to the public exhibition and public hearing undertaken for the draft LEP and that, in accordance with Section 68 of the *Environmental Planning and Assessment Act 1979*, these issues have been thoroughly considered and are not of such significance as to warrant a further public hearing before Council considers what alterations should be made to the draft LEP.

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

126/12

RESOLUTION: (Smith/Andrews) that Council:

- B) Endorse the Randwick Local Environmental Plan for finalisation in accordance with the requirements of the *Environmental Planning and Assessment Act 1979 and Regulation* and agree to forward the Plan to the Director-General of the Department of Planning and Infrastructure, together with a report prepared in accordance with section 68 (4) of the *Environmental Planning and Assessment*

Act 1979, and a request that the Minister for Planning and Infrastructure make the Plan, subject to the following resolutions:

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

Land owned by the Labor Club

Having declared an interest in Part C of this matter (relating to the Labor Club) earlier in the meeting, Crs Bowen, Tracey and White left the meeting during the debate and the vote on the matter.

127/12 **RESOLUTION: (Notley-Smith/Woodsmith)** that Council:

- C) Endorse in relation to land owned by the Labor Club:
- i) for the Randwick Bowling Club site, that the exhibited RE2 Private Recreation zone be retained in the final LEP;
 - ii) for the Labor Club owned sites at 131-147 Alison Road, 1 Elizabeth Street and 11 Elizabeth Lane, Randwick, that the exhibited B2 Local Business Zone be retained in the final LEP;
 - iii) that the requested change in the Floor Space Ratio for the residential sites at 119-129 Alison Road (including sites owned by the Labor Club and others) from the exhibited FSR of 0.9:1 to 1.5:1 not be supported.

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

Crs Bowen, Tracey and White returned to the meeting at this point.

Mayoral Minute

MM40/12 Mayoral Minute - Eastern Suburbs Memorial Park - Planning Proposal (F2011/00522)

128/12 **RESOLUTION: (Mayor, Cr Nash)** that Council note:

- a) the lodgement by the ESMP of a "Planning Proposal" seeking to make cemetery uses permissible over part of the Market Gardens site, which will now be assessed by Council Staff and reported to Councillors in due course.
- b) that Cr Belleli's opinion on the proposed expansion of the cemetery is that the cemetery should not be permitted to expand and should always be zoned RU4 rural to prohibit cemeteries and protect the whole Market Gardens site.

MOTION: (Mayor, Cr Nash) CARRIED UNANIMOUSLY - SEE RESOLUTION.

Director City Planning Report

CP30/12 Director City Planning Report - Post Exhibition - Draft Randwick LEP 2012 (F2011/00522)

Chinese Market Gardens site

129/12 **RESOLUTION: (Belleli/Matson)** that Council:

- D) Endorse in relation to the Chinese Market Gardens site, Phillip Bay:
- i) that the exhibited RU4 Primary Production Small Lots zone be retained in the final LEP;
 - ii) that any use for cemetery purposes should be subject to a formal Planning Proposal with suitable background studies, and particularly the required heritage assessments;

- iii) that Cr Belleli's opinion on the proposed expansion of the cemetery is that the cemetery should not be permitted to expand and should always be zoned RU4 rural to prohibit cemeteries and protect the whole Market Gardens site.

MOTION: (Belleli/Matson) CARRIED UNANIMOUSLY - SEE RESOLUTION.

Maroubra Beach commercial centre

130/12

RESOLUTION: (Matthews/Procopiadis) that:

- E) Endorse in relation to the Maroubra Beach commercial centre:
- i) That the maximum heights identified in Maps 008A(01) and 008A(02) be amended to 16 metres (being 15 metres plus an additional 1 metre allowance to address the flood level) to replace the exhibited height of buildings map for the final LEP 2012;
 - ii) That Clause 4.3B be amended to reflect this;
 - iii) That the Maroubra Beach Commercial Centre study be amended to reflect the maximum heights stipulated above and that its built form controls be used as interim guidelines should the Comprehensive DCP not be adopted prior to the gazettal of Randwick LEP 2012.

MOTION: (Andrews/Seng) that:

- a) the land currently zoned 3B in the Maroubra Beach town centre shall be zoned B1 with a maximum height of 13 metres (this includes a 1 metre allowance to address the flood level) and an FSR of 2:1; and
- b) the land currently zoned 2C on eastern side of Fenton Avenue shall be zoned R3 with a maximum height of 13 metres (this includes a 1 metre allowance to address the flood level) and an FSR of 0.9:1.

AMENDMENT: (Matthews/Procopiadis) CARRIED AND BECAME THE MOTION.

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Matthews	Councillor Bowen
Councillor Nash	Councillor Hughes
Councillor Notley-Smith	Councillor Matson
Councillor Procopiadis	Councillor Seng
Councillor Smith	Councillor Woodsmith
Councillor Tracey	
Councillor White	
Total (8)	Total (6)

AMENDMENT: (Matson/Hughes) that, for the area currently proposed to be zoned B1 in the Maroubra Beach town centre, Council adopt a 12 metre height limit and an FSR of 1.5:1. LOST.

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

FOR	AGAINST
Councillor Andrews	Councillor Belleli
Councillor Bowen	Councillor Matthews
Councillor Hughes	Councillor Nash
Councillor Matson	Councillor Notley-Smith

Councillor Seng	Councillor Procopiadis
Councillor Woodsmith	Councillor Smith
	Councillor Tracey
	Councillor White
Total (6)	Total (8)

AMENDMENT: (Matson/Hughes) that, for the area currently proposed to be zoned B1 in the Maroubra Beach town centre, Council adopt a 12 metre height limit and an FSR of 2:1. **RULED OUT OF ORDER.**

Motion of dissent

MOTION: (Hughes/Matson) that the Mayor's ruling, that the above amendment is out of order, be dissented to. **LOST.**

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

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

FOR	AGAINST
Councillor Hughes	Councillor Andrews
Councillor Matson	Councillor Belleli
Councillor Woodsmith	Councillor Bowen
	Councillor Matthews
	Councillor Nash
	Councillor Notley-Smith
	Councillor Procopiadis
	Councillor Seng
	Councillor Smith
	Councillor Tracey
	Councillor White
Total (3)	Total (11)

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

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Matthews	Councillor Bowen
Councillor Nash	Councillor Hughes
Councillor Notley-Smith	Councillor Matson
Councillor Procopiadis	Councillor Seng
Councillor Smith	Councillor Woodsmith
Councillor Tracey	
Councillor White	
Total (8)	Total (6)

Carr Street, Coogee

131/12

RESOLUTION: (Notley-Smith/Smith) that Council:

- F) Endorse in relation to 58-64 Carr Street, Coogee:
- i) that the exhibited B2 Local Centre zone be amended to the R3 Residential zone in the final LEP;
 - ii) that the Floor Space Ratio map be amended to the relevant FSR for this R3 zone, being 0.9:1, in the final LEP;
 - iii) that an additional use for a 'restaurant or café' be permitted with

- development consent on these sites in the final LEP;
- iv) that detailed development design guidance in the draft Comprehensive DCP should include provisions which address matters such as;
 - streetscape elements (e.g. awnings);
 - design criteria for upgrades e.g. scale of any podium, access, balconies;
 - size/location;
 - setbacks; and
 - other related development/design criteria;
- v) limit non-residential uses to the ground floor of these buildings and have a primary address/frontage to Carr Street;
- vi) limit any outdoor seating to the Carr Street frontage;
- vii) provide for limited hours of operation for all non residential uses;
- viii) address activation of the street frontages to enhance the pedestrian environment;
- ix) ensure any outdoor lighting and signage does not adversely affect residential amenity;
- x) include appropriate design criteria for any upgrading of buildings
- xi) include a waste management plan.

AMENDMENT: (Woodsmith/Tracey) that Council:

F) Endorse in relation to 58-64 Carr Street, Coogee:

- i) that the exhibited B2 Local Centre zone be amended to the R3 Residential zone in the final LEP; and
- ii) that the FSR map be amended to the relevant FSR for the R3 zone, being 0.9:1, in the final LEP. **LOST.**

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

FOR	AGAINST
Councillor Hughes	Councillor Andrews
Councillor Matson	Councillor Belleli
Councillor Tracey	Councillor Bowen
Councillor Woodsmith	Councillor Matthews
	Councillor Nash
	Councillor Notley-Smith
	Councillor Procopiadis
	Councillor Seng
	Councillor Smith
	Councillor White
Total (4)	Total (10)

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

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

FOR	AGAINST
Councillor Andrews	Councillor Woodsmith
Councillor Belleli	
Councillor Bowen	
Councillor Hughes	
Councillor Matson	
Councillor Matthews	
Councillor Nash	
Councillor Notley-Smith	
Councillor Procopiadis	

Councillor Seng
 Councillor Smith
 Councillor Tracey
 Councillor White
Total (13)

Total (1)

Coogee commercial centre

132/12 **RESOLUTION: (Smith/Bowen)** that Council:

G) Endorse in relation to the Coogee commercial centre and applicable to all land zoned in the B2 Local Centre zone:

i) That an additional objective be included in the B2 Local Centre Zone relating to the management of patrons by commercial premises serving alcohol and have late night trading hours:

"To facilitate a safe public domain by encouraging responsible management of late night licensed premises and in the vicinity of such premises"

MOTION: (Smith/Bowen) CARRIED UNANIMOUSLY - SEE RESOLUTION.

City wide matters

133/12 **RESOLUTION: (Smith/Andrews)** that Council:

H) In relation to city wide matters:

i) to include the following additional aims in the final LEP:

- *'To acknowledge, and recognise the Aboriginal People's connection to the area, and to protect, promote and facilitate Aboriginal culture and heritage of the City'.*
- *'To facilitate sustainable population and housing growth without having adverse effects on the character and amenity of Randwick';*
- *'To ensure good management of public assets and promote opportunities for social, cultural and community activities'.*

ii) to make other minor amendments to the final LEP as detailed in Schedule 1 below.

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

Cr White left the meeting at this point and did not return.

Kensington town centre

134/12 **RESOLUTION: (Smith/Hughes)** that Council:

J. Note in relation to those commercial centres with detailed design based DCPs and building envelopes, being Kensington, Maroubra Junction and Matraville centres, that:

- a) these DCPs be translated directly into the comprehensive DCP, and
- b) these DCPs will continue to apply until the comprehensive DCP is adopted.

MOTION: (Hughes/Woodsmith) that in relation to the Kensington town centre the exhibited B2 Local Centre zone be amended to the B1 neighbourhood centres zoning.
LOST.

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

FOR	AGAINST
Councillor Bowen	Councillor Andrews
Councillor Hughes	Councillor Belleli
Councillor Matson	Councillor Matthews
Councillor Tracey	Councillor Nash
Councillor Woodsmith	Councillor Notley-Smith
	Councillor Procopiadis
	Councillor Seng
	Councillor Smith
Total (5)	Total (8)

MOTION: (Smith/Hughes) CARRIED – SEE RESOLUTION.

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Bowen	
Councillor Hughes	
Councillor Matson	
Councillor Matthews	
Councillor Nash	
Councillor Notley-Smith	
Councillor Procopiadis	
Councillor Seng	
Councillor Smith	
Councillor Tracey	
Councillor Woodsmith	
Total (12)	Total (1)

MOTION: (Hughes/Matson) that the current Residential 2C zone for blocks 5, 7, 8 and 11 in the Kensington town centre be translated to the R3 residential zone to allow commercial usages, with appropriate conditions attached, on ground and first floor levels only. **LOST.**

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

FOR	AGAINST
Councillor Bowen	Councillor Andrews
Councillor Hughes	Councillor Belleli
Councillor Matson	Councillor Matthews
Councillor Notley-Smith	Councillor Nash
Councillor Tracey	Councillor Procopiadis
Councillor Woodsmith	Councillor Seng
	Councillor Smith
Total (6)	Total (7)

Procedural motion

RESOLVED: (Smith/Andrews) that the closing time for the meeting be extended until 12am. **CARRIED.**

Cr Matthews left the meeting at this point and did not return.

13-21 Rainbow Street (Kingsford Markets site)

MOTION: (Bowen/Woodsmith) that in relation to 13-21 Rainbow Street (the Kingsford Markets site the exhibited B2 zoning be not proceeded with until a commitment is made to improve public transport and infrastructure in the Kingsford area. **LOST.**

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

FOR	AGAINST
Councillor Bowen	Councillor Andrews
Councillor Hughes	Councillor Belleli
Councillor Tracey	Councillor Matson
Councillor Woodsmith	Councillor Nash
	Councillor Notley-Smith
	Councillor Procopiadis
	Councillor Seng
	Councillor Smith
Total (4)	Total (8)

Other matters

135/12

RESOLUTION: (Smith/Andrews) that Council:

I) Agree that the Director, City Planning may make minor modifications to rectify any numerical, typographical, interpretation and formatting errors if required, and make minor changes as required by Parliamentary Counsel in finalising and printing the Plan.

Schedule 1:

Other detailed amendments recommended in the final LEP are as follows:

a) include the following additional objective for the R1 Residential Zone:

i) 'To protect the amenity of residents'

b) Rezone State owned land, consistent with State agency request, as follows:

- i) for the Bunnerong Road sites, Chifley, retain the E2 Environment Conservation zone, with minor adjustment to the zone boundary and the adjacent residential land (where there is no ESBS present) equivalent to two residential lots. (This follows initial objections to this zoning by the State agencies land owners, with agreement subsequently gained given the importance of the vegetation in this location);
- ii) rezone all 8 scout halls in the LGA to the RE1 Public Recreation zone to reflect their recreation use;
- iii) rezone the War Lee market gardens site, Wassell St, Matraville, from RE1 Public Recreation to RU4 Primary Production Small Lots zone, to reflect their market gardens use;
- iv) rezone the Crown land owned site at Macquarie St, Matraville, used by the South Sydney Amateur Fishing Association, from RE2 Private Recreation to RE1 Public Recreation to reflect State ownership of the site;
- v) rezone the Sydney Water owned site at Perry Street, Matraville from proposed Special Purposes (Water Supply System) to R2 (low density) Residential, consistent with the surrounding land and as suitable and intended future use;

- vi) Rezone a social housing property at Elphinstone Road from R2 Low Density Residential to R3 Medium Density Residential to correct a mismatch with the zoning for the adjoining housing estate zone and consistent with the built form;
- c) Amend the RE1 Public Recreation Zone Land Use Table as follows:
- i) Require consent for the use of "horticulture" in the RE1 Public Recreation zone (currently permitted without consent even though it is a commercial use);
- d) Amend the following Clauses:
- i) Clause 5.3 'Development near zone boundaries' to change the relative distance of a boundary between two zones from 2m to 4m and apply to roads in residential and business zones to enable footpath dining (subject to consent);
 - ii) Clause 4.3A 'Height of buildings in certain town centres' and the zoning map in relation to land within Kensington centre and zoned B2 Local Centre fronting Boronia Street, to correct (and reduce) a height limit for one site fronting Boronia Street, as follows:
 - "Despite subclause 4.3, development consent may be granted to a building having a height greater than 12 metres in the Kensington Town Centre on land edged by a thick burgundy line and marked "Area 6" on the Height of Buildings Map subject to the following:*
 - (a) 17m height incorporating a supermarket or speciality retail and pedestrian connections as part of the comprehensive redevelopment of "Area 7".*
- e) Amend the LEP Schedules as follows:
- i) Additional Use Schedule – minor corrections to property descriptions;
 - ii) Exempt and Complying Development Schedules - minor changes for consistency with current Council exempt/complying provisions and to clarify the wording of conditions;
 - iii) Heritage Schedules – minor changes in format consistent with the Standard Instrument and the NSW Heritage Branch requirements and minor corrections to property details.
- f) Amend the LEP maps as follows:
- i) Change the FSR at Lot 65 Harvey St, Little Bay based on a submission request and review, from 1.1:1 to 1.3:1
 - ii) Correct the Spot conservation area mapping, by deleting the site at 57-63 St Pauls Street, Randwick;
 - iii) Update the maps are per all Council resolutions and corrections identified in the final map checking.

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

Petitions

- (a) The Mayor tabled a petition from local residents opposed to the rezoning of Carr Street (from Kurrawa Avenue to Beach Street) from residential to commercial.

Notice of Rescission Motions

Nil.

There being no further business, His Worship the Mayor, Cr S Nash, declared the meeting closed at 11.55pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 26 June 2012.

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CHAIRPERSON