

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, 29 APRIL 2014 AT 6.03PM**

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 & H Stavrinou
Central Ward	- Councillors T Seng & G Stevenson

Officers Present:

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoples
Director City Planning	Ms S Truuvert
Director Governance & Financial Services	Mr G Banting
Manager Administrative Services	Mr D Kelly
Manager Development Assessment	Mr K Kyriacou
Communications Manager	Mr J Hay
Manager Organisational Staff Services	Mr J Keech
Manager Corporate Improvement	Ms A Warner
Manager Strategic Planning	Mr A Bright

Prayer & Acknowledgement of Local Indigenous People

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

Apologies/Granting of Leave of Absences

Nil.

Confirmation of the Minutes

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY 22 APRIL 2014**

91/14

RESOLUTION: (Andrews/Stavrinou) that the Minutes of the Ordinary Council Meeting held on Tuesday 22 April 2014 (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) All Councillors declared a non-significant non pecuniary interest in Items GM13/14, MM30/14, NM39/14 and NM41/14 as they all know supporters and objectors to the light rail project.
- b) Cr Neilson declared a non-significant non pecuniary interest in Item CP47/14 as she knows objectors to this matter.
- c) Cr Nash declared a non-significant non pecuniary interest in Item CP47/14 as he lives in close proximity to this proposed development.
- d) Cr Andrews declared a significant non pecuniary interest in Item MM28/14 as his employer represents nurses. Cr Andrews will not be taking part in the debate or voting on the matter.
- e) All Councillors declared a non-significant non pecuniary interest in Item GF21/14 as they know the speakers on this matter.
- f) Crs Andrews, Bowen and Matson declared a non-significant non pecuniary interest in Items GM13/14, NM39/14 and NM41/14 as they all live in close proximity to Maroubra Junction, where the light rail has been proposed to be extended to.
- g) Crs Matson and Shurey declared a non-significant non pecuniary interest in Item CS5/14 as they are both members of the Randwick Botany Greens, who meet in the building which is the subject of the report.

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:

MM30/14 CBD AND SOUTH EASTERN LIGHT RAIL PROJECT, HIGH CROSS PARK AND WANSEY ROAD ALIGNMENT

For Greg Puttick

MM31/14 SEEKING FINANCIAL SUPPORT FOR A MAJOR RAINWATER STORAGE AND IRRIGATION SYSTEM AT RAINBOW STREET PUBLIC SCHOOL

For Melanie Notaras

CP43/14 87 STOREY STREET, MAROUBRA - DA/570/2013 (DEFERRED)

Applicant Christine Triantos on behalf of applicant

CP46/14 225 BOYCE ROAD, MAROUBRA (DA/650/2013)

Objector Anthony Sork

Applicant Joseph Blazun on behalf of applicant

CP47/14 203 DARLEY ROAD, RANDWICK - DA/603/2013

Objector Vivian Reed

GM13/14 CBD AND SOUTH EAST LIGHT RAIL PROJECT

Against Margaret Hogg

For Yury Reznik

CS6/14 ENVIRONMENTAL MANAGEMENT - COOGEE BEACH

Against Doug Hawkins

GF21/14 REVIEW OF OUTDOOR DINING VALUATION PROCESS

Against Maxine Hawker

For Tim Hughes

NM39/14 NOTICE OF MOTION FROM CR GARCIA - LIGHT RAIL

For Rosemary McKenzie

NM41/14 NOTICE OF MOTION FROM CR STEVENSON - COST OF LIGHT RAIL TO THE RATEPAYERS OF RANDWICK

Against Tom Mullaney

For Rosemary McKenzie

NM46/14 NOTICE OF MOTION FROM CR ROBERTS – PROMOTION OF MORE NOT FOR PROFIT PUBLIC EVENTS/FESTIVALS IN RANDWICK CITY

For Megan Sharkey

The Meeting was adjourned at 7.40pm and was resumed at 8.01pm.

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

Mayoral Minutes

MM26/14 Mayoral Minute - Waiving of Fees NSW Police Force International Student Beach Soccer and Volleyball Day (F2014/00096)

92/14

RESOLUTION: (Mayor, Cr S Nash) that Council:

1. supports the 2014 NSW Police Force International Student Beach Soccer and Volleyball Day at Coogee Beach; and
2. assists with funding the event by providing \$2,500.00 in contributions and \$1,676.34 in-kind sponsorship (\$4,176.34) to be funded from the 2014/2015 Contingency Fund.

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

MM27/14 Mayoral Minute - Waiving of Fees - Open High School (F2004/06257)

93/14

RESOLUTION: (Mayor, Cr S Nash) that:

- a) the fees associated with the installation and dismantling of a banner and the hire

of Council's banner poles for the Open High School Randwick at the intersection of Anzac Parade and Bunnerong Road, Kingsford be waived and \$2,006.00 be allocated from the 2014-15 Contingency Fund; and

- b) the organisers undertakes to appropriately and prominently acknowledge and promote Council's contribution prior to and during the Open Day.

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

MM28/14 Mayoral Minute - Council Support for International Nurses Week (F2005/00768)

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

94/14

RESOLUTION: (Mayor, Cr S Nash) that Council formally endorse and support International Nurses Week which runs from 6th – 12th May, 2014 to honour our nurses who strive to provide safe and high quality patient care and help to improve our healthcare system.

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

MM29/14 Mayoral Minute - Dementia-Friendly City Program (F2008/00556)

95/14

RESOLUTION: (Mayor, Cr S Nash) that the Council endorse:

- a) the delivery of a specific "dementia-friendly" city training program, and associated activities on an annual basis; and
- b) the provision of \$7,000.00 on an annual basis, commencing from the 2014/15 financial year.

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

MM30/14 Mayoral Minute - CBD and South Eastern Light Rail Project, High Cross Park and Wansey Road Alignment (F2014/06574)

96/14

RESOLUTION: (Mayor, Cr S Nash) Randwick Council advise TfNSW that:

- a) Council's order of preference for the Randwick Interchange is:
1. The Randwick Interchange be located in High Street, not High Cross Park, in accordance with Randwick Council Urban Design Guidelines;
 2. High Cross Park be built in accordance with Randwick Council's Urban Design Guidelines, that is a paved plaza with pockets of grassed areas, the undergrounding of the electrical substation and the driver amenities attached to the end of the light rail platform;
 3. High Cross Park to be built in accordance with TfNSW reference design in the Preferred Infrastructure Report;
- b) Wansey Road alignment be as documented in the Preferred Infrastructure Report and that Council update the Urban Design Guidelines and provide to TfNSW for inclusion in the Light Rail tender package; and
- c) Council notes the successful efforts of TfNSW to work with Randwick Council to protect and retain the significant mature trees along the Alison Road frontage of the ATC property, between the proposed Alison Road light rail stop and Darley

Road.

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

MM31/14 Mayoral Minute - Seeking Financial Support for a Major Rainwater Storage and Irrigation System at Rainbow Street Public School (F2004/07910)

97/14

RESOLUTION: (Mayor, Cr S Nash) that Council approve one-off funding support of \$15,000 to part fund the 80,000 litre rainwater tank to be installed as part of the \$67,000 playing and recreational area remediation, re-turfing and irrigation project at Rainbow Public School as outlined in the Mayoral Minute. This amount will be allocated from the rainwater tanks in school initiative of Randwick's environmental levy program.

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

Urgent Business

Nil.

Director City Planning Reports

CP43/14 Director City Planning Report - 87 Storey Street, Maroubra - DA/570/2013 (Deferred) (DA/570/2013)

98/14

RESOLUTION: (Andrews/Roberts)

That Council, as the consent authority, grants development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 570/2013 to illegitimise the use of an existing secondary dwelling at the rear of the site at No. 87 Storey Street, Maroubra, subject to the following conditions:-

GENERAL CONDITIONS

The development must be carried out in accordance with the following conditions of consent.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of environmental amenity.

Approved Plans & Supporting Documentation

- 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:

Plan	Drawn by	Dated	Received by Council
DA102 (Revision B)	Kvmzv Architecture	19/03/2014	20 March 2014
DA104 (Revision B)	Kvmzv Architecture	19/03/2014	20 March 2014
DA202 (Revision B)	Kvmzv Architecture	19/03/2014	20 March 2014
DA203 (Revision B)	Kvmzv Architecture	19/03/2014	20 March 2014

DA301 (Revision B)	Kvmzv Architecture	19/03/2014	20 March 2014
DA302 (Revision B)	Kvmzv Architecture	19/03/2014	20 March 2014
DA401 (Revision B)	Kvmzv Architecture	19/03/2014	20 March 2014
DA402 (Revision B)	Kvmzv Architecture	19/03/2014	20 March 2014

BASIX Certificate No.	Dated	Received by Council
A170429	02/09/2013	3 September 2013

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a. To provide a reasonable level of private open space to the occupants the stairway access to the unauthorised garage rooftop and barbeque area is to be replaced with suitable landscaped area. The plans are to be amended to demonstrate compliance with this requirement prior to the issue of an occupation certificate.
 - b. This consent does not grant approval for the clothes line on top of the unauthorised garage rooftop as the works have been carried out without Council consent. The plans are to be amended to demonstrate compliance with this requirement prior to the issue of an occupation certificate.

REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

The following conditions of consent must be complied with before a 'Construction Certificate' is issued by either Randwick City Council or an Accredited Certifier. All necessary information to demonstrate compliance with the following conditions of consent must be included in the documentation for the construction certificate.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent conditions and to achieve reasonable levels of environmental amenity.

Consent Requirements

3. The requirements and amendments detailed in the 'General Conditions' must be complied with and be included in the construction certificate plans and associated documentation.

Long Service Levy Payments

4. The required Long Service Levy payment, under the *Building and Construction Industry Long Service Payments Act 1986*, must be forwarded to the Long Service Levy Corporation or the Council, in accordance with Section 109F of the *Environmental Planning & Assessment Act 1979*.

At the time of this development consent, Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.35% of the cost of the works.

Sydney Water

5. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

The approved plans must be submitted to a Sydney Water Quick Check agent, to determine whether the development will affect Sydney Water's waste water and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

If suitable, the plans will be appropriately stamped. For details please refer to the Sydney Water web site at www.sydneywater.com.au for:

- Quick Check agents details - see *Building and Developing* then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see *Building and Development* then *Building and Renovating*, or telephone 13 20 92.

The Principal Certifying Authority must ensure that a Sydney Water Quick Check Agent has appropriately stamped the plans prior to issuing the construction certificate.

REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE

The requirements contained in the following conditions of consent must be complied with and details of compliance must be included in the construction certificate for the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Councils development consent conditions and to achieve reasonable levels of environmental amenity.

Compliance with the Building Code of Australia

6. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA). Details of compliance with the BCA are to be included in the construction certificate application.

BASIX Requirements

7. In accordance with section 80A(11) of the *Environmental Planning & Assessment Act 1979* and clause 97A of the *Environmental Planning & Assessment Regulation 2000*, the requirements and commitments contained in the relevant BASIX Certificate must be complied with.

The required commitments listed and identified in the BASIX Certificate must be included on the construction certificate plans, specifications and associated documentation, to the satisfaction of the Certifying Authority.

The design of the building must not be inconsistent with the development consent and any proposed variations to the building to achieve the BASIX commitments may necessitate a new development consent or amendment to the existing consent to be obtained, prior to a construction certificate being issued.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

The following conditions of consent must be complied with prior to the commencement of any works on the site. The necessary documentation and information must be provided to the Council or the 'Principal Certifying Authority' (PCA), as applicable.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity.

Certification, PCA & other Requirements

8. Prior to the commencement of any building works, the following requirements must be complied with:
- a) a *Construction Certificate* must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.

A copy of the construction certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
 - b) a *Principal Certifying Authority* (PCA) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and
 - c) a *principal contractor* must be appointed for the building work, or in relation to residential building work, an *owner-builder* permit may be obtained in accordance with the requirements of the *Home Building Act 1989*, and the PCA and Council are to be notified accordingly; and
 - d) the *principal contractor* must be advised of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*; and
 - e) at least two days notice must be given to the Council, in writing, prior to commencing any works.

In relation to residential building work, the principal contractor must be the holder of a contractor licence, in accordance with the provisions of the Home Building Act 1989.

Home Building Act 1989

9. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, the requirements of the *Home Building Act 1989* must be complied with.

Details of the Licensed Building Contractor and a copy of the relevant Certificate of Home Warranty Insurance or a copy of the Owner-Builder Permit (as applicable) must be provided to the Principal Certifying Authority and Council.

Construction Noise & Vibration Management Plan

10. Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant requirements of the *Protection of the Environment Operations Act 1997* and NSW EPA Guidelines must be satisfied at all times.

Construction Site Management Plan

11. A *Construction Site Management Plan* must be developed and implemented prior to the commencement of any works. The construction site management plan must include the following measures, as applicable to the type of development:
- location and construction of protective fencing / hoardings to the perimeter of the site;
 - location of site storage areas/sheds/equipment;

- location of building materials for construction;
- provisions for public safety;
- dust control measures;
- site access location and construction
- details of methods of disposal of demolition materials;
- protective measures for tree preservation;
- provisions for temporary sanitary facilities;
- location and size of waste containers/bulk bins;
- details of proposed sediment and erosion control measures;
- provisions for temporary stormwater drainage;
- construction noise and vibration management;
- construction traffic management details.

The site management measures must be implemented prior to the commencement of any site works and be maintained throughout the works, to the satisfaction of Council.

A copy of the Construction Site Management Plan must be provided to the Principal Certifying Authority and Council prior to commencing site works. A copy must also be maintained on site and be made available to Council officers upon request.

REQUIREMENTS DURING CONSTRUCTION & SITE WORK

The following conditions of consent must be complied with during the demolition, excavation and construction of the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity during construction.

Inspections During Construction

12. The building works must be inspected by the *Principal Certifying Authority*, in accordance with sections 109 E (3) of the *Environmental Planning & Assessment Act 1979* and clause 162A of the *Environmental Planning & Assessment Regulation 2000*, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.

The *Principal Certifying Authority* must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the *Principal Certifying Authority*, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

Site Signage

13. A sign must be erected and maintained in a prominent position on the site for the duration of the works, which contains the following details:
- name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours, or *owner-builder* permit details (as applicable)
 - name, address and telephone number of the *Principal Certifying Authority*,
 - a statement stating that "unauthorised entry to the work site is prohibited".

Restriction on Working Hours

14. Building, demolition and associated site works must be carried out in accordance with the following requirements:

• Activity	• Permitted working hours
<ul style="list-style-type: none"> • All building, demolition and site work, including site deliveries (except as detailed below) 	<ul style="list-style-type: none"> • Monday to Friday - 7.00am to 5.00pm • Saturday - 8.00am to 5.00pm • Sunday & public holidays - No work permitted
<ul style="list-style-type: none"> • Excavating of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like • 	<ul style="list-style-type: none"> • Monday to Friday - 8.00am to 5.00pm • Saturday - No work permitted • Sunday & public holidays - No work permitted

An application to vary the abovementioned hours may be submitted to Council's Manager Health, Building & Regulatory Services for consideration and approval to vary the specified hours may be granted in exceptional circumstances and for limited occasions (e.g. for public safety, traffic management or road safety reasons). Any applications are to be made on the standard application form and include payment of the relevant fees and supporting information. Applications must be made at least 10 days prior to the date of the proposed work and the prior written approval of Council must be obtained to vary the standard permitted working hours.

Demolition Work Requirements

15. The demolition of buildings and the removal, storage, handling and disposal of building materials must be carried out in accordance with the relevant requirements of WorkCover NSW, the NSW Department of Environment, Climate Change & Water and Randwick City Council policies, including:

- Work Health & Safety Act 2011 and Regulations
- WorkCover NSW Code of Practice for the Safe Removal of Asbestos
- WorkCover NSW Guidelines and Codes of Practice
- Australian Standard 2601 (2001) – Demolition of Structures
- The Protection of the Environment Operations Act 1997 and Regulations
- Relevant EPA Guidelines
- Randwick City Council Asbestos Policy

A copy of Council's Asbestos Policy is available on Council's web site at www.randwick.nsw.gov.au in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.

Sediment & Erosion Control

16. Sediment and erosion control measures, must be implemented throughout the site works in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to Council's satisfaction. Details are to be included in the *Construction Site Management Plan*.

Public Safety & Site Management

17. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:
- a) Public access to the building site and materials must be restricted by existing boundary fencing or temporary site fencing having a minimum height of 1.5m, to Council's satisfaction.

- Temporary site fences are required to be constructed of cyclone wire fencing material and be structurally adequate, safe and constructed in a professional manner. The use of poor quality materials or steel reinforcement mesh as fencing is not permissible.
- b) Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.
 - c) The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times. Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.
 - d) Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.
 - e) Sediment and erosion control measures must be implemented throughout the site works in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to Council's satisfaction.
 - f) Site fencing, building materials, bulk bins/waste containers and other articles must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health, Building and Regulatory Services department.
 - g) Temporary safety fencing is to be provided to any swimming pools under construction, pending the completion of all building work and the pool must not be filled until a fencing inspection has been carried out and approved by the principal certifying authority.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions of consent must be complied with prior to the 'Principal Certifying Authority' issuing an 'Occupation Certificate'.

Note: For the purpose of this consent, any reference to 'occupation certificate' shall also be taken to mean 'interim occupation certificate' unless otherwise stated.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent and to maintain reasonable levels of public health, safety and amenity.

Occupation Certificate Requirements

18. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979*.

An Occupation Certificate must not be issued for the development if the

development is inconsistent with the development consent. The relevant requirements of the *Environmental Planning & Assessment Act 1979* and conditions of development consent must be satisfied prior to the issuing of an occupation certificate.

BASIX Requirements

19. In accordance with Clause 154B of the *Environmental Planning & Assessment Regulation 2000*, a Certifying Authority must not issue an Occupation Certificate for this development, unless it is satisfied that each of the required BASIX commitments have been fulfilled.

Relevant documentary evidence of compliance with the BASIX commitments is to be forwarded to the Council upon issuing an Occupation Certificate.

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, or other relevant legislation and Council's policies. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

- A1 The requirements and provisions of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000*, must be fully complied with at all times.

Failure to comply with these requirements is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million. Alternatively, Council may issue a penalty infringement notice (for up to \$1,500) for each offence. Council may also issue notices and orders to demolish unauthorised or non-complying building work, or to comply with the requirements of Council's development consent.

- A2 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA) and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards and you are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.

- A3 Demolition, building or excavation work must not be commenced until;

- A *Construction Certificate* has been obtained from Council or an Accredited Certifier
- Council or an Accredited Certifier has been appointed as the *Principal Certifying Authority* for the development
- Council and the Principal Certifying Authority have been given at least 2 days notice (in writing) prior to commencing any works.

- A4 Council's Building Certification & Fire Safety team can issue your *Construction Certificate* and be your *Principal Certifying Authority* for the development, to undertake inspections and ensure compliance with the development consent, relevant building regulations and standards of construction. For further details contact Council on 9399 0944.

- A5 A Local Approval application must be submitted to and be approved by Council prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:

- Install or erect any site fencing, hoardings or site structures
- Operate a crane or hoist goods or materials over a footpath or road
- Placement of a waste skip or any other container or article.

For further information please contact Council on 9399 0944.

A6 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place.

A7 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.

A8 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:

- the consent of the owners of such adjoining or supported land to trespass or encroach, or
- an access order under the *Access to Neighbouring Land Act 2000*, or
- an easement under section 88K of the *Conveyancing Act 1919*, or
- an easement under section 40 of the *Land & Environment Court Act 1979*, as appropriate.

Section 177 of the *Conveyancing Act 1919* creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).

A9 Smoke alarms are required to be installed in all residential dwellings, in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979* and the Building Code of Australia. Details should be included in the construction certificate application.

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

**CP44/14 Director City Planning Report - 1420 Anzac Parade, Little Bay
(DA/547/2011/D) (DA/547/2011/D)**

99/14

RESOLUTION: (Andrews/Smith)

- A.** 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/547/2011/C for conversion of double rooms to single rooms at the eastern end of each level of the new northern wing and creation of a sitting area on the southern side of each level of the northern wing, relocation of fire stairs outside building envelope, and addition of sun shading devices on the northern wing at 1420 Anzac Parade, Little Bay in the following manner:

Amend Condition No. 1 to read:

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:

Plan	Drawn by	Dated
DA.01 Issue B, DA.02 Issue B, DA.03 Issue B, DA.04 Issue B dated 11/7/11, DA.05 Issue C dated 18/7/11, DA.06 Issue B, DA.07 Issue B, DA.08 Issue B dated 18/7/11, DA.09 Issue A, DA.10 Issue A dated 15/7/11, DA.19 Issue B, DA.20 Issue B, DA.21 Issue B, DA.22 Issue B dated 15/7/11 dated 18/7/11, DA.25 Issue A dated 18/7/11 as amended by detail plan DA.23 Issue A dated 13/10/11.	Eeles Trelease Pty Ltd Architects	Various. Refer to plan nos.
Landscape Drawing Nos. 11016-DA01 Rev A, 110016-DA02 Rev A, 11016-DA03 Rev A, 11016-DA07 Rev A, 11016-DA08 Rev A	Aspect Studios	All dated 15 July 2011
Equinox: Shadow study isometric, Shadow study in Plan; Winter Solstice; Shadow Study in Isometric; Winter solstice Shadow Study in Plan; Summer Solstice Shadow Study in Isometric; Summer solstice shadow Study in Plan.		
Statement of Heritage Impact (SHI)	prepared by Graham Brooks and Associates Pty Ltd	dated July 2011.
Statement of Environmental Effect (SEE) Planning	prepared by HMUP Urban	dated 18 July 2011.
Visual Impact Study: Setting of Henry's Trading Post	Eeles Trelease Pty Ltd.	
Traffic and Parking Report	Halcrow.	dated 15/07/2011
Storm Water Concept Plan No. 16740 Issue 1 by	Wallis & Spratt.	
BCA Compliance Report	Blackett Maguire + Goldsmith.	dated 14/07/2011

As amended by the Section 96'A' plan numbered DA.03 Issue C, dated 1 June 2012

and received by Council on 4 June 2012, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application.

As amended by the Section 96 'B' plans numbered DA 00, DA01, DA02, DA03, DA04, DA05, DA19, DA20, DA22, issue E, dated 22 February 2013 and received by Council on 25 February 2013, including all accompanying documentation which forms part of this consent, in particular the letter and attachments dated 23 February 2013 from Thinc Projects, the Acoustic Report by Marshall Day Acoustics, dated 23 February 2013 and the Plan of Management for Onsite Waste Storage and Handling by Thinc Projects, endorsed by Council's approval stamp. The plans associated with the S96B application shall prevail over the plans for the previous Section 96 A application and the original development application in the case of any inconsistency, and

As amended by the Section 96 'C' plans numbered DA01 Issue G – Site Plan, DA03 Issue I – Ground Floor Plan, DA04 Issue G – First Floor Plan, DA20 Issue G East and North Elevation, DA22 Issue G Section A-A, LPDA 13 Pergola Details 2: stage 3 dated June 2013 and received by Council on 7 June, 2013, , including all accompanying documentation which forms part of this consent, in particular the letters dated 22 April 2013 and 4 June 2012 from Helen Mucahy Urban Planning, endorsed by Council's approval stamp. The plans associated with the S96(C) application shall prevail over the plans for the previous Section 96 A and B application and the original development application in the case of any inconsistency.

As amended by the Section 96 'D' plans numbered DA 00 Issue F, DA01 Issue H, DA03 Issue J, DA04 Issue H, DA05 Issue H, DA06 Issue D, DA07 Issue D, DA09 Issue D, DA19 Issue G, DA20 Issue H, DA22 Issue H, DA23 Issue C dated 10 December 2013 and received by Council on 10 February 2014, including the Heritage Impact Statement prepared by TKD Architects dated 3 February 2014 and all accompanying documentation which forms part of this consent, endorsed by Council's approval stamp. The plans associated with the S96 application shall prevail over the plans for the previous Section 96 applications and the original development application in the case of any inconsistency.

Add the new condition:

An amendment to the approved Landscape Drawing Nos. 11016-DA01 Rev A, 11016-DA02 Rev A, 11016-DA03 Rev A, 11016-DA07 Rev A, 11016-DA08 Rev A prepared by Aspect Studios dated 15 July 2011 compatible with the plans as amended in accordance with DA/547/2011/D is to be submitted to the NSW Heritage Council for approval prior to the commencement of works.

And add the following NOTES to the notice of determination:

- ***The applicant must consult with a suitably qualified and experienced archaeologist if any sandstone platforms are exposed during excavation works, to ensure that any engravings or axe grinding grooves are identified and recorded; and***
- ***If detailed design of the proposed works necessitates any amendments to the approved documentation as outlined in condition 1, a S65 application under the Heritage Act, 1977 shall be lodged with the Heritage Division to modify this consent.***

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

**CP45/14 Director City Planning Report - 30 Mirrabooka Crescent, Little Bay
(DA/550/2013) (DA/550/2013)**

100/14

RESOLUTION: (Stavrinou/D'Souza)

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/550/2013 for the demolition of an existing building and the construction of an attached dual occupancy, at No. 30 Mirrabooka Crescent, Little Bay, 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**Amendment of Plans & Documentation**

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

- The proposed duplex shall be re-orientated so that it is parallel to the western boundary (common with 32) and maintain the proposed offset of the dwelling at the front of 2.62m (as indicated on the plans), along its entire western wall rather than being parallel to the eastern boundary (common with No. 28) as currently proposed.
- This will have the effect of reducing the boundary setback at the rear of the dwelling on the eastern side. It is currently proposed to be offset 1.58m at this point but will be reduced to approximately 1.3m after reorientation of the dwelling.
- The piers shall also be offset from the western edge of the slab along the western wall's entire length to provide further clearance to the pipeline.
- A privacy screen having a height of 1.8m above the finished floor level must be provided to the outer side of each deck (i.e. to the west side of the deck of Dwelling A and to the east side of the deck of Dwelling B). The privacy screens must be constructed of metal or timber and the total area of any openings within the privacy screen must not exceed 25% of the area of the screen. Alternatively, the privacy screen may be constructed with translucent, obscured, frosted or sandblasted glazing in a suitable frame.
- The following window/s must have a minimum sill height of 1.6m above the finished floor level, or alternatively, the window/s are to be fixed and be provided with translucent, obscured or sandblasted glazing below this specified height or in full:
 - The study and kitchen room windows of both Dwellings A and B.
- The existing western boundary fence shall be retained.

Details of the above amendments must be submitted to Council's Manager Development Assessment for approval prior to issuing of a Construction Certificate.

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

**CP46/14 Director City Planning Report - 225 Boyce Road, Maroubra
(DA/650/2013) (DA/650/2013)**

101/14

RESOLUTION: (Andrews/Matson)

- A.** That Council as the consent authority, grant conditional development consent for the development application No. DA 650/2013 under the *Environmental Planning and Assessment Act 1979* for demolition of the existing dwelling and construction of a new dwelling at No.225 Boyce Road, Maroubra, subject to the following non-standard conditions and the standard conditions contained in the development compliance report attached to this report:

Non Standard Conditions**Amendment of Plans & Documentation**

2. The approved plans and documents must be amended in accordance with the following requirements:
- a. The terrace above the garage is to be modified to ensure that it is setback a minimum 1m from the boundary with Boyce Lane after the dedication of a 2m wide strip of land to Council for the widening of Boyce Lane;
 - b. The first floor windows to all bedrooms in the eastern and western elevations must be fixed obscured glass to a minimum 1.5m from the floor level to minimize privacy impacts to the adjoining properties;
 - c. The ground floor lounge room window in the western elevation must be fixed obscured glass to a minimum 1.5m from the floor level to minimize privacy impacts to the adjoining property;
 - d. The ground floor dining room window in the eastern elevation must be fixed obscured glass to a minimum 1.5m from the floor level to minimize privacy impacts to the adjoining property;
 - e. The balconies at the front and rear of the new dwelling must have transparent glass balustrades to maintain view lines from adjoining properties;
 - f. Waste and recycling bins are to be stored clear of the public road and footpath to Boyce Lane (after dedication for road widening) and clear of the driveway area. A suitable garbage storage bay is to be indicated on the plans approved with the Construction Certificate;
 - g. The south facing walls of the lounge room at the ground floor and bedroom 1 at the first floor must be set back an additional 450mm to provide for a setback of 7450mm from the Boyce Lane boundary, and shall be achieved by reducing the internal floor space of both rooms;
 - h. The south facing first floor balcony and roof over must be set back by an additional 450mm from the Boyce Lane boundary to provide for a setback of 5950mm, and shall be achieved by a reduction in its depth.

Demolition of the Existing Dwelling

53. Prior to the issuing of any form of occupation certificate the existing dwelling on the subject site must be demolished.

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

CP47/14 Director City Planning Report - 203 Darley Road, Randwick - DA/603/2013 (DA/603/2013)

102/14

RESOLUTION: (Neilson/Stavrinos)

- A. That Council, as the consent authority, refuses development consent under Section 80 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 603/2013 for a first floor addition to the existing childcare centre including outdoor play deck to provide for an additional 10 children at No. 87 Storey Street, Maroubra, for the following reasons:
- The proposal does not satisfy the zone objectives of the R3: Medium Density Residential Zone of the Randwick Local Environmental Plan 2012 in that the scheme is contrary to the following objectives:
 - To recognise the desirable elements of the existing streetscape and built form or, in precincts undergoing transition, that contribute to the desired future character of the area.
 - To protect the amenity of existing residents.
 - The proposed development does not satisfy the objectives and controls for built form, scale and character as detailed in Clause 3.1 of the Randwick Development Control Plan in that the first floor deck is excessive in size and will adversely impact the amenity with respect to the visual bulk of the building as viewed from the streetscape.
 - The proposed development does not satisfy the objectives and controls for rear setbacks as detailed in Clause 3.2 of the Randwick Development Control Plan in that the minimal building separation establishes a form and mass which compromises the appearance of the existing development within the streetscape.
 - The proposed development does not satisfy the objectives and controls for acoustic amenity and privacy as detailed in Clause 4.1 of the Randwick Development Control Plan in that the first floor deck does not provide a reasonable level of visual and acoustic privacy to the neighbouring dwellings.
 - The proposal is not within the public interest having regard to the submissions received with the application.

MOTION: (Neilson/Stavrinos) CARRIED UNANIMOUSLY - SEE RESOLUTION.**CP48/14 Director City Planning Report - Report Variation to Development Standard under State Environment Planning Policy No. 1 (SEPP1) and Clause 4.6 - March, 2014 (F2008/00122)**

103/14

RESOLUTION: (Andrews/Smith) that the report be received and noted.**MOTION: (Andrews/Smith) CARRIED - SEE RESOLUTION.****CP49/14 Director City Planning Report - Proposed Study Tour - Future Cities Program (F2004/07751)**

104/14

RESOLUTION: (Matson/Shurey) that Council declines to proceed with this matter.**MOTION: (Matson/Shurey) CARRIED - SEE RESOLUTION.**

**CP50/14 Director City Planning Report - Reconciliation Week 2014
(F2004/06272)**

105/14 **RESOLUTION: (Andrews/Roberts)** that Council endorse the Reconciliation event to be held on 26 May 2014 at Bare Island Fort, La Perouse.

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

General Manager's Reports

**GM11/14 General Manager's Report - Continuation of Community
Partnership with Randwick District Rugby Football Club & Request
for Waiving of Banner Fees (F2013/00155)**

106/14 **RESOLUTION: (Andrews/Roberts)** that Council:-

- (a) continues with the 'community partnership' with the Randwick District Rugby Football Club and the tremendous initiatives with the Club to assist local schools and youth and improve the general health of the Randwick Council area and that the \$10,000.00 be funded from the 2013-14 Contingency Fund; and
- (b) waives the hire fee to hang twelve flags on flagpoles on Arden Street, Coogee for a period of one week for all home games, subject to availability, as per Council's standard fees & charges and contribute half the installation and removal fee for these flags.

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

RESOLVED (Procedural Motion): (Andrews/Stavrinos) that the meeting be extended to 12.00am.

**GM12/14 General Manager's Report - Draft Randwick City Council
Operational Plan and Budget 2014-15 (F2012/00512)**

107/14 **RESOLUTION: (Andrews/Seng)** that:

- a) the Draft Randwick City Council Operational Plan 2014-15, which includes the 2014-15 Budget and associated Fees and Charges, and attachments as outlined below, be placed on public exhibition for not less than 28 days, from 7 May to 3 June, inviting submissions from the public;
- b) at the conclusion of the period of public exhibition a meeting of the Council is held to consider any submissions made concerning the Draft Plan and consider the final Operational Plan;
- c) in accordance with the NSW Office of Local Government Code of Accounting Practice and Financial Reporting (June 2013) Note 2(b), in respect to each broad function of council, expenses that can be reliably attributed have been allocated to that function;
- d) Council proceed with the Mahon Pool toilet block and change room facilities, without the café, in this budget and that this be funded by the deferral of the Heffron Park amenities building; and
- e) the General Manager be authorised to make any minor changes if required.

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

AMENDMENT: (Belleli/D'Souza) that Council adopt the recommendation as per the business paper. **LOST.**

Councillors Belleli and D'Souza 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 Smith
Councillor Shurey	Councillor Stavrinou
	Councillor Stevenson
Total (7)	Total (8)

GM13/14 General Manager's Report - CBD and South East Light Rail Project (F2013/00263)

108/14

RESOLUTION: (Matson/Shurey) that Council:

1. note the discussions with TfNSW to date and the list of potential issues which would be incorporated in a Development Agreement for the light rail project as agreed to in the Memorandum of Understanding signed with TfNSW by the Mayor in July 2013;
2. endorse the Randwick City Council Light Rail Urban Design Guidelines which presents Council's preferred design outcomes for the light rail corridor, stops and interchanges and authorize Director City Planning to make minor typographical, formatting and graphic corrections;
3. take responsible steps to help residents and local businesses transition to light rail by endorsing, for the purposes of the preparation of draft budget plans, the allocation of \$68 million for the Light Rail Support Plan measures and public domain improvements over the next 5 years with the introduction and the operation of the light rail subject to the following:
 - a) the General Manager to provide to Council reports detailing the proposed works and source of funding;
 - b) no levy on residents or local businesses will be used to fund the Light Rail Support Plan;
 - c) the General Manager's advises that \$10 million in funding will be available from section 94 plan contributions and Council request that the General Manager review the works Schedule of the section 94 Plan to reflect the works proposed;
 - d) the funding model for the Kingsford car park component costing \$30.5 million will be a separate decision of the Council committed to at a later date following exploration of the potential for a joint venture agreement with TfNSW;
 - e) noting that Council has already committed itself to funding the East/West cycle network component of \$3.5 million via the conditions agreed to

- under the Memorandum of Understanding;
- f) yearly allocations to a total of \$27.5 million to cover the committed to cycle network plus the remaining unfunded components of the Light Rail Support Plan will be sourced from re-alignments within Councils existing budgets over the coming 5 to 10 years;
 - g) conducting a community consultation program in each of the next 5 years to gain feedback on Council's implementation of components of the Light Rail Support Plan that are scheduled for that year;
 - h) establishing a Community Light Rail Support Plan Committee that will:
 - i. be constrained to the purpose of giving Council objective and constructive feedback on the implementation of the Light Rail Support Plan rather than a debate on broader public transport issues;
 - ii. facilitate engagement between the Council and the community on the implementation of the Light Rail Support Plan;
 - iii. have a 11 person membership comprising the General Manager (or his representative), a representative from South Juniors, a representative from BikeEast (or another recognised cycling body), 3 other business interests and 5 Randwick residents; and
 - iv. have its membership derived randomly from a solicited pool of interested people subject to the General Manager's application of a final selection criteria based on the candidate's commitment to constructively advising Council on how best to implement the Light Rail Support Plan.

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

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

AMENDMENT: (Stevenson/Bowen) that:-

- (a) before Council commits to any expenditure on light rail that this Council conducts a full and comprehensive public consultation concerning the impact of light rail in Randwick, involving all ratepayers, residents, businesses, chambers of commerce, sporting & community organisations and schools with the Council to provide detailed information on all aspects of the light rail proposal including, but not limited to, parking, environment, heritage, business, employment, public transport, passenger & pedestrian safety;

- (b) Council call for community feedback and consultation from the above on the impact of the light rail proposal and suggest ways of mitigating the impact, including the cost of the same; and
- (c) the consultation be concluded within a six month period. **LOST.**

Councillors Belleli and Bowen 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 Stavrinou
Total (7)	Total (8)

AMENDMENT: (Belleli/Nil) that Council fully consult with the residents, businesses & precincts first before signing any agreement with the State Government & committing \$68Million towards the light rail project. **LAPSED FOR WANT OF A SECONDER.**

Director City Services Reports

CS5/14 Director City Services Report - Upcoming Buildings for our Community project - Coogee Senior Citizens Centre (PROJ/10665/2013)

109/14

RESOLUTION: (Andrews/Stavrinou) that Council adopts the concept proposal and proceeds to development application submission for the Coogee Senior Citizens Centre upgrade.

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

CS6/14 Director City Services Report - Environmental Management - Coogee Beach (F2004/06464)

110/14

RESOLUTION: (Garcia/Matson) that

1. this report be received and noted;
2. a communication plan be developed to expand the community's knowledge of local stormwater pollution issues and its impacts on coastal waterways;
3. Council partner with Sydney Water to undertake dry weather sewer overflow improvement program to improve water quality at Coogee Beach;
4. a report be brought back to Council on the outcomes of this dry weather sewer overflow program;
5. Council partner with Sydney Water to report on the most effective options to reduce the frequency and severity of wet weather sewer overflows affecting

Coogee beach water quality;

6. Council consider working with the Sydney Coastal Council's Group (SCCG) given that Randwick Council is a member and the SCCG have a long history of working with Sydney Water to improve ocean water quality;
7. Council provide and promote proactive clearance of street tree roots from private sewer lines in the Coogee catchment to avoid sewer overflows and improve water quality at Coogee Beach;
8. Council report on the most effective options, including alternative gross pollutant trap locations, for the capture and removal of gross pollutants during wet weather to avoid pollutants entering the water at Coogee beach; and
9. Council erect signage adjacent to the lifeguards offices detailing the relevant information on water safety for swimmers, based on the various warnings and water ratings received from beach watch.

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

Director Governance & Financial Services Reports

GF21/14 Director Governance & Financial Services Report - Review of Outdoor Dining Valuation Process (F2011/07593)

111/14 **RESOLUTION: (Andrews/Smith)** that Council:

- a) adopts the proposed outdoor dining fees as at 1 July 2014 and the Council Pricing Policy and Fees & Charges be amended to reflect the new fee structure and valuations;
- b) notifies the outdoor dining licensees of the new fee structure as at 1 July 2014 and implements the fees for new and existing license agreements entered into from 1 July 2014; and
- c) adjust the refundable bond requirement to be the lesser of \$1,000.00 or three months rental.

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

GF22/14 Director Governance & Financial Services Report - Investment Report - March 2014 (F2014/06527)

112/14 **RESOLUTION: (Andrews/Smith)** that the investment report for March 2014 be received and noted.

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

Petitions

- (a) Cr Stevenson tabled a petition to the Premier and relevant Ministers from residents opposed to the construction of the CBD and South East Light Rail system.

Motions Pursuant to Notice

NM36/14 Motion Pursuant to Notice - Notice of Motion from Cr Matson - Response to Announced Tree Removals in Argyle Crescent (F2014/07809)

113/14 **RESOLUTION: (Matson/Shurey)** that Council as a matter of urgency write to the

Commonwealth Government to request the re-opening of dialogue with Council over the possibility of the site being returned to within the boundaries of the adjacent Randwick Environment Park.

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

NM37/14 Motion Pursuant to Notice - Notice of Motion from Cr Shurey - Due Diligence Assessment of Raising Sea Levels Risks to the Proposed Coogee Beach Amenities Block (F2011/00326)

114/14

RESOLUTION: (Shurey/Andrews) that, not-with-standing our current LEP provisions, Council responds to the recent release of the 5th report of the Intergovernmental Panel on Climate Change by adopting a Council policy of carefully re-assessing all Council development applications (and specifically the proposed Coogee Beach amenities block project) against any up to date findings from credible sources on the risks of rising sea-levels to coastal infrastructure.

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

NM38/14 Motion Pursuant to Notice - Notice of Motion from Cr Matson - Concern over Absence of Climate Change on G20 Conference Agenda in Brisbane (F2008/00363)

115/14

RESOLUTION: (Matson/Garcia) that Council, notes the release of the 5th report of the Intergovernmental Panel on Climate Change with its' relevance to Randwick as an urban coastal community, and as a matter of priority writes to the Prime Minister urging that he accede to European Union requests by reversing his decision to remove climate change from the agenda of the upcoming G20 conference in Brisbane.

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

NM39/14 Motion Pursuant to Notice - Notice of Motion from Cr Garcia - Light Rail (F2013/00263)

116/14

RESOLUTION: (Garcia/D'Souza) that Council:

1. NOTES it has attempted to work collaboratively with the NSW State Government through Transport for NSW (TfNSW) in the development of the CBD and South East Light Rail (CSELR) to ensure the project is integrated into the Randwick community;
2. NOTES that since December 2013, TfNSW has dismissed important issues raised by Council on behalf of local residents;
3. NOTES that poor implementation of the CSELR increases the likelihood of adverse impacts on the Randwick community;
4. NOTES that Council has significant reservations with the current design and implementation of the CSELR including:
 - a. the High Cross Interchange
 - b. the proposed Randwick Stabling Facility which is proposed to be located on flood prone land
 - c. undergrounding of power along Anzac parade in line with the urban design objectives of the proposal
 - d. detailed design associated with the Alison Road corner Wansey Road Light Rail Stop
 - e. Location and design issues associated with the High Street Light Rail stop

- f. detailed design associated with the ANZAC Parade stop adjacent to UNSW
 - g. loss of trees
 - h. loss of parking
 - i. construction issues
 - j. continuation of line to Maroubra Junction
 - k. impact on public space
5. NOTES there remains a large body of work that needs to be carried out during the detailed design stage of the CSELR and Council has estimated mitigation costs to RCC could be as much as \$68M;
6. CALLS for the Randwick community's views on the design and implementation of the CSELR; and
7. APPROVE the conduct of a public campaign that:
- a. informs residents of Council's concerns regarding the design and implementation of the CSELR
 - b. calls for Council's reservations regarding the design and implementation of the CSELR to be addressed
 - c. supports Council's views on the design and implementation of the CSELR.

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

**NM40/14 Motion Pursuant to Notice - Notice of Motion from Cr Moore -
Opposition to Proposed Changes to Racial Vilification
(F2004/07702)**

117/14

RESOLUTION: (Moore/Andrews) that Randwick City Council, in acknowledging Multiculturalism has special cultural status in Australia with many policies across all tiers of Government having been initiated and adopted to support differing cultures,

- a.) recognises the rich diversity of cultures, beliefs and principles now firmly entrenched in our City and the wider Australian community
- b.) understands, values and celebrates this diversity in a variety of ways not least as evidenced in its Social Plan '*An Inclusive Randwick City*' and its Cultural Plan '*A Cultural Randwick City*'
- c.) registers its opposition to the Federal Government's proposed changes to Section 18C of *The Racial Discrimination Act* to remove provisions that make it unlawful to "offend, insult, humiliate or intimidate" someone because of their race or ethnicity,

write to the Attorney General expressing its opposition to the proposed changes.

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

**NM41/14 Motion Pursuant to Notice - Notice of Motion from Cr Stevenson -
Cost of Light Rail to the Ratepayers of Randwick (F2004/08175)**

This matter was dealt with in conjunction with item GM13/14.

**NM42/14 Motion Pursuant to Notice - Notice of Motion from Cr Neilson -
Concerns about Public Housing in the City of Randwick
(F2005/00576)**

118/14

RESOLUTION: (Neilson/Shurey) that Randwick Council:

- a) seek assurances from the state government that the government does not have plans to sell any public housing properties in the city of Randwick;
- b) does not support public housing tenants being forced out of their dwellings through the sale of public housing properties;
- c) reaffirms its support of public housing and calls on the state government to develop better strategies to support affordable housing; and
- d) write to the Premier, Minister for Housing and to the State Member of Coogee regarding these matters.

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

NM43/14 Motion Pursuant to Notice - Notice of Motion from Cr Roberts - Winter Solstice Celebration (F2007/00128)

MOTION: (Roberts/Seng) that Council:

1. note that the winter solstice is the shortest day of the year, being Saturday 21 June in 2014;
2. note that over many thousands of years nearly all the world's cultures have celebrated this day in some capacity;
3. bring back a report on how it can promote the celebration of this historic date on behalf of the community; and
4. the report considers a winter festival and/or a fireworks display allowing the community to celebrate the return of longer days. **LOST.**

RESOLVED (Procedural Motion): (Garcia/Smith) that the meeting be extended to 12.30am.

NM44/14 Motion Pursuant to Notice - Notice of Motion from Cr Roberts - Violence towards Women and Children (F2013/00153)

119/14

RESOLUTION: (Roberts/Belleli) that Council write to the NSW Education Minister calling for the inclusion in the high school syllabus of an increased emphasis on domestic violence and its impacts and to endorse white ribbon day in order to reinforce a culture of non violence throughout our society.

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

NM45/14 Motion Pursuant to Notice - Notice of Motion from Cr Roberts - Return of "Cracker Night" (F2007/00128)

This matter was withdrawn with the consent of Council.

NM46/14 Motion Pursuant to Notice - Notice of Motion from Cr Roberts - Promotion of more not-for-profit Public Events/Festivals in Randwick City (F2008/00528)

120/14

RESOLUTION: (Roberts/Andrews) that:

1. Council bring back a report on how the community can more easily stage festivals; and

2. the report should include:-
 - a. the option of a 'call for expressions of interest' from the community for the staging of a set number of events on Council controlled land;
 - b. the option that Council support these events through the waving of usage fees and the like – if appropriate to the event;
 - c. options for the streamlining of the council regulatory burden for stall holders who wish to support local events; and
 - d. options for the streamlining of the council regulatory burden for event organisers who wish to stage local events.

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

Confidential Reports

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

Closed Session

GF23/14 Confidential - Draft Randwick City Council Operational Plan and Budget 2014-15: Confidential Fees and Charges (F2013/00403)

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.

121/14

RESOLUTION: (Moore/Andrews) that the document titled "Pricing Policy and Statement of Fees & Charges; 1 July 2014 to 30 June 2015; CONFIDENTIAL" be received and noted.

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

CS7/14 Confidential - T11/14 - Heffron Park Central West Sports Amenities Upgrade - Maroubra (F2013/00489)

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.

122/14

RESOLUTION: (Andrews/ Stavrinis) that Council:

1. under Regulation 178(1)(a) of the Local Government (General) Regulation 2005, Momentum Built Pty Ltd be accepted as the successful tenderer in the amount of \$879,700.00 for the Heffron Park Central West Sports Amenities Upgrade ;
2. delegates the General Manager authority to sign a contract with Momentum Built Pty Ltd to carry out the work: and
3. notifies the unsuccessful tenderers.

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

Open Session

The meeting moved back into open session.

Notice of Rescission Motions

NR7/14 Notice of Rescission Motion - Notice of Rescission Motion from Crs Seng, Andrews & Stevenson - Update - Major Capital Works (F2010/00044)

This matter was withdrawn with the consent of Council.

There being no further business, His Worship the Mayor, Cr S Nash, declared the meeting closed at 12.16am.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 27 May 2014.

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CHAIRPERSON