

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, 25 NOVEMBER 2014 AT 6:09PM**

Present:

The Mayor, Councillor T Seng (Chairperson) (Central 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 | - Councillor G Stevenson (from 7.50pm) |

Officers Present:

General Manager	Mr R Brownlee
Acting Director City Services	Mr G Bounassif
Director City Planning	Ms S Truuvert
Director Governance & Financial Services	Mr J Smith
Manager Administrative Services	Mr D Kelly
Manager Development Assessment	Mr K Kyriacou
Communications Manager	Mr J Hay

Prayer & Acknowledgement of Local Indigenous People

The Council Prayer was read by Cr Neilson. The Acknowledgement of Local Indigenous People was read by Cr Shurey.

Apologies/Granting of Leave of Absences

Nil.

Confirmation of the Minutes

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY 28 OCTOBER 2014**

353/14

RESOLUTION: (Andrews/Stavrinou) that the Minutes of the Ordinary Council Meeting held on Tuesday 28 October 2014 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting, subject to the minutes being amended to reflect that Councillor

Andrews was not present for the debate and vote on the nurses memorial matter.

Declarations of Pecuniary and Non-Pecuniary Interests

- a) All Councillors declared a non-significant non pecuniary interest in Item GM33/14 as they know the speaker addressing Council tonight in favour of the recommendation.
- b) All Councillors declared a non-significant non pecuniary interest in Item CP113/14 as they know a former Councillor who has objected to this development application.
- c) Cr Garcia declared a non-significant non pecuniary interest in Item CP113/14 as he knows one of the people associated with the proposed business.
- d) Cr Bowen declared a non-significant non pecuniary interest in Item CP108/14 as he knows some of the objectors and a relative of his signed the petition.
- e) Cr Bowen declared a non-significant non pecuniary interest in Item CP113/14 as he knows objectors and some people associated with the applicant.
- f) Cr Smith declared a pecuniary interest in Item GM33/14 as the matter involves the consumption of alcohol and his employer is part of this industry. Cr Smith will be taking no part in the debate or voting on this matter.
- g) Cr Andrews declared a non-significant non pecuniary interest in Item CP108/14 as he knows some of the objectors.
- h) Cr Moore declared a non-significant non pecuniary interest in Item CP108/14 as he knows some of the objectors.
- i) Cr Seng declared a non-significant non pecuniary interest in Item CP114/14 as he knows the applicant as he is a member of the Liberal Party.
- m) Cr Belleli declared a non-significant non pecuniary interest in Item CP113/14 as his wife works in the childcare industry.
- n) Cr Nash declared a non-significant non pecuniary interest in Item CP114/14 as he knows the applicant as he is a member of the Liberal Party.
- o) Councillors Matson Nash and Moore declared a significant non pecuniary interest in Item CP114/14 as they are all delegates or alternate delegates on Council's JRPP Panel. These Councillors will not be taking part in the debate or voting on this 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:

CP108/14 89-89A MOORAMIE AVENUE, KENSINGTON (DA/560/2014)

Objector Miriam Houseman

CP109/14 11 MONMOUTH STREET, RANDWICK (DA/406/2012/A)

Objector Tracey Ong

CP110/14 2 WOLSELEY ROAD, COOGEE (DA/160/2011/A)

Applicant George Karavanas on behalf of applicant

CP111/14 5 INMAN STREET, MAROUBRA (DA/556/2014)

Objector Emil Dan

- Applicant** Anthony Betros on behalf of objectors
CP113/14 2 VIRGINIA STREET, KENSINGTON (DA/536/2014)
- Objector** David McCarthy on behalf of objectors
- Applicant** Ben Black on behalf of applicant
NM133/14 NOTICE OF MOTION FROM CR ROBERTS - LOCAL VOLUNTEER EXPO
- For** Kate McKenzie
- GM33/14 COMMUNITY CONSULTATION - ALCOHOL CONSUMPTION IN COOGEE BEACHSIDE PARKS
- Against** Rebecca Lehman
- For** Rona Wade

The Meeting was adjourned at 7.23pm and was resumed at 7.44pm.

RESOLVED: (PROCEDURAL MOTION) (Matson/Stavrinos) that all matters that were subject to addresses by the public be dealt with as the first items of business.

Mayoral Minutes

MM87/14 Mayoral Minute - Barnardos "1 Mile Bolt" - Waiving of Fees (F2014/00096)

354/14

RESOLUTION: (Mayor, Cr T Seng) that:

- a) Council vote \$3,890.00 to cover the fees associated with the Barnardos "1 Mile Bolt" to be held on Sunday 14 June 2015 and these funds be allocated from the 2014-15 Contingency Fund;
- b) the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event;
- c) the Mayor or his representative be given the opportunity to address the event on behalf of Council; and
- d) the organisers provide Council with information following the event on the number of attendees and other event related information.

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

MM88/14 Mayoral Minute - Australian Business Awards - Employer of Choice Award (F2014/06574)

355/14

RESOLUTION: (Mayor, Cr T Seng) that Council:

- a) notes receipt of the prestigious Australian Business Awards ABA 100 Employer of Choice Award; and
- b) congratulates staff involved.

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

MM89/14 Mayoral Minute - Investigation into Opportunities for Shared Bicycle Facilities in Randwick (PROJ/10127/2004)

356/14 **RESOLUTION: (Mayor, Cr T Seng)** that Council staff prepare and bring back a report on the options and viability of bicycle sharing facilities for consideration across Randwick City.

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

MM90/14 Mayoral Minute - Randwick City Council Library Service Award (F2013/00332)

357/14 **RESOLUTION: (Mayor, Cr T Seng)** that library staff be congratulated on winning this prestigious award.

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

MM91/14 Mayoral Minute - Coogee Beach Library (F2012/00318)

358/14 **RESOLUTION: (Mayor, Cr T Seng)** that Council:

- a) note the importance of increasing literacy in our community;
- b) note the vast array of programs and services offered by our Library Services; and
- c) endorse the launch of Sydney's first Beach Library at Coogee Beach for the 2015 summer season.

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

MM92/14 Mayoral Minute - Fit for the Future (F2004/06554)

Note: A rescission motion on this item was submitted by Councillors Bowen, Moore and Stevenson in accordance with Council's Code of Meeting Practice and will be considered at the next available meeting.

359/14 **RESOLUTION: (Mayor, Cr T Seng)** that:

1. Council establishes a working party consisting of the Mayor, a representative of the ALP Councillors, a representative of the Greens Councillors, a representative of the Independent Councillors, and the General Manager, to undertake the necessary due diligence to enable Council to respond in accordance with the 'Fit for the Future' templates, due June 2015;
2. Council advises the United Services Union that it is supportive of the Union's objective of ensuring the protection of Council employees' conditions and the request for the establishment of a peak committee of representatives from Council's management and the relevant Unions to consult on the development of Council's response to the NSW Government's 'Fit for the Future' policy;
3. outcomes of the working party's due diligence be reported back to Council; and
4. Council consults with the local community by way of a plebiscite or other means to determine our community's view on amalgamations.

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

MOTION: (Bowen/Stevenson) that this mayoral minute be deferred to the December Council meeting for further consideration by Councillors and the community. **LOST.**

Councillors Bowen and Belleli 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 D'Souza
Councillor Moore	Councillor Garcia
Councillor Neilson	Councillor Matson
Councillor Stevenson	Councillor Nash
	Councillor Roberts
	Councillor Seng
	Councillor Shurey
	Councillor Smith
	Councillor Stavrinou
Total (5)	Total (10)

Director City Planning Reports

CP108/14 Director City Planning Report - 89-89A Mooramie Avenue, Kensington (DA/560/2014)

360/14

RESOLUTION: (Andrews/Stavrinou) that Council, as the consent authority, refuses development consent under Section 96 of the *Environmental Planning and Assessment Act 1979*, as amended, to Development Application No. DA/560/2014 to change the use from dual occupancy to boarding house, containing 11 rooms for up to 17 residents with associated construction works at No. 89 – 89A Mooramie Avenue, Kensington for the following reasons:

1. Retrospective consent for physical commencement of construction works cannot be issued pursuant to section 109F of the *Environmental Planning and Assessment Act 1979*.
2. The proposed development does not demonstrate consistency with the Disability Discrimination Act 1992 access to premises standards embodied with the Building Code of Australia. In particular the development fails to provide equitable access to all common facilities of the site both internal and external to the buildings.
3. The application is not supported by an appropriate BASIX Certificate and therefore does not satisfy the provisions of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
4. The proposed development is contrary to a number of standards prescribed within State Environmental Planning Policy (Affordable Rental Housing) 2009. In particular, the application does not provide an acceptable or adequate communal living room, kitchen or laundry facilities. The cumulative effective of the variation is considered to impact on the residential amenity of the development.
5. The proposed development is contrary to section 2.4 Landscaping and Permeable surfaces of Part C1 Low Density Development, resulting in a reduction of onsite landscaping below Council's recommended minimum of 30 per cent of the site. The reduction occurs within the front setback of the

- property and is considered to be inconsistent with clause 29(2)(b) of the State Environmental Planning Policy (Affordable Rental Housing) 2009.
6. The proposed development is contrary to clause 5.9 Preservation of Trees, of Randwick Local Environmental Plan 2012 and the provisions of Part B5 of the Randwick Development Control Plan 2013. In particular, the proposal seeks the removal of two (2) trees without compensatory plantings to replenish the urban forest and the transplantation of another tree, without sufficient evidence to support the health and vitality of the tree by way of suitable arborist report.
 7. The proposed development is contrary to the waste management requirements prescribed within Part B6 of Randwick Development Control Plan 2013. In particular, the proposed development locates waste storage and management areas forward of the building line.
 8. The proposed development is contrary to section 5.5 Safety and Security of Part C1 Low Density Residential of the Randwick Development Control Plan 2013. In particular the modified design and layout of the boarding house does not reflect the principles of Crime Prevention through Environmental design in respect of the following:
 - a. Relocation of the primary point of entry to the side elevation of the dwelling, reducing legibility of the site and promoting concealment; and
 - b. The fragmentation of active spaces throughout the dwelling disrupts sightlines and promotes concealment.
 9. The proposed development does not comply with section 2.2 Outdoor communal open space or section 2.3 indoor communal open spaces of Part C4 Boarding Houses of the Randwick Development Control Plan 2013. In particular, the proposed communal facilities are considered inadequate to meet the demand or intended function due to the limited linear dimensions and fragmented layout. The design of communal spaces is also inadequate to permit universal access to mobility impaired persons.
 10. The identified non-compliances with both Council's Development Controls and the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 are symptomatic of an overdevelopment of the site. In particular this is seen in the inadequacy of communal facilities, the reduction in landscaped area to facilitate the poor location of waste servicing. In this regard the development in its current form is not considered suitable for the site.
 11. In view of the above, approval of the application would not be in the public interest.

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

**CP109/14 Director City Planning Report - 11 Monmouth Street, Randwick
(DA/406/2012/A)**

361/14

RESOLUTION: (Matson/Andrews) that Council, as the consent authority, grants its consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Consent No. 406/2012 at 11 Monmouth Street, Randwick, in the following manner:

Amend Conditions Nos 1, 2 and 46 to read:

Approved Plans & Supporting Documentation

1. The development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council's approved stamp, except where amended by Council in red and/or by other

conditions of this consent:

Prepared by	Title	Drawing No	Issue	Date
Anna Vaughan Architects	Site Plan	AO1	B	17.10.12
Anna Vaughan Architects	Proposed Lower & Ground Floor Plans	AO2	D	17.10.12
Anna Vaughan Architects	Proposed Upper Floor & Roof Plan	AO3	E	18.10.12
Anna Vaughan Architects	Proposed Western & Southern Elevations	AO4	C	17.10.12
Anna Vaughan Architects	Proposed Northern & Eastern Elevations & Sections	AO5	B	17.19.12 (sic 17.10.12)
Anna Vaughan Architects	Proposed Driveway Plan and Section	AO6	B	17.10.12
Anna Vaughan Architects	Proposed Pool Plan and Section	ARO7	B	17.10.12
Anna Vaughan Architects	Landscape Area-General	ARO9	B	17.10.12
Anna Vaughan Architects	Landscape Areas-Soft Landscaping	ARO10	B	17.10.12
Anna Vaughan Architects	Existing & Proposed Shadow Diagrams-Plans	SSD01	B	17.10.12
Anna Vaughan Architects	Existing & Proposed Shadow Diagrams - Elevation #13	SSD02	B	17.10.12
Anna Vaughan Architects	Basix Certificate	43325 3S		19.06.12

Only in so far as they relate to the modifications highlighted on the section 96 plans and detailed in the Section 96 application, except as may be amended by the following conditions and as may be shown in red on the attached plans:

Prepared by	Title	Drawing No	Issue	Date	Received by Council
Anna Vaughan Architects	Part Plan and East Boundary Wall Elevation	F01	03	11.07.14	14 August 2014
Anna Vaughan Architects	Northern Elevation	SK01	A	7.10.14	8 October 2014

Amendments of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a) Angled louvre timber privacy screens must be installed around the perimeter of the northern side balcony at first floor level from the top of the solid balustrade to a height of 1.8m from floor level. The screens must be designed to block all horizontal or downward view lines to No. 9 Monmouth Street and louvres must be operable between a maximum of 45 degrees and 90 degrees.

- b) The translucent film to the first floor north facing window furthest to the rear as indicated on Plan SK01 Issue A dated 7.10.14 shall be deleted and replaced with an external louvre privacy screen for the full length of the window. The total area of any openings within the privacy screen must not exceed 25% of the area of the screen and are to be fixed in an upward angle of 45 degrees to prevent overlooking.

Tree Management

46. No objections are raised to the removal of any other existing vegetation within the site, due to their small size and significance, as well as to accommodate the proposed works as shown, subject to full implementation of the approved landscaping.

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

CP110/14 Director City Planning Report - 2 Wolseley Road, Coogee (DA/160/2011/A)

362/14

RESOLUTION: (Andrews/Stavrinos) that Council as the consent authority grant its consent under Section 96 of the *Environmental Planning and Assessment Act 1979* as amended to modify Development Consent No. DA/160/2011/A by extending the size of the basement area, adding new mezzanine level in the void area above the basement level and various internal alterations at 2 Wolseley Road, COOGEE in the following manner:

A. Amend the following Conditions to read:

1. The development must be implemented substantially in accordance with the plans numbered 1.01, 1.02, 1.03, 2.01, 3.01 and 3.02 all revision A and all dated 28/09/11, the landscape plan LP-DA-01 Revision C dated 29/09/11, the application form and on any supporting information received with the application, as amended by the:

- **the Section 96 "A" plans numbered 1.01 and 2.01 all revision B and plan numbered 1.02 revision A, all dated 19/09/14 and received by Council on 24 September 2014,**

only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 applications, except as may be amended by the following conditions and as may be shown in red on the attached plans:

11. In accordance with Section 80A(11) of the Environmental Planning and Assessment Act 1979 and Clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a prescribed condition that all of the required commitments listed in the relevant BASIX Certificate for this development is fulfilled. An amended BASIX Certificate that includes the habitable spaces on the basement level is to be submitted to the Certifying Authority.

B. Add the following Condition:

85. Amended plans indicating the provision of glazing to the gym room and operable glazing to allow ventilation for the new mezzanine level are to be submitted to the Certifying Authority with the Construction Certificate application for this development.

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

CP111/14 Director City Planning Report - 5 Inman Street, Maroubra

(DA/556/2014)

363/14

RESOLUTION: (Matson/Neilson) 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. 556/2014 for alterations and additions to the existing dual occupancy at 5 Inman Street, Maroubra subject to the following non standard condition and the standard conditions contained in the development application compliance report attached to this report:

Non standard condition**Amendment of Plans & Documentation**

2. The approved plans and documents must be amended in accordance with the following requirements:

- a) The proposed terrace to the garage roof does not comply with Section 5.3, Visual Privacy of the Randwick Development Control Plan – Low Density Residential. The terrace is to be deleted from the application.

MOTION: (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. 556/2014 for alterations and additions to the existing dual occupancy at 5 Inman Street, Maroubra subject to the standard conditions contained in the development application compliance report attached to this report. **LOST.**

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

FOR	AGAINST
Councillor Andrews	Councillor Belleli
Councillor Nash	Councillor Bowen
Councillor Roberts	Councillor D'Souza
	Councillor Garcia
	Councillor Matson
	Councillor Moore
	Councillor Neilson
	Councillor Seng
	Councillor Shurey
	Councillor Smith
	Councillor Stavrinou
	Councillor Stevenson
Total (3)	Total (12)

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

**CP112/14 Director City Planning Report - 59-61 St Marks Road,
Randwick (DA/665/2014)**

364/14

RESOLUTION: (Andrews/Stavrinou) -

- A. That Council supports the exceptions to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clauses 4.1(3) of Randwick Local Environmental Plan 2012, relating to minimum allotment sizes, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning & Environment be advised accordingly.

- B. 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/665/2014 for Torrens title subdivision, at No. 59-61 St Marks Road, Randwick NSW 2031, subject to the standard conditions contained in the development application compliance report.

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

**CP113/14 Director City Planning Report - 2 Virginia Street, Kensington
(DA/536/2014)**

365/14

RESOLUTION: (Matson/Neilson) that this matter be deferred for mediation between the applicant and objectors in Virginia and Baker Streets, Kensington and for an independent peer assessment of the submitted Traffic Study in the interests of public safety.

MOTION: (Stavrinou/Andrews) that this development application be refused as traffic safety and traffic impacts have not been adequately addressed with the proposed drop off zones, the development is not in the public interest, there is excessive noise and overlooking from the proposed upstairs deck and due to the loss of amenity of the neighbours.

AMENDMENT: (Matson/Neilson) CARRIED AND BECAME THE MOTION.

The **DIVISION** on the amendment 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 Moore	Councillor Roberts
Councillor Nash	Councillor Seng
Councillor Neilson	
Councillor Shurey	
Councillor Smith	
Councillor Stavrinou	
Councillor Stevenson	
Total (10)	Total (5)

MOTION: (Matson/Neilson) CARRIED – SEE RESOLUTION.

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Matson	Councillor Bowen
Councillor Moore	Councillor D'Souza
Councillor Nash	Councillor Garcia
Councillor Neilson	Councillor Roberts
Councillor Shurey	Councillor Seng
Councillor Smith	
Councillor Stavrinou	
Councillor Stevenson	
Total (9)	Total (6)

CP114/14 Director City Planning Report - 395-397 Anzac Parade, Kingsford (RZ/1/2014)

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

366/14 **RESOLUTION: (Andrews/Stavrinis)** that Council:

1. not forward the Planning Proposal prepared by DCC Urban Planning dated August 2014 for the rezoning of 395 Anzac Pde Kingsford, 397 – 397A Anzac Pde Kingsford, 1 Bunnerong Road, Kingsford and 17 Bunnerong Road, Kingsford to the Minister for Planning for a gateway determination in accordance with s.56 of the Environmental Planning and Assessment Act 1979; and
2. advise the applicant of Council's decision.

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

CP115/14 Director City Planning Report - Report Variation to Development Standard under State Environment Planning Policy No. 1 (SEPP 1) and Clause 4.6 between 1 and 31 October, 2014 (F2008/00122)

367/14 **RESOLUTION: (Andrews/Stavrinis)** that the report be received and noted.

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

General Manager's Reports**GM32/14 General Manager's Report - Proposed Community Partnership with the Eastern Suburbs District Rugby League Football Club (F2014/00414)**

368/14 **RESOLUTION: (Andrews/Stavrinis)** that:

- a) Council enter into a "Community Partnership" with the Eastern Suburbs District Rugby League Football Club with the \$20,000.00 plus gst contribution to come from savings identified in the December 2014 Budget review;
- b) the General Manager be delegated authority to enter into a Memorandum of Understanding with Eastern Suburbs District Rugby League Football Club; and
- c) a report on the success of the 2015 Community Partnership to come back before Council.

MOTION: (Andrews/Stavrinis) CARRIED – SEE RESOLUTION.

GM33/14 General Manager's Report - Community Consultation - Alcohol Consumption in Coogee Beachside Parks (F2014/00332)

369/14 **RESOLUTION: (Bowen/D'Souza)** that Council:

- 1) note the results of the community consultation in relation to alcohol consumption at Coogee beachside parks which found general support for the existing alcohol restrictions;

- 2) maintain the existing alcohol restrictions at Coogee beachside parks; and
- 3) liaise with the Eastern Beaches Local Area Command to make temporary amendments to the timing of the restrictions to support key family-friendly events at the beachside parks such as the Coogee Sparkles NYE and Coogee Carols.

MOTION: (Roberts/Nash) that Council:

- 1) note the results of the community consultation in relation to alcohol consumption at Coogee beachside parks which found general support for the existing alcohol restrictions;
- 2) restore the alcohol restrictions at Coogee beachside parks from sunset to 8am; and
- 3) liaise with the Eastern Beaches Local Area Command to make temporary amendments to the timing of the restrictions to support key family-friendly events at the beachside parks such as the Coogee Sparkles NYE and Coogee Carols.

AMENDMENT: (Matson/Shurey) that Council:

- 1) note the results of the community consultation in relation to alcohol consumption at Coogee beachside parks which found general support for the existing alcohol restrictions;
- 2) amend the alcohol restrictions at Coogee beachside parks to occur from 4pm to 8am; and
- 3) liaise with the Eastern Beaches Local Area Command to make temporary amendments to the timing of the restrictions to support key family-friendly events at the beachside parks such as the Coogee Sparkles NYE and Coogee Carols. **LOST.**

AMENDMENT: (Bowen/D'Souza) CARRIED AND BECAME THE MOTION.

Councillors Roberts and Stavrinou called for a **DIVISION**.

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

FOR	AGAINST
Councillor Andrews	Councillor Nash
Councillor Bellei	Councillor Roberts
Councillor Bowen	Councillor Stevenson
Councillor D'Souza	
Councillor Garcia	
Councillor Matson	
Councillor Moore	
Councillor Neilson	
Councillor Seng	
Councillor Shurey	
Councillor Smith	
Councillor Stavrinou	
Total (12)	Total (3)

MOTION: (Bowen/D'Souza) CARRIED - SEE RESOLUTION.

AMENDMENT: (Andrews/Nil) that the alcohol restriction at Coogee beachside parks to commence at 8pm. **LAPSED FOR WANT OF A SECONDER.**

AMENDMENT: (Stevenson/Roberts) that the alcohol restrictions at Dunningham & Goldstein Reserves be revised to between sunset and 8am on weekends and from 1am to 8am on new years day. **LOST.**

GM34/14 General Manager's Report - Review of the 2014-15 Annual Operational Plan - September Quarterly Report (F2014/03001)

370/14 **RESOLUTION: (Stavrinos/Matson)** that the information contained in the September 2014 Review of the 2014-15 Annual Operational Plan be received and noted.

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

GM35/14 General Manager's Report - Kingsford Food Market (F2012/00050)

371/14 **RESOLUTION: (Andrews/Moore)** that Council endorse the naming of the event "Kingsford Night Noodle Markets" in accordance with promotions to date.

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

Director City Services Reports

CS20/14 Director City Services Report - Upcoming Buildings for our Community project - Coogee Lower Promenade Amenities - Community Consultation Report (PROJ/10695/2014/4)

372/14 **RESOLUTION: (Andrews/Stavrinos)** that Council:

1. proceed with detailed design and Development Application documentation for the proposed amenity facility on the lower promenade at Coogee Beach; and
2. consider funding new amenities at Dunningham Reserve in future Capital Works budgets.

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

Director Governance & Financial Services Reports

GF72/14 Director Governance & Financial Services Report - Code of Conduct Complaint Statistics (F2004/06569)

373/14 **RESOLUTION: (Andrews/Stavrinos)** that the Code of Conduct statistics for the period September 2013 to September 2014 be forwarded to the Office of Local Government (Department of Premier and Cabinet) in accordance with part 12 of the Procedures for the Administration of the Model Code of Conduct.

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

GF73/14 Director Governance & Financial Services Report - Schedule of Meetings for 2015 and Arrangements for Decision Making During

the Christmas/New Year Period (F2004/06565)

374/14 **RESOLUTION: (Andrews/Stavrinis)** that:

- a) the Council Meeting recess commence following the ordinary Council Meeting scheduled to be held on Tuesday 9 December, 2014 and meetings be resumed on Tuesday 10 February 2015 (with Committee meetings being held on that night) and during the recess period the 'Council in Recess Procedure' be utilised, subject to the need for any extraordinary Council Meetings, which may be called in extenuating circumstances; and
- b) the Meeting Schedule for the 2015 calendar year be adopted.

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

GF74/14 Director Governance & Financial Services Report - Appointment of Electoral Commission NSW to Conduct 2016 Local Government Election (F2014/00545)

375/14 **RESOLUTION: (Stavrinis/Roberts)** that Randwick City Council resolves:

1. pursuant to s.296(2) and (3) of the Local Government Act 1993 (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council;
2. pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council; and
3. pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

MOTION: (Stavrinis/Roberts) CARRIED - SEE RESOLUTION.

GF75/14 Director Governance & Financial Services Report - Quarterly Budget Review - September 2014 (F2013/00404)

376/14 **RESOLUTION: (Stavrinis/Andrews)** that:

- a) the report in relation to the September 2014 Budget Review be received and noted; and
- b) the proposed September 2014 budget variations shown in the attachment to this report be adopted.

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

GF76/14 Director Governance & Financial Services Report - Investment Report - October 2014 (F2014/06527)

377/14 **RESOLUTION: (Smith/Stavrinis)** that the investment report for October 2014 be received and noted.

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

GF77/14 Director Governance & Financial Services Report - Withdrawal of Caveat (F2004/06862)

378/14

RESOLUTION: (Matson/Andrews) that the Council's Seal be affixed to the Withdrawal of Caveat form for the property at 21 Meagher Avenue, Maroubra also known as Lot 143 DP 228875.

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

Petitions

Nil.

Motion Pursuant to Notice

NM132/14 Motion Pursuant to Notice - Notice of Motion from Cr Nash - Proposed Naming - Small Part of Coral Sea Park - Molly Dunn (F2004/06876)

379/14

RESOLUTION: (Nash/Andrews) that Council:

1. note the tragic death of 17 year old Melissa "Molly" Dunn on 1 September 2012 in Coral Sea Park. Molly was a local Aboriginal person much loved by her family and friends;
2. note that the local Aboriginal community, including Molly's family and friends, have made a small garden area within Coral Sea Park dedicated to Molly's memory;
3. note the correspondence from Detective Acting Superintendant Rohan Cramsie of the Eastern Beaches Local Area Command dated 2 October 2014 in relation to this matter;
4. note that naming a small section of Coral Sea Park, including the small garden area dedicated to Molly's memory, as "Molly's Park" would be appreciated by her family, friends and the local Aboriginal community in dealing with their grief; and
5. name a section of Coral Sea Park, including the small garden area dedicated to Molly's memory, as "Molly's Park".

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

NM133/14 Motion Pursuant to Notice - Notice of Motion from Cr Roberts - Local Volunteer Expo (F2009/00215)

380/14

RESOLUTION: (Roberts/Andrews) that Council:

1. note the high level of volunteerism in the Australian and Randwick community;
2. note the difficulties volunteer organisations and would-be volunteers have in linking up; and
3. investigate and bring back a report on the option of hosting and marketing an annual local 'Randwick Volunteer Expo': Where local volunteer organisations can gather in one location allowing local would-be volunteers to come along and investigate what the local volunteer opportunities are.

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

NM134/14 Motion Pursuant to Notice - Notice of Motion from Cr Moore - Randwick and Botany Chinese New Year Celebrations (F2008/00044)

MOTION (Moore/Garcia) that Council be supportive of a proposed Chinese New Year celebration to be held in Dacey Gardens in February 2015 and in so doing:

- a) notes the event is drawing on a wide variety of local interest groups including the Kingsford Chamber of Commerce, local businesses, the University of NSW, the Chinese Consul General and Botany Council;
- b) join with and match Botany Council with up to \$50,000.00 contribution; and
- c) provide event advice and support as determined appropriate to ensure Randwick's involvement and partnership objectives are met. **LOST.**

Councillors Moore and Belleli 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 Matson
Councillor D'Souza	Councillor Nash
Councillor Garcia	Councillor Roberts
Councillor Moore	Councillor Seng
Councillor Neilson	Councillor Shurey
Councillor Stevenson	Councillor Smith
	Councillor Stavrinis
Total (7)	Total (8)

NM135/14 Motion Pursuant to Notice - Notice of Motion from Cr Stavrinis - Integrating Bicycle Racks into all of Randwick City Town Centres (F2011/00193)

381/14

RESOLUTION: (Stavrinis/Matson) that Council:

- a) bring back a report on how to integrate bicycle racks into the streetscape of all Randwick City town centres; and
- b) as part of this report, consider the costing of such a scheme.

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

NM136/14 Motion Pursuant to Notice - Notice of Motion from Cr Stavrinis - Proposing a Third Party Insurance Scheme for Cyclists (F2006/00536)

MOTION: (Stavrinis/Andrews) that Council write to the NSW Roads Minister, the Hon. Duncan Gay MLC, requesting that the State Government consult with all concerned stakeholders, to investigate the possibility of implementing a compulsory 3rd Party Insurance scheme to protect cyclists, other parties and property damaged in the event of an accident. **LOST.**

NM137/14 Motion Pursuant to Notice - Notice of Motion from Cr Roberts - Malabar Headland (F2004/06759)

382/14 **RESOLUTION: (Roberts/Andrews)** that Council:

- a) note the special place Malabar Headland holds with many residents of Randwick City;
- b) note the uniquely wild and undeveloped nature of the headland and its close proximity to the CBD; and
- c) write to the owners of the headland, the Federal Government, outlining Council's future vision for the headland is one of national parks alongside mixed public use open space - to allow passive community recreation only - with no new development.

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

Note: Councillors Garcia and Nash left the meeting at this point, the time being 11.20pm.

NM138/14 Motion Pursuant to Notice - Notice of Motion from Cr Bowen - Amalgamations (F2004/06554)

383/14 **RESOLUTION: (Bowen/Andrews)** that

- a) Council write to the Premier to request he confirm there will not be a policy of forced amalgamations after the 2015 state election; and
- b) noting the local government sector employs thousands of staff across NSW and provides an invaluable role in giving support and services to the local communities of this state (including sporting, cultural and volunteer organisations such as surf lifesaving), that this Council unreservedly condemn the comments of the NSW treasurer that "Local Government is terrible" and that the state government intends to "pull out the stick to local government".

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

Note: Cr Roberts requested that his name be recorded as opposed to the resolution.

NM139/14 Motion Pursuant to Notice - Notice of Motion from Cr Matson - Response to Fit For the Future (F2004/06554)

384/14 **RESOLUTION: (Matson/Neilson)** that Randwick City Council further articulates its current resolved position on the State Government's Fit For the Future process by augmenting it with a rejection of any proposed alienation from the LGA of any of our historical land area or facilities.

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

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

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

FOR	AGAINST
Councillor Andrews	Councillor Belleli
Councillor D'Souza	Councillor Bowen

Councillor Matson
 Councillor Roberts
 Councillor Seng
 Councillor Shurey
 Councillor Smith
 Councillor Stavrinou

Councillor Moore
 Councillor Neilson
 Councillor Stevenson

Total (8)

Total (5)

RESOLVED: (PROCEDURAL MOTION) (Andrews/Matson) that the meeting be extended to 12.00am.

NM140/14 Motion Pursuant to Notice - Notice of Motion from Cr Matson - Response to the Request by the American President to the People of Australia for a Continued Commitment to Addressing Climate Change Issues (F2008/00363)

385/14 **RESOLUTION: (Matson/Shurey)** that Council write to the President of the United States expressing our thanks on behalf of the residents of our LGA that he used his address to the recent G20 conference to call for continued global action on climate change when our own Prime Minister failed to do so on our behalf.

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

NM141/14 Motion Pursuant to Notice - Notice of Motion from Cr Matson - Request for Stingless Bee Hive at Randwick Public School (F2009/00522)

386/14 **RESOLUTION: (Matson/Neilson)** that Council agrees to the principal of Randwick Public School's request for the provision of a stingless bee hive and funds it from the contingency fund.

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

NM142/14 Motion Pursuant to Notice - Notice of Motion from Cr Smith - Independent Hearing and Assessment Panel Models (F2004/07960)

This motion was withdrawn with the consent of Council.

Urgent Business

UB8/14 Notice of Motion from Cr Neilson - Randwick City Council Views with Concern the Proposed Night Racing at Randwick Racecourse and the Potential Impacts to our Residents Surrounding Randwick Racecourse

387/14 **RESOLUTION: (Neilson/Shurey)** that:

- a) Randwick City Council write to the NSW Premier Mike Baird and to the Racing NSW boss Peter V'landys requesting that there be no Night Racing proposed at Randwick Racecourse until extensive community consultation has been carried out regarding this matter;
- b) Council express concern about the potential impacts to our residents surrounding Randwick Racecourse; and

- c) Council express concern that such decisions could be made without any due regard to the impacts on the surrounding community. Impacts would include but not be limited to such things as: noise, traffic, parking & light spillage to surrounding residents.

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

Confidential Reports

The meeting moved into closed session in order to consider confidential items.

Closed Session

CP116/14 Confidential - Extension of Waste Disposal and Processing Contracts (F2008/00659)

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.

388/14

RESOLUTION: (Andrews/Matson) that Council approve extension of:

- a) Mixed Solid Waste and Garden Organics disposal and processing contract with SITA Australia Pty Ltd until 30 June 2016: and
- b) Bulky Waste Disposal contract with Veolia Environmental Services (Australia) Pty Ltd until 30 June 2016.

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

GF78/14 Confidential - Insurance Claim - Benjamin Stewart & Olivia Stewart v Randwick City Council (PL2009/01623)

This matter is considered to be confidential under Section 10A(2) (g) Of the Local Government Act, as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

389/14

RESOLUTION: (Andrews/Matson) that Council note the final settlement and costs associated with this legal matter.

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

CS21/14 Confidential - Tender T2015-10 - Coogee Senior Citizens Hall Refurbishment, Coogee (F2014/00454)

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.

390/14

RESOLUTION: (Andrews/Matson) that:

- a) under Regulation 178(1)(a) of the Local Government (General) Regulation 2005, Momentum Built Pty Ltd be accepted as the successful Tenderer;
- b) the General Manager, or delegated representative, be authorised to enter into a contract on behalf of Council; and

- c) unsuccessful Tenderers are notified.

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

CS22/14 Confidential - Tender T2015-05 - Chifley Sports Reserve Amenities Building (F2014/00411)

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.

391/14

RESOLUTION: (Andrews/Matson) that:

- a) under Regulation 178(1)(a) of the Local Government (General) Regulation 2005, Imperium Projects Pty Ltd be accepted as the successful Tenderer;
- b) the General Manager, or delegated representative, be authorised to enter into a contract on behalf of Council; and
- c) unsuccessful Tenderers are notified.

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

Open Session

The meeting moved back into open session.

Notice of Rescission Motions

NR13/14 Notice of Rescission Motion - Notice of Rescission Motion from Crs Andrews, Seng and Stevenson - Environment Report - Proposal for the "Walk it Off" Campaign for Kensington and Kingsford Business Precincts (F2009/00507)

392/14

RESOLUTION: (Stevenson/Andrews) that the resolution passed at the Environment Committee meeting held on Tuesday, 11 November 2014 reading as follows:

"That Council:

- a) Approves the planning and delivery of a new "Walk it Off" campaign for residents in proximity of the Kensington/Kingsford business precincts;
- b) Endorses "Walk it Off" as a small-scale campaign to reward residents who reduce their car use and walk, cycle or take public transport to their local cafes and restaurants between February and June 2015; and
- c) Approves an amount of \$9,800.00 to be allocated to the "Walk it Off" campaign from the environmental levy budget, particularly for the deployment of a rewards card and possible electronic registration of visits to cafes and restaurants."

BE AND IS HEREBY RESCINDED.

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

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST

were as follows:

FOR	AGAINST
Councillor Andrews	Councillor Bellei
Councillor Bowen	Councillor Matson
Councillor D'Souza	Councillor Moore
Councillor Seng	Councillor Neilson
Councillor Smith	Councillor Roberts
Councillor Stavrinou	Councillor Shurey
Councillor Stevenson	
Total (7)	Total (6)

393/14

RESOLUTION: (Matson/Shurey) that the suggested trial be brought to the attention of the precinct committees and chambers of commerce and feedback be sought from them on the effectiveness of a possible trial.

MOTION: (Stevenson/Andrews) that this particular trial not be proceeded with.

**AMENDMENT: (Matson/Shurey) CARRIED AND BECAME THE MOTION.
MOTION CARRIED – SEE RESOLUTION.**

A rescission motion on item MM92/14 Mayoral Minute – Fit For The Future was submitted by Councillors Bowen, Moore and Stevenson in accordance with Council's Code of Meeting Practice and will be considered at the next available meeting.

There being no further business, His Worship the Mayor, Cr T Seng, declared the meeting closed at 11.58 pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 9 December 2014.

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CHAIRPERSON