

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 OCTOBER 2013 AT 6:05PM**

Present:

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

Councillor A Andrews (Deputy Mayor) (Central Ward)

- | | |
|--------------|--|
| North Ward | - Councillors K Neilson, L Shurey & K Smith |
| South Ward | - Councillors N D'Souza, R Belleli & P Garcia |
| East Ward | - Councillors T Bowen, M Matson & B Roberts |
| West Ward | - Councillors G Moore, S Nash & H Stavrinou |
| Central Ward | - Councillors A Andrews (arrived 6.15pm), T Seng & G Stevenson |

Officers Present:

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoplos
Director City Planning	Ms S Truvert
Director Governance & Financial Services	Mr G Banting
Senior Administrative Coordinator	Ms J Hartshorn
Manager Development Assessment	Mr K Kyriacou
Communications Manager	Mr J Hay
Coord. Integrated Planning & Knowledge Manag't	Ms R Saville
Coordinator Information Management	Mr G Panagiotopoulos

Prayer & Acknowledgement of Local Indigenous People

The Council Prayer was read by Cr D'Souza. The Acknowledgement of Local Indigenous People was read by Cr Garcia.

The meeting was adjourned at 6.07pm and was resumed at 6.08pm.

Apologies/Granting of Leave of Absences

Nil.

Confirmation of the Minutes

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY 17 SEPTEMBER 2013

284/13 **RESOLUTION: (Smith/Garcia)** that the Minutes of the Ordinary Council Meeting held on Tuesday 17 September 2013 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

285/13 **RESOLUTION: (Smith/Garcia)** that the Minutes of the Extraordinary Council Meeting held on Tuesday 24 September 2013 (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) Cr Smith declared a pecuniary interest in Item CP74/13 as his employer has a business relationship with the applicant. Cr Smith indicated that he would not take part in the debate or the voting on the matter.
- b) Cr Shurey declared a non-significant non pecuniary interest in Item CP79/13 as one of the applicants is known to her through her work with the Maroubra Beach Precinct Committee.
- c) Cr Matson declared a non-significant non pecuniary interest in Item CP79/13 as one of the applicants is known to him from his time as Mayor and through community negotiations in relation to the Bardon Park matter.
- d) Cr D'Souza declared a pecuniary interest in Item CP76/13 as the applicant for the development application in question. Cr D'Souza indicated that he would not take part in the debate or the voting on the matter.
- e) All Councillors declared a non-significant non pecuniary interest in Item CP74/13 as a number of the Directors and Club members are known to them and some Councillors are members of the Club.
- f) All Councillors declared a non-significant non pecuniary interest in Item CP76/13 as the applicant (Cr D'Souza) is known to them.
- g) Later in the meeting, Crs Garcia, Matson and Moore declared significant non pecuniary interests in Item UB8/13 as members of the JRPP. Crs Garcia, Matson and Moore all indicated that they would not take part in the debate or the voting on the matter.

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:

CP73/13 25 BAY PARADE, MALABAR (DA/561/2012)

Objector Margaret Howe

Applicant Alon Musael - Architect

CP75/13 17 BINDA CRESCENT, LITTLE BAY (DA/351/2013/A)

Applicant Matthew Stubbs - Architect

NM91/13 NOTICE OF MOTION FROM CR SENG - SAFETY OF SCHOOL CHILDREN

For Stephen Thomas

Mayoral Minutes

MM78/13 Mayoral Minute - Social inclusion in Randwick (F2008/00309)

286/13 **RESOLUTION: (Mayor, Cr Nash)** that a document containing a comprehensive list of all the social inclusion and community activities managed and implemented by Randwick City Council be prepared, and that copies be sent to:

1. all branches of council libraries
2. Local Precinct Committees and Chambers of Commerce
3. Community organisations in Randwick City.

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

MM79/13 Mayoral Minute - Des Renford Leisure Centre - Funding Makeover to Existing Pool Complex (PROJ/10574/2011)

287/13 **RESOLUTION: (Mayor, Cr Nash)** that Council considers funding for further upgrades of the existing pool facilities at the Des Renford Leisure Centre in next year's Capital Works Budget.

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

MM80/13 Mayoral Minute - Eastern Area Health Service - Outdoor Gym, Maroubra (F2013/00121)

288/13 **RESOLUTION: (Mayor, Cr Nash)** that :

- a) Randwick City Council support the Health Promotion Service, as part of South Eastern Sydney Local Health District proposal "Come and Try" days at the Outdoor Gym at Maroubra Beach.
- b) this event be acknowledged in the Mayors column at the appropriate time.
- c) Council's logo be included in any promotional material for the event.

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

Note: Cr Bowen was not present in the Council Chamber during the vote on this item.

MM81/13 Mayoral Minute - Food Waste Collection Trial (F2013/00423)

289/13 **RESOLUTION: (Mayor, Cr Nash)** that Council notes the commencement of the food waste trial for up to 6,000 Randwick residents and its potential contribution to improving our waste diversion rate from landfill.

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

Note: Cr Belleli was not present in the Council Chamber during the vote on this item.

MM82/13 Mayoral Minute - Friday 27 December 2013 - Council holiday (F2006/00304)

290/13 **RESOLUTION: (Mayor, Cr Nash)** that Council confirm Friday 27 December 2013 as a public holiday for Council staff.

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

Note: Cr Belleli was not present in the Council Chamber during the vote on this item.

**MM83/13 Mayoral Minute - Clovelly Nippers - Sponsorship of tents
(F2004/07396)**

291/13 **RESOLUTION: (Mayor, Cr Nash)** that Council donate \$1,000 to the Clovelly Nippers, in recognition of 100th Anniversary of the naming of Clovelly, to help the Nippers to purchase tents for use in conjunction with Nippers' events, subject to Council's logo being prominently displayed on the tents.

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

Note: Cr Belleli was not present in the Council Chamber during the vote on this item.

**MM84/13 Mayoral Minute - Small Business Friendly Councils Program
(F2009/00243)**

292/13 **RESOLUTION: (Mayor, Cr Nash)** that Council registers interest in participating in the Office of the NSW Small Business Commissioner Small Business Friendly Councils program.

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

**MM85/13 Mayoral Minute - Support for Smile Like Drake Foundation's work
with UNSW's Water Research Department (F2013/06574)**

293/13 **RESOLUTION: (Mayor, Cr Nash)** that:

- a) Council provide the Foundation with information gathered from the results of its survey of rock fishermen.
- b) the Mayor meet with Mr and Mrs Drake to discuss the proposal to trial the safety harnesses and tethering devices at Malabar.

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

MM86/13 Mayoral Minute - NSW Bush Fires Disaster (F2006/00722)

294/13 **RESOLUTION: (Mayor, Cr Nash)** that, in an attempt to assist with recovery efforts and support individuals and communities affected by the fires, Randwick City Council extend an offer of assistance to the Councils affected by the NSW bush fires, being: Blue Mountains City Council; Hawkesbury City Council; Lithgow City Council; Wollondilly Shire Council; Wingecarribee Shire Council; and Wyong Shire Council and any other Councils severely impacted by the fires.

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

Urgent Business

UB7/13 Cr Kathy Neilson - Centennial Park Master Plan 2040

295/13 **RESOLUTION: (Neilson/Andrews)** that:

- a) Randwick City Council write to the Centennial Parklands Trust indicating support of aspects of the Centennial Park Master Plan 2040 particularly the following goals identified in the Master Plan that:
 - The park will remain a peaceful, serene oasis within the City
 - There will be no reduction of:
 - Green, open space within the Park

- o Tree numbers
 - o Animal habitat areas
 - There will be no increase to built area within the Park
 - Historically significant built fabric will be conserved
 - The Park will remain accessible to pedestrians of all ages, cyclists, cars and horses.
- b) Council opposes any increased use of Centennial Park for musical events and concerts.
- c) Council agrees that “by building on the successes of its 125 year history, and protecting the Park’s unique character, Centennial Park will live on as the ‘People’s Park’ for generations to come”.

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

UB8/13 Cr Tony Bowen - Inglis Proposal - public meeting

Note: Having previously declared an interest, Crs Garcia, Matson and Moore left the chamber and took no part in the debate or voting on this matter.

296/13

RESOLUTION: (Bowen/Stavrinos) that, given the public meeting scheduled to be held Thursday 24 October 2013 in relation to this matter, Council reiterate its resolution of 14 May 2013 in relation to the Inglis Planning Proposal, being as follows:

*“(Nash/Stavrinos) that Council endorse the attached submission on the exhibited Inglis Planning Proposal (**Attachment 1**) for referral to the Joint Regional Planning Panel subject to the following resolutions:*

1. *Council opposes the current proposed zones, for the site and requests that the JRPP be advised that Council supports a low density residential zone and the B1 Neighbourhood Centre Zone in place of the B4 Mixed Use zone.*
2. *Council opposes the current proposed building heights and requests that the JRPP be advised that the maximum height along Barker Street should be no more than 15m and the maximum height along the eastern and southern boundaries of the site should be a maximum of 3 storeys with the third storey set back.*
3. *Council opposes the current proposed density and floor space and requests that the JRPP be advised that low density residential is the appropriate form of development for the site and the maximum number of dwellings should not exceed 600, commercial floor space should not to exceed 1300 sq metres and at least 775 car parking spaces should be provided.*
4. *Council request the JRPP to ensure that there should be at least 5% affordable housing which should be dedicated for a period of 20 years.*
5. *Council further refer the NSW Government Architect’s previous advice on the applicant’s Planning Proposal to the JRPP for their consideration specifically in relation to:*
 - *Buildings along the eastern boundary within Precinct 4 should have a street address and direct car access Parking proposals for the site should be shown in plan form to give an understanding of building access for vehicles*
 - *Adaptive re use of heritage buildings should be indicated*
 - *The scale of new development should be reduced near heritage buildings and the Struggletown Heritage Conservation Area*
 - *A Planning Agreement or similar mechanism for the care, maintenance and ownership of the public open space and streets.*

6. Council request the JRPP to hold a public hearing on the exhibited Proposal given the issues that surround the site are of such significance as to warrant a hearing under S.57 of the Environmental Planning and Assessment Act.
7. Council seek an explanation from the Minister for Planning and Infrastructure as to why this proposal has been referred to the JRPP and, in addition, request that it be returned back to the Council."

MOTION: (Bowen/Stavrinos) CARRIED - SEE RESOLUTION.

Note: Cr Andrews was also not present in the Council Chamber during the vote on this matter.

Director City Planning Reports

**CP73/13 Director City Planning Report - 25 Bay Parade, Malabar
(DA/561/2012)**

297/13

RESOLUTION: (Matson/Andrews) that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/561/2012 for the construction of new two storey dwelling with roof terrace, swimming pool and spa pools to side of dwelling, alterations to out buildings at rear, landscaping and associated works, at No. 25 Bay Parade, Malabar, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a. The roof terrace (including the enclosure and stair access) at the upper level of the proposed building must be deleted from the plans and be replaced by a flat roof. Details of the roof design must be submitted to Council's Manger Development assessment for approval prior to the issuing of a construction certificate.
 - b. The bathroom window (WFF18) on the first floor level to the north western elevation must have a minimum sill height of 1.5m above floor level, or alternatively, the window is to be fixed and be provided with translucent, obscured, frosted or sandblasted glazing below this specified height.
 - c. The proposed glazing to the north eastern elevation to the outbuilding structure must be of double glazing and with an opaque glass finish.

Car space

10. Plans submitted for the construction certificate must demonstrate compliance with the following amendment/s to satisfy the provisions of AS 2890.1:2004 and Council's DCP-parking;
 - The car space must have minimum dimensions of 2.7m x 5.4m. This will require the access stairs to the front patio to be shifted northwards (away from car space) an appropriate amount to achieve the minimum width.

MOTION: (Matson/Andrews) 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 Moore

Councillor Belleli	Councillor Roberts
Councillor Bowen	
Councillor D'Souza	
Councillor Garcia	
Councillor Matson	
Councillor Nash	
Councillor Neilson	
Councillor Seng	
Councillor Shurey	
Councillor Smith	
Councillor Stavrinou	
Councillor Stevenson	
Total (13)	Total (2)

CP74/13 Director City Planning Report - 558A-580 Anzac Parade, Kingsford (DA/383/2013)

Note: Having previously declared an interest, Cr Smith left the chamber and took no part in the debate or voting on this matter.

298/13

RESOLUTION: (Andrews/Roberts) that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 383/2013 for alterations and additions to the existing South Sydney Juniors club including: infill of the existing atrium openings at 2nd floors, deletion of squash courts and offices at 2nd floor, reconfiguration of the use of these spaces within the 2nd floor level including new indoor/outdoor poker machine lounge/terrace, new restaurant area, new foyer, plating kitchen, sanitary facilities and staff rooms, and new private/plant/store rooms and outdoor terrace fronting Wallace Street at 3rd floor level at 558A-580 Anzac Parade, Kingsford, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

Non standard conditions

18. A report, must be obtained from a suitably qualified and experienced consultant in acoustics, which demonstrates and certifies that noise and vibration from the development (including all outdoor terraces, patron noise, mechanical plant and equipment and all operational noise sources) satisfies the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Office of Environment & Heritage/Environment Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's development consent. A copy of the report is to be forwarded and approved by the Council **prior to the issue of a construction certificate.**

Any recommendations or requirements which form part of this acoustic report are to be accepted & approved by Council prior to their implementation.

38. A report, must be obtained from a suitably qualified and experienced consultant in acoustics, which demonstrates and certifies that noise and vibration from the development (including all external terraces, plant and equipment and general operational noise sources) satisfies the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Office of Environment & Heritage/Environment Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's development consent. **A copy of the report is to be forwarded and approved by Council within 1 month of commencing the operation of the outdoor terraces.**

The acoustic report is to include (but not be limited to);

- Noise emission from the proposed development (e.g. operational noise,

mechanical noise, monitoring from nearest affected residential premises during the use and operation of the premises when there is maximum occupancy to satisfy intrusiveness and amenity criteria)

- Patron noise from the development having regard to the outdoor terraces and the proposed hours of operation.
- Accumulative patron noise from maximum occupancy of the new outdoor terraces with the existing outdoor terraces.
- Background noise levels shall be taken after 10:00pm in the absence of any other commercial premises operating in the area.

Any recommendations outlined in this report are to be implemented after appropriate approval by Council.

44. The proposed outdoor areas (gaming area and terraces) shall accommodate no more than the following specified maximum number of patrons (including gaming machines players) at all times: -

- Second floor gaming lounge: max 203 people (nominated by applicant)
- Second floor outdoor gaming terrace: max 92 people (nominated by applicant)
- The maximum number of patrons able to be accommodated on the third floor terrace fronting Wallace Street servicing the proposed third floor private function rooms shall be determined by the acoustic report required to be submitted to Council's satisfaction prior to the issue of a construction certificate and 1 month after the commencement of operation of the proposed outdoor areas.

45. An amended plan of management shall be submitted to and approved by Council prior to commencement of the terraces, which shall include but not be limited to:

- ensure compliance with the relevant conditions of approval and acoustic assessment requirements
- minimise the potential impact of the operation of the premises upon nearby residents,
- effectively minimise and manage anti-social behaviour,
- minimise noise emissions and associated nuisances,
- effectively manage and respond to resident complaints,
- ensure responsible service of alcohol and harm minimisation,
- specifically restricting entertainment on all terraces.

48. The hours of the operation for the 2nd floor outdoor gaming terrace, 2nd floor Staff terrace & 3rd floor external terraces are restricted to:

Monday – Thursday:	9:00am – Midnight
Friday - Sunday:	9:00am – 1:00am.

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

**CP75/13 Director City Planning Report - 17 Binda Crescent, Little Bay
(DA/351/2013/A)**

299/13

RESOLUTION: (Andrews/Stavrinos) that Council, as the consent authority, modify the development consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, for Development Application No. DA/351/2013/A at 17 Binda Crescent, Little Bay, in the following manner:

- **Delete Condition No. 1(a).**

MOTION: (Andrews/Stavrinos) 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 Bowen
Councillor Belleli	Councillor D'Souza
Councillor Matson	Councillor Garcia
Councillor Nash	Councillor Moore
Councillor Roberts	Councillor Neilson
Councillor Seng	Councillor Shurey
Councillor Smith	
Councillor Stavrinos	
Councillor Stevenson	
Total (9)	Total (6)

CP76/13 Director City Planning Report - Shop 6/495-503 Bunnerong Road, Matraville (DA/595/2013)

Note: Having previously declared an interest, Cr D'Souza left the chamber and took no part in the debate or voting on this matter.

300/13

RESOLUTION: (Garcia/Andrews) that Council, as the consent authority, grant development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 595/13 for the internal fit out and use of the premises as a chemist (commercial premises) including business identification signage, at Shop 6/495-503 Bunnerong Road, Matraville, legally described as Lot 100 DP 1077108, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

Non standard conditions

Advertising Signage

19. The signage shown on drawing 'External Elevation for DA' drawn by Creative Impact dated 09/09/2013 shall be amended to include interpretative historical images of the Matraville town centre/locality. Details to be submitted to Council's Heritage Planner for approval prior to an occupation certificate being issued.

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

CP77/13 Director City Planning Report - 220 Franklin Street, Matraville (DA/508/2013)

301/13

RESOLUTION: (Andrews/Roberts) that Council as the consent authority, grant consent under the Environmental Planning and Assessment Act 1979 as amended for Development Consent No DA508/2013 for demolition of garage, granny flat, shed and front fence and construction of new detached garage, new deck to existing dwelling, new secondary dwelling, inground swimming pool, new front boundary fence and new driveway at No.220 Franklin Street, Matraville, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

Non standard conditions

- 2(a) The window in the western façade of the secondary dwelling shall feature

opaque glass and shall be fixed (non-openable) to achieve privacy between the secondary dwelling and the neighbouring dwelling to the west.

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

Note: Cr Smith was not in the Council Chamber during the vote on the above matter.

CP78/13 Director City Planning Report - Reporting variation to Development Standards under State Environment Planning Policy No. 1 (SEPP1) & Clause 4.6 of RLEP 2012 - September, 2013 (F2008/00122)

302/13 **RESOLUTION: (Andrews/Stavrinos)** that the report be received and noted.

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

CP79/13 Director City Planning Report - Recent Land & Environment Court Decisions (F2006/00383)

303/13 **RESOLUTION: (Stevenson/Smith)** that the report be received and noted.

MOTION: (Stevenson/Smith) CARRIED - SEE RESOLUTION.

CP80/13 Director City Planning Report - Draft Section 94A Refund Policy (F2013/00463)

304/13 **RESOLUTION: (Andrews/Stavrinos)** that Council:

- a) endorse the draft Section 94 Refund Policy; and
- b) agree that the Director City Planning may rectify any minor numerical typographical, interpretation and formatting errors if required in finalising and printing the Policy in line with Council's resolution above.

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

CP81/13 Director City Planning Report - Swimming Pool Inspection Program (F2004/06353)

305/13 **RESOLUTION: (Bowen/Moore)** that:

- a) Randwick City Council, in accordance with s. 22B(1) of the *Swimming Pools Act 1992*, adopt as its formal *Swimming Pools Draft Inspection Program* the attached Draft Swimming Pools Inspection Program, and
- b) that Council officers, in accordance with s. 22B(4) of the *Swimming Pools Act 1992*, implement the Council's adopted Swimming Pools Inspection Program.

MOTION: (Bowen/Moore) CARRIED - SEE RESOLUTION.

General Manager's Reports

GM22/13 General Manager's Report - Randwick City Council 2012-13 Annual Report (F2012/00177)

306/13 **RESOLUTION: (Moore/Stavrinos)** that:

- a) the Randwick City Council Annual Report 2012-13, be received and noted;

- b) the General Manager be authorised to make any minor changes if required; and
- c) a copy of the Annual Report be submitted to the Chief Executive, Division of Local Government, Department of Premier and Cabinet.

MOTION: (Moore/Stavrinos) CARRIED - SEE RESOLUTION.

Director City Services Reports

Nil.

Director Governance & Financial Services Reports

GF55/13 Director Governance & Financial Services Report - 2012-13 Disclosure of Interests Returns (F2013/00237)

- 307/13 **RESOLUTION: (Andrews/Stavrinos)** that it be noted that the Register of Disclosure of Interests Returns for 2012-13 has been tabled at the Ordinary Council Meeting of 22 October 2013.

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

GF57/13 Director Governance & Financial Services Report - Investment Report - September 2013 (F2004/06527)

- 308/13 **RESOLUTION: (Andrews/Stavrinos)** that the investment report for September 2013 be received and noted.

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

Petitions

Nil.

Motion Pursuant to Notice

NM88/13 Notice of Motion from Cr Stavrinos - Long-Bay Correctional Facility site (F2008/00506)

- 309/13 **RESOLUTION: (Moore/ Matson) TION: (Moore/Matson)** that council write to the NSW Attorney-General, the Hon. Greg Smith MP:

- a) reiterating the Council's support for the correctional facility at Long Bay and its contribution to the rehabilitation of inmates and patients with psychological issues as part of the State Government's policy to reduce re-offending, support rehabilitation and enhance community safety;
- b) rejecting any proposed sale of this public asset; and
- c) rejecting any proposal to use this site for further private residential development.

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

Councillors Belleli and Neilson called for a **DIVISION**.

The **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 Nash
Councillor D'Souza	Councillor Roberts
Councillor Garcia	Councillor Seng
Councillor Matson	Councillor Smith
Councillor Moore	Councillor Stavrinou
Councillor Neilson	
Councillor Shurey	
Councillor Stevenson	
Total (9)	Total (6)

NM89/13 Notice of Motion from Cr Garcia - Proposed ANZAC dawn service - Coogee Beach (F2004/07075)

310/13 **RESOLUTION: (Garcia/Seng)** that Council (in conjunction with local RSL sub-branches and other interested community groups) examine the possibility of an ANZAC dawn service at Coogee Beach.

MOTION: (Garcia/Seng) CARRIED - SEE RESOLUTION.

NM90/13 Notice of Motion from Cr Garcia - Intergovernmental Panel on Climate Change (F2008/00363)

311/13 **RESOLUTION: (Garcia/Bowen)** that Council:

- a) note that the Intergovernmental Panel on Climate Change (IPCC) have found that sea levels could be expected to rise by up to 80cm by the end of the century;
- b) note that in 2011 Waverley Council received a report from WorleyParsons entitled the 'Coastal Risks and Hazards Vulnerability Study' (the Report) that examined the coastal hazards and climate change vulnerability of the beaches and cliffs of Waverley Council;
- c) note that the Report made a number of recommendations for the mitigation of identified risks; and
- d) examine the possible effects on Randwick City's coastal areas of expected rises in sea levels reported in the latest IPCC report and ways in which those risks might be mitigated.

MOTION: (Garcia/Bowen) CARRIED - SEE RESOLUTION.

NM91/13 Notice of Motion from Cr Seng - Safety of School Children (F2007/00187)

312/13 **RESOLUTION: (Seng/Andrews)** that Randwick City Council:

- a) note that many school children are exposed to road related risks when they cross the roads, on school excursions, field trips and other outings from school grounds;
- b) note that an organisation called Safety Kids Australia has a proposal to address the above issue by providing safety vests to all primary schools;
- d) resolve that the General Manager be asked to provide a report on the matter with appropriate recommendations.
- e) Council undertake a campaign to encourage children to wear safety vests to and

from school.

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

NM92/13 Notice of Motion from Cr Garcia - Safety of residents on Halloween (F2004/08338)

313/13

RESOLUTION: (Garcia/Bowen) that Council:

- a) note that Halloween is held on 31 October;
- b) note that an increasing number of residents including local children and young adults participate in Halloween activities whether that be 'trick or treating' or Halloween parties;
- c) note there are a number of simple precautions residents can take to ensure they enjoy Halloween safely including, for example, ensuring children are accompanied when they go trick or treating, and that children's costumes are appropriate for the local climate;
- d) use its media channels to communicate safe Halloween tips; and
- e) calls for a report to be brought back to Council on recommendations Council may wish to consider to ensure the safety of residents on Halloween.

MOTION: (Garcia/Bowen) CARRIED - SEE RESOLUTION.

NM93/13 Notice of Motion from Cr Bowen - Aged Care Safety - Garbage Bin Access (F2004/06275)

314/13

RESOLUTION: (Bowen/Andrews) that Council notes recent reports from Royal North Shore Hospital of increased risk of hand and wrist injury to elderly persons as a consequence of accidents when maneuvering mobile garbage bins (wheely bins) and that Council review it's operations in order to minimise the risk of any such injury to residents in Randwick.

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

NM94/13 Notice of Motion from Cr Moore - Kokoda Park Memorial Flagpole (F2011/00199)

315/13

RESOLUTION: (Moore/Andrews) that Council continue to support the memorial within Kokoda Park through

- a) the provision of a temporary flagpole for the forthcoming Remembrance Day ceremony and the ANZAC ceremony conducted by the Kensington Sub-Branch of the RSL;
- b) engaging with the Kensington Sub-Branch for their requirements for the establishment of a permanent flagpole(s) arrangement at the memorial be that a continuation of the temporary or a fixed solution; and
- c) a report to Council outlining a suitable proposal for a permanent flagpole solution with consideration for funding be given to either current year budget or, if not feasible, inclusion in the budget for 2014-15.

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

Note: Cr Seng was not present in the Council Chamber during the vote on this item.

NM95/13 Notice of Motion from Cr Neilson - Proposed new planning laws

(F2011/00542)

316/13

RESOLUTION: (Neilson/Belleli) that:

- a) Council note that at the recent Local Government conference it was resolved to call upon the state government to carry out a major rewrite of the proposed new planning laws (the Planning White Paper).
- b) Randwick Council endorse the LGNSW conference resolution, subject to the following amendments, and write to the State Government advising of this resolution and requesting they acknowledge and support the position of the Council, including:
 1. Community participation at all stages of planning
 2. Councils given equal status as the Minister in planning decisions. Planning decision should only be referred to the Minister on rare occasions where deferment is necessary.
 3. Triple bottom line outcomes for planning decisions, and
 4. Councils are to be recognised as the preeminent instigators of changes to their LEPs.
 5. No strategic compatibility certificates by the Department of Planning allowing development to override zonings.

MOTION: (Neilson/Belleli) CARRIED - SEE RESOLUTION.Councillors Belleli 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 Belleli	Councillor Andrews
Councillor Bowen	Councillor Nash
Councillor D'Souza	Councillor Roberts
Councillor Garcia	Councillor Seng
Councillor Matson	Councillor Smith
Councillor Moore	Councillor Stavrinou
Councillor Neilson	Councillor Stevenson
Councillor Shurey	
Total (8)	Total (7)

Confidential reports (closed session)

That the meeting move into closed session in order to consider confidential items.

Closed Session**GF58/13 Confidential - 2 Coast Hospital Road, Little Bay – Lease of Café/Kiosk (F2011/07367)**

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.

317/13

RESOLUTION: (Andrews/Bowen) that Council supports and approves the lease proposal from Kelly Barlow & Jason Anderson for a period of five(5) + four(4) years for the café/restaurant at 2 Coast Hospital Road, Little Bay.**MOTION: (Andrews/Bowen) CARRIED - SEE RESOLUTION.**

Open Session

That the meeting move back into open session.

Notice of Rescission Motions

Nil.

There being no further business, His Worship the Mayor, Cr S Nash, declared the meeting closed at 8.45pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 26 November 2013.

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CHAIRPERSON