

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, 27 MAY 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 (arrived 6.55pm)
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
Acting Manager Administrative Services	Ms J Hartshorn
Manager Development Assessment	Mr K Kyriacou
Communications Manager	Mr J Hay
Communications Coordinator	Ms E Shanks

Prayer & Acknowledgement of Local Indigenous People

The Council Prayer was read by Cr Stavrinou. The Acknowledgement of Local Indigenous People was read by Cr Moore.

Apologies/Granting of Leave of Absences

Nil.

Confirmation of the Minutes

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY 29 APRIL 2014**

RESOLUTION: (Andrews/Roberts) that the Minutes of the Ordinary Council Meeting held on Tuesday 29 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) Cr Matson declared a significant non pecuniary interest in Item MM32/14 as his daughter attends Randwick Girls High School. Cr Matson indicated that he would not be taking part in the debate or the voting on the matter.
- b) Cr Neilson declared a significant non pecuniary interest in Item CP52/14 as some of the objectors are know to her and a resident nearby may have donated to her election campaign. Cr Neilson indicated that she would not be taking part in the debate or the voting on the matter.
- c) Cr Neilson declared a significant non pecuniary interest in Item CP51/14 as a resident nearby may have donated to her election campaign. Cr Neilson indicated that she would not be taking part in the debate or the voting on the matter.
- d) Cr Andrews declared a non-significant non pecuniary interest in Item CP52/14 as he is aware of the applicant/owner.
- e) Cr Nash declared a non-significant non pecuniary interest in Item GM15/14 as, in his role as Mayor, he has many contacts and dealings with the administration and the board of the ATC.
- g) Cr Andrews declared a non-significant non pecuniary interest in Item GM15/14 as he has many contacts with the administration and the board of the ATC.
- h) Cr Seng declared a non-significant non pecuniary interest in Item GM15/14 as he has many contacts with the administration and the board of the ATC.
- i) Cr Moore declared a non-significant non pecuniary interest in Item GM15/14 as he sometimes attends the races at the Randwick Racecourse.
- j) Cr Moore declared a non-significant non pecuniary interest in Item GF29/14 as some of the organisations are known to him.
- k) Cr Matson declared a non-significant non pecuniary interest in Item GM15/14 as, in the past in his role as Mayor, he has met with the racecourse administration in relation to light rail matters.
- l) Cr Bowen declared a significant non pecuniary interest in Item GM15/14 as he is on the Board of the Randwick Labor Club and the Club has had business discussions with the ATC on various matters. Cr Bowen indicated that he would not be taking part in the debate or the voting on the matter.

Address of Council by Members of the Public

Prior to consideration of the Agenda by the Council, deputations were received in respect of the following matters:

CP51/14 17 BADEN STREET, COOGEE (DA/23/2014)

Applicant Robert Mallick

CP52/14 44 ARTHUR STREET, RANDWICK (DA/617/2013)

Objector Jose Goicoechea

Applicant Michael Gheorghiu (representing the applicant)

CP53/14 23 BYRON STREET, COOGEE (DA/138/2009/B)

Applicant Alex Smith (representing the applicant)

NM57/14 NOTICE OF MOTION FROM CR ROBERTS - GREATER FLEXIBILITY FOR RESIDENTIAL PARKING

For Stephen Garner

The Meeting was adjourned at 6.40pm and was resumed at 6.55pm.

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

Mayoral Minutes**MM32/14 Mayoral Minute - Randwick Boys & Girls High Schools - request for financial assistance (F2004/07396)**

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

124/14 **RESOLUTION: (Mayor, Cr Nash)** that:

- a) Council donate \$4,000.00 to the Randwick Girls and Boys High Schools for the combined production to be held at NIDA in August 2014, such funds to come from the 2014-15 Contingency Fund budget.
- b) the Schools undertake to appropriately and prominently promote Council's sponsorship of the event.

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

MM33/14 Mayoral Minute - Waiving of fees for fundraising event in Coogee (F2014/00096)

125/14 **RESOLUTION: (Mayor, Cr Nash)** that:

- a) the applicant be advised that Council gives it's "in principle approval" to the event subject to the applicant completing the Local Approval Application Form and complying with the conditions of approval.
- b) the associated fee of \$1,225.00 be waived and funds be allocated from the 2014-15 Contingency Fund;
- c) the Mayor or his representative is given the opportunity to address the event on behalf of Council.
- d) the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event;

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

MM34/14 Mayoral Minute - Seeking approval of external funding to widen Council's food waste collection and processing and improve the recovery of problem wastes at Perry Street Recycling Centre (F2013/00423)

126/14 **RESOLUTION: (Mayor, Cr Nash)** that:

- a) Council accepts the \$914,519 grant from the NSW Government's Environmental Trust for the three year project to extend food waste collection and processing

to Randwick's multi-unit dwellings; and

- b) Council accepts the \$230,215 grant from the NSW Government's Environmental Trust for the proposal to upgrade our drop off and recovery facilities at the Perry Street Recycling Centre (\$230,215) and progress implementation of these resource recovery projects subject to the completion of the necessary development approvals.

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

**MM35/14 Mayoral Minute - Local Government Chief Officers' Group
(F2008/00390)**

127/14

RESOLUTION: (Mayor, Cr Nash) that Council note the General Manager's attendance at the annual group meeting of the Local Government Chief Executive Officers' Group to be held in Townsville, Queensland from 16-18 July 2014.

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

**MM36/14 Mayoral Minute - Feasibility study and funding application to
investigate the potential for Randwick food waste to be processed
at Malabar Wastewater Treatment Plant (F2013/00423)**

128/14

RESOLUTION: (Mayor, Cr Nash) that:

- a) Council notes the study between Randwick and Sydney Water looking into the feasibility of processing some part of our food waste with residual waste at Sydney Water's Malabar Wastewater Treatment Plant; and
- b) a further report be brought to Council on the results of the feasibility study and potential funding application to the NSW Government's Waste Less/Recycle More grants program.

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

**MM37/14 Mayoral Minute - Donation to Gold Telethon 2014 - Sydney
Children's Hospital Foundation (F2014/06574)**

129/14

RESOLUTION: (Mayor, Cr Nash) that Council:

- a) Donate \$5,000 to the Gold Telethon 2014.
- b) Promote the Gold Telethon, through existing channels, wherever possible to encourage donations and assist in reaching the \$4.5 million target.

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

Urgent Business

Nil.

Director City Planning Reports

**CP51/14 Director City Planning Report - 17 Baden Street, Coogee
(DA/23/2014)**

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

130/14

RESOLUTION: (Roberts/Andrews) that Council, as the consent authority, grants development consent under Sections 80 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 23/2014 for alterations and additions to the existing dwelling at 17 Baden Street, Coogee, subject to the following development consent conditions, on the following grounds:

1. That Council supports the exception to development standards under clause 4.6 of the Randwick LEP 2012 in respect to non-compliance with Clause 4.4 of Randwick LEP 2012, relating to FSR respectively, on the grounds that the proposed development does satisfy the objectives of the above clause, and will not adversely affect the amenity of the locality, and that the Department of Planning and Infrastructure be advised accordingly.
 - a) The requested FSR is an increase over the existing use FSR of 7%. This small increase over the current use is considered acceptable as it is only a minor addition to the existing built form compared to the superior design outcome the proposal would deliver.
 - b) The neighbouring built form would continue to dominate the block if the proposal went ahead, hence the exception to the FSR standard is supported.
2. The proposal satisfies the objectives of the R3 Medium Density Residential Zone as the development has no effect on the existing streetscape and amenity of residents.
3. The proposal does not change the current setback arrangements, and compared to the modest increase in FSR is considered acceptable.
4. The proposal will not adversely impact on the internal amenity of the site and that of adjoining and neighbouring residents in terms of overshadowing and loss of privacy due to:
 - a) The existing overshadowing of the internal open space by the existing built form, and
 - b) The lack of windows to the west, the large hedge to the north and the use of highlight windows only to the east will adequately protect privacy of neighbours.

1. DEVELOPMENT CONSENT 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

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	Received by Council
56/13	Peter Banfield	28/11/2013	21st January 2014

<i>BASIX Certificate No.</i>	<i>Dated</i>	<i>Received by Council</i>
A180106	20th January	21st January 2014

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

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

External Colours, Materials & Finishes

3.
 - a) The colours, materials and finishes of the external surfaces are to be compatible with the existing building and adjacent development to maintain the integrity and amenity of the building and the streetscape.
 - b) Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Manager Development Assessments prior to issuing a construction certificate for the development.

Section 94A Development Contributions

4. In accordance with Council's Section 94A Development Contributions Plan effective from 12 July 2012, based on the development cost of \$180,000, the following applicable monetary levy must be paid to Council: \$900.

The levy must be paid in cash, bank cheque or by credit card prior to a construction certificate [or subdivision certificate] being issued for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment.

Council's Section 94A Development Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick or at www.randwick.nsw.gov.au.

Long Service Levy Payments

5. 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

6. 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

7. 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.

Structural Adequacy

8. Certificate of Adequacy supplied by a *professional engineer* shall be submitted to the certifying authority (*and the Council, if the Council is not the certifying authority*), certifying the structural adequacy of the existing structure to support the upper floor addition.

BASIX Requirements

9. 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.

Stormwater Drainage

10. A surface water/stormwater drainage system must be provided in accordance with the following requirements, to the satisfaction of the Certifying Authority and details are to be included in the construction certificate:-
- a) Surface water/stormwater drainage systems must be provided in accordance with the relevant requirements of the Building Code of Australia (Volume 2);
 - b) The surface water/stormwater must be drained and discharged to the street gutter or, subject to site suitability, the stormwater may be drained to a suitably designed absorption pit;
 - c) Any absorption pits or soaker wells should be located not less than 3m from any adjoining premises and the stormwater must not be directed to any adjoining premises or cause a nuisance;
 - d) External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the building, or cause a nuisance or damage to the adjoining premises;
 - e) Details of any proposed drainage systems or works to be carried out in the road, footpath or nature strip must be submitted to and approved by Council before commencing these works.

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

11. 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

12. 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 Site Management Plan

13. 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

14. 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

15. 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

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

Activity	Permitted working hours
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
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

17. 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.

Removal of Asbestos Materials

18. Work involving the demolition, storage or disposal of asbestos products and materials must be carried out in accordance with the following requirements:

- Relevant Occupational Health & Safety legislation and WorkCover NSW requirements
- Randwick City Council's Asbestos Policy
- A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m² of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence. A copy of the relevant licence must be provided to the Principal Certifying Authority.
- On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.
- Asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2005*. Details of the landfill site (which must be lawfully able to receive asbestos materials) must be provided to the Principal Certifying Authority.
- A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the Principal certifying authority upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

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

19. 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

20. 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

21. 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

22. 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.

OPERATIONAL CONDITIONS

The following operational conditions must be complied with at all times, throughout the use and operation 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*, Council's development consent and to maintain reasonable levels of public health and environmental amenity.

External Lighting

23. External lighting to the premises must be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.

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.
- A10 Demolition work and removal of asbestos materials:

- *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.*
- *It is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.*

A11 Any external lighting to the premises should be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.

A12 Building owners and occupiers should consider implementing appropriate measures to prevent children from falling from high-level window openings and balconies (e.g. by installing window locking devices; installing heavy-duty screens to window openings; limiting the dimensions of any openings to 125mm; ensuring balustrades to balconies are at least 1m high and; locating fixtures, fittings and furniture away from high-level windows and balconies).

For further information about preventing falls from windows and balconies refer to www.health.nsw.gov.au/childsafety or pick-up a brochure from Council's Customer Service Centre.

MOTION: (Roberts/Andrews) CARRIED ON THE CASTING VOTE OF THE MAYOR - SEE RESOLUTION.

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

FOR	AGAINST
Councillor Andrews	Councillor Bowen
Councillor Belleli	Councillor D'Souza
Councillor Garcia	Councillor Matson
Councillor Nash (+ casting vote)	Councillor Moore
Councillor Roberts	Councillor Shurey
Councillor Seng	Councillor Smith
Councillor Stavrinou	Councillor Stevenson
Total (8)	Total (7)

CP52/14 Director City Planning Report - 44 Arthur Street, Randwick (DA/617/2013)

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

131/14

RESOLUTION: (Stavrinou/Matson) that Council, as the consent authority, refuses development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/617/2013 for demolition of the existing building, construction of a 4 storey residential flat building containing 13 units, 1 level of basement carparking for 8 vehicles and associated works at No. 44 Arthur Street, Randwick, for the following reasons:

1. The proposal does not comply with the "character test" under the SEPP Affordable Rental Housing.
2. The proposal will adversely impact on the amenity of adjoining and neighbouring properties in terms of visual bulk and scale, privacy and overshadowing.
3. The proposal does not comply with clause 5.10 (5) of the Randwick LEP 2012 in relation to the impact on the heritage significance of Blenheim House.
4. The proposal does not comply with the Randwick DCP 2013 in relation to its

requirements for wall height and side setbacks.

5. The proposal is not within the public interest and does not satisfy Section 79C of the Environmental Planning and Assessment Act 1979, as amended.

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

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

FOR	AGAINST
Councillor Bowen	Councillor Andrews
Councillor D'Souza	Councillor Belleli
Councillor Garcia	Councillor Nash
Councillor Matson	Councillor Roberts
Councillor Moore	
Councillor Seng	
Councillor Shurey	
Councillor Smith	
Councillor Stavrinos	
Councillor Stevenson	
Total (10)	Total (4)

**CP53/14 Director City Planning Report - 23 Byron Street, Coogee
(DA/138/2009/B)**

132/14

RESOLUTION: (Andrews/Garcia) that Council, as the consent authority, grants development consent under Section 96(2) of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/138/2009/B through increase in size of basement car park, changes to boundary retaining walls, internal layout of units, external facade including location and size of windows, roof including increase in height, increase in size of units six (6) and ten (10), alterations to entry paths, ramps and communal open spaces at No. 23 Byron Street, Coogee, subject to the following non standard conditions and the standard conditions contained in this report:

- **Amendment of Condition 1 to make reference to the Section 96 drawings, which will read as follows:**
 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	Rev	Drawn by	Dated	Received by Council
SMIC-01	D	CSA Architects	28 January 2014	28 January 2014
SMIC-02				
SMIC-03				
SMIC-04				
SMIC-05				
SMIC-06				
SMIC-07				
SMIC-08				
SMIC-09				
SMIC-10				

BASIX Certificate	No.	Dated
Multi Dwelling	505877M	26 September 2013

Non standard conditions:**Add the following at Condition 114:****Privacy measures**

- 114) Privacy measures shall be provided in accordance with the commitments detailed on the approved plans and the following additions;
- a. A planter of dimension commensurate of the eastern edge planter shall be provided to the western edge of the rooftop terrace, where the pool is being removed, as identified in red on the approved plans. The planter shall be provided similar landscape treatment to that on the eastern edge of the deck. The planter shall be of the same height as the approved pool;
 - b. The two (2) new south elevation windows corresponding to Units 03 and 04 shall be raised or obscured to a minimum of 1500mm above finished floor level, to prevent overlooking of 25 Byron Street.

Further to the above privacy measures, obscuring may be achieved through raising sill heights, louvres or use of opaque/frosted glass, at the preference of the applicant.

Add the following Heritage requirement at Condition 115

- 115) Detailed drawings of the design, height, materials and structure of fencing within the front setback area are to be submitted to and approved by Council's Director City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to a construction certificate being issued for the development.

Add the following Heritage requirement at Condition 116

- 116) In the event that historical archaeological remains or deposits are exposed during the works, all work should cease while an evaluation of their potential extent and significance is undertaken and the NSW Heritage Office notified under the requirements of the Heritage Act.

Add the following Heritage requirement at Condition 117

- 117) Prior to the issue of any amended construction certificate, the applicant shall submit drawings that demonstrate the facades of the building are of a high architectural quality and that the composition of building elements, textures, materials and colours complement the adjoining heritage item and streetscape.

In this regard, construction drawings in the form of elevations and sections at 1:20 are required. The drawings shall detail the external appearance of each façade including the roof and be accompanied by samples of colors, materials and finishes.

The drawings shall be submitted to and approved by Council's Director of City Planning, in accordance with Section 80A (2) of the Environmental Planning and Assessment Act 1979 prior to any amended construction certificate being issued for the development.

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

CP54/14 Director City Planning Report - 765-765A Anzac Parade, Maroubra (DA/214/2014)

133/14

RESOLUTION: (Andrews/Stavrinos) 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/214/2014 for fit out and use of the premises as a Thai massage centre including new signage with hours of operation from 10am to 10pm Monday to Sunday, at No 765-765A Anzac Parade, MAROUBRA, subject to the standard conditions contained in the development application compliance report attached to this report.

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

**CP55/14 Director City Planning Report - 3 Sully Street, Randwick
(DA/140/2014)**

134/14

RESOLUTION: (Stavrinou/Andrews) -

- 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 Clause 4.4 of Randwick Local Environmental Plan 2012, relating to Floor Space Ratio, 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 & Infrastructure 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/140/2014 for Alterations and additions to the existing attached dual occupancy including internal reconfiguration, new rear balconies, new attic with dormer windows, changes to front boundary fence, installation of solar panels on roof and construction of detached shed with associated deck at the rear of the site, at No. 3 Sully Street, Randwick, 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

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:

Plan	Drawn by	Dated	Received by Council
A1 Issue A	BDA	Feb 14	9 May 2014
A3 Issue A		8.5.14	9 May 2014
A4		Feb 14	18 March 2014
A5		Feb 14	18 March 2014
A6 Issue A		Feb 14	9 May 2014
A7 Issue A		Feb 14	9 May 2014
A8 Issue A		8.5.14	9 May 2014

BASIX Certificate No.	Dated	Received by Council
A184502	17 March 2014	18 March 2014

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
- a. Privacy screens having a height of 1.6m above floor level must be

provided to north western and south eastern sides of the ground and first floor level decks. The privacy screens must be constructed of metal or timber and the total area of any openings within the privacy screens 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.

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

CP56/14 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 30 April 2014 (F2008/00122)

135/14

RESOLUTION: (Andrews/Roberts) that the report be received and noted.

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

CP57/14 Director City Planning Report - Report on investigation of impacts of proposed Council requirement to relocate overhead power lines to a dwelling from a power pole underground. (F2012/00347)

136/14

RESOLUTION: (Smith/Stavrinos) that Council require the undergrounding of power between the mains distribution pole and the development site (UGOH system) in the following circumstance;

Should a mains power distribution pole be located on the same side of the street and within 15m of the development site, the applicant must meet the full cost for Ausgrid to relocate the existing overhead power feed from the distribution pole in the street to the development site via an underground UGOH connection.

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

CP58/14 Director City Planning Report - Overview of NSW Government's recently released strategic waste framework (F2004/07280)

137/14

RESOLUTION: (Andrews/Roberts) that Council notes the updates from the NSW Government's Waste Avoidance and Resource Recovery Strategy 2013-21 and Energy from Waste policy statement and their implications on Randwick Council's 2010 Waste Management Strategy and Action Plan.

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

CP59/14 Director City Planning Report - Updating Council's Waste Management Strategy and Action Plan (F2004/07280)

138/14

RESOLUTION: (Andrews/Roberts) that:

- a) Council notes the progress of actions taken in keeping with the responses set out in Randwick's 2010 Waste Management Strategy and Action Plan; and
- b) Approves community engagement and review of our strategic waste management framework, up to the amount of \$80,000, funded from Waste Less / Recycle More funds provided to Council by the NSW Government.

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

CP60/14 Director City Planning Report - Establishment of a Childcare Centre Master Waiting List for centres in the Randwick LGA (F2004/07676)

139/14 **RESOLUTION: (Andrews/Roberts)** that the establishment of a master or centralised wait list service for childcare centres in Randwick City cannot be justified at this point in time.

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

CP61/14 Director City Planning Report - Safety of residents during Halloween celebrations (F2004/06290)

140/14 **RESOLUTION: (Garcia/Matson)** that Council:

- a) promote safe trick or treating tips on the Southern Courier by taking out a quarter page advertising space, Council website, newsletter and relevant social media sites; and
- b) officers design and distribute brochures (including e-brochure version) containing practical information and safety tips jointly or in consultation with the Police, to be distributed to the general community such as primary schools, cafes, childcare centres and libraries.

MOTION: (Andrews/Stavrinos) that Council promote safe trick or treating tips through the Mayoral Column and Council website.

AMENDMENT: (Garcia/Matson) CARRIED & BECAME THE MOTION.

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

General Manager's Reports

GM14/14 General Manager's Report - Review of the 2013-14 Annual Operational Plan - March Quarterly Report (F2014/03001)

141/14 **RESOLUTION: (Andrews/Roberts)** that the information contained in the March 2014 Review of the 2013-14 Annual Operational Plan be received and noted.

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

GM15/14 General Manager's Report - Randwick Community Day at Randwick Racecourse - a partnership between Randwick City Council and the Australian Turf Club (F2013/00103)

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

142/14 **RESOLUTION: (Moore/Andrews)** that:

- a) Council endorses the partnership with the Australian Turf Club for a Randwick Community Day on Saturday 23 August 2014 and associated marketing and promotion of the day to Randwick City residents and ratepayers.
- b) the Council agrees to name the highlighted race "the Randwick Mayor's Cup."
- c) Council give consideration to linking the day to the Kensington Town Centre with encouragements for attendees to dine in the local area on the day.

MOTION: (Matson/Neilson) that Council notes and accepts the report. **LOST.**

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

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Matson	Councillor D'Souza
Councillor Neilson	Councillor Garcia
Councillor Shurey	Councillor Moore
	Councillor Nash
	Councillor Roberts
	Councillor Seng
	Councillor Smith
	Councillor Stavrinou
	Councillor Stevenson
Total (4)	Total (10)

AMENDMENT: (Matson/Belleli) that Council endorses the partnership with the Australian Turf Club for a Randwick Community Day on Saturday 23 August 2014. **LOST.**

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

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Matson	Councillor D'Souza
Councillor Neilson	Councillor Garcia
Councillor Shurey	Councillor Moore
	Councillor Nash
	Councillor Roberts
	Councillor Seng
	Councillor Smith
	Councillor Stavrinou
	Councillor Stevenson
Total (4)	Total (10)

AMENDMENT: (Stevenson/Neilson) that Council endorses the partnership with the Australian Turf Club for a Randwick Community Day on Saturday 23 August 2014 and associated marketing and promotion of the day to Randwick City residents and ratepayers, excluding any inserts with the rates notices. **LOST.**

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

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Matson	Councillor D'Souza
Councillor Neilson	Councillor Garcia
Councillor Shurey	Councillor Moore
Councillor Stevenson	Councillor Nash
	Councillor Roberts
	Councillor Seng
	Councillor Smith

Total (5)Councillor Stavrinou
Total (9)**MOTION: (Moore/Andrews) CARRIED – SEE RESOLUTION.**Councillors Belleli and Matson called for a **DIVISION**.The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Andrews	Councillor Belleli
Councillor D'Souza	Councillor Matson
Councillor Garcia	Councillor Neilson
Councillor Moore	Councillor Shurey
Councillor Nash	
Councillor Roberts	
Councillor Seng	
Councillor Smith	
Councillor Stavrinou	
Councillor Stevenson	
Total (10)	Total (4)

Director City Services Reports

Nil.

Director Governance & Financial Services Reports**GF24/14 Director Governance & Financial Services Report - Quarterly Budget Review - March 2014 (F2012/00511)**143/14 **RESOLUTION: (Andrews/Roberts) that:**

- the report in relation to the March 2014 budget review be received and noted; and
- the proposed March 2014 budget variations shown in the attachment to this report be adopted.

MOTION: (Andrews/Roberts) CARRIED - SEE RESOLUTION.**GF25/14 Director Governance & Financial Services Report - Investment Report - April 2014 (F2014/06527)**144/14 **RESOLUTION: (Andrews/Roberts) that the investment report for April 2014 be received and noted.****MOTION: (Andrews/Roberts) CARRIED - SEE RESOLUTION.****GF26/14 Director Governance & Financial Services Report - Affixing of the Seal - KU Children's Services (F2014/07367)**145/14 **RESOLUTION: (Andrews/Roberts) that the Council's Seal be affixed to the signing of agreements between Randwick City Council and KU Children's Services in relation to the licence commencing 15 July 2014 for a period of 5 years.****MOTION: (Andrews/Roberts) CARRIED - SEE RESOLUTION.**

GF27/14 Director Governance & Financial Services Report - Affixing of the Seal - Orora Fibre Packaging Australasia (F2014/07367)

146/14 **RESOLUTION: (Andrews/Roberts)** that the Council's Seal be affixed to the signing of pipeline agreements between Council and Orora Fibre Packaging Australasia in relation to the pipeline located along Botany Road, Matraville.

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

GF28/14 Director Governance & Financial Services Report - Withdrawal of Caveat and Affixing of the Council Seal (F2004/06862)

147/14 **RESOLUTION: (Andrews/Roberts)** that the Council's Seal be affixed to the Withdrawal of Caveat form for the property at 13/85 Broome Street, Maroubra also known as Lots 13 & 33 in Strata Plan 4974.

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

Petitions

- a) Cr Stavrinou tabled a petition from residents living close to Kensington Bowling Club site KikOff Fields drawing Council's attention to the impact that KikOff (futsal) matches have on their lives.

Motion Pursuant to Notice**NM47/14 Motion Pursuant to Notice - Notice of Motion from Crs Andrews & Stavrinou - Pedestrian Safety (F2005/00825)**

148/14 **RESOLUTION: (Stavrinou/Andrews)** that council

- a) Express its concern at the number of pedestrian fatalities that have occurred in recent times.
- b) Bring forward a motion to the Local Government NSW Conference that a community education program be developed between the State government and Local government to improve pedestrian safety throughout NSW.

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

NM48/14 Motion Pursuant to Notice - Notice of Motion from Cr Andrews - Proposed Clearway, Bunnerong Road (northbound) (F2004/07233)

149/14 **RESOLUTION: (Andrews/Stavrinou)** that Council make the necessary representations to the Minister for Roads requesting that Bunnerong Road northbound (between the intersection of Maroubra Road and Kingsford Roundabout) become a clearway between the hours of 7am to 10am. Further this matter be referred to Botany City Council's traffic committee.

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

NM49/14 Motion Pursuant to Notice - Notice of Motion from Cr Garcia - Possible introduction of general practice co-payment (F2005/00213)

150/14 **RESOLUTION: (Garcia/D'Souza)** that Council:

- a) call on the Commonwealth Government to reconsider the introduction of the

- general practice co-payment model;
- b) note the measure will see Medical Benefits Schedule rebates reduced by \$5 and general practice patients charged a co-payment of \$7 from 1 July 2015;
 - c) note the Royal Australian College of Practitioners (RACP) believes this measure will "widen the gap to accessible healthcare with Australia's most vulnerable to suffer";
 - d) note the opportunity for early detection of illnesses may be lost if residents delay their visits to the GP because of the co-payment;
 - e) note the co-payment may mean that patients who fail to seek care at a primary healthcare level may present to public hospital emergency departments with more complex problems;
 - f) note the RACP "is concerned the general practice co-payment will drive emergency presentations to a level that is financially unsustainable" for the State Government;
 - g) note that 80% of Australians go to a bulk billing doctor, including many residents of Randwick City;
 - h) note CHOICE claims the "GP co-payment, cuts to Medicare rebates and changes to the Pharmaceutical Benefits Scheme co-payments and safety net amount to \$4.8 billion over 5 years that will effectively be transferred to household budgets";
 - i) note the introduction of the GP Co-payment is likely to have a deleterious effect on both the health and household budgets of Randwick residents; and
 - j) write to the Commonwealth Minister for Health to express Council's concerns.

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

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

NM50/14 Motion Pursuant to Notice - Notice of Motion from Cr Garcia - Commonwealth Budget cuts (F2009/00065)

RESOLUTION: (Garcia/Andrews) that Council:

- a) note with concern the Commonwealth Government's proposed \$80 billion in

- hospital and school funding cuts;
- b) note the residents of Randwick value the quality of the education provided to its children by local primary and secondary schools;
 - c) note the residents of Randwick value the quality of the healthcare provided to the community by the Prince of Wales Hospital campus;
 - d) call on the Commonwealth Government to reconsider the \$80 billion in hospital and school funding cuts;
 - e) writes to the Commonwealth Treasurer to express Council's concerns.

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

Councillors Garcia 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 Nash
Councillor Belleli	Councillor Roberts
Councillor Bowen	Councillor Smith
Councillor D'Souza	Councillor Stavrinou
Councillor Garcia	
Councillor Matson	
Councillor Moore	
Councillor Neilson	
Councillor Shurey	
Councillor Stevenson	
Total (10)	Total (4)

Note: Cr Seng was not present in the Council Chamber during the vote on the above motion.

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

NM51/14 Motion Pursuant to Notice - Notice of Motion from Cr Garcia - Future of Malabar Headland (F2004/06759)

152/14

RESOLUTION: (Garcia/Roberts) that Council:

- a) note the front page article in the Southern Courier titled "Headland Backflip" (13 May 2014);
- b) note the page four article in the Southern Courier titled "Promises in Pieces" (13 May 2014);
- c) note the page four article reads: "The Coalition Government has broken its promise to return the horses to the Malabar headland and has backflipped on its claim it was safe to return";
- d) note that a resident, quoted in the Southern Courier (p.5), is in "constant contact" with the Commonwealth government about the proposal to return horses to Malabar headland;
- e) request the General Manager to advise Council what updates Council has received from the Commonwealth Government about the future use of Malabar headland;

- d) note there is significant uncertainty about the future of Malabar headland;
- f) organise a meeting of elected local, state and federal representatives from the area and government officials from relevant Commonwealth and State departments to discuss the future of Malabar headland.

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

**NM52/14 Motion Pursuant to Notice - Notice of Motion from Cr Bowen -
Reported Development of North Centennial park (F2005/00501)**

153/14

RESOLUTION: (Bowen/D'Souza) that Council notes that whilst Centennial Park is managed by the Centennial Parklands Trust, the park is located wholly within Randwick Council LGA and enjoyed by residents and visitors throughout the South Eastern suburbs, wider Sydney and beyond and expresses its concerns with reported proposals to develop the Northern part of Centennial Park by:

- i) Immediately stating its opposition to the development or alienation of Centennial Parklands as contemplated by submissions provided to Waverley Council as part of the "West Oxford Street Precinct Plan".
- ii) Calling on Waverley Council to unequivocally state its opposition to any development on Centennial Park as part of its precinct plan, noting it is outside Waverley Council area.

AMENDMENT: (Stavrinos/Andrews) that Council invite the CEO of the Centennial Parklands Trust to meet with interested Councillors to address the issues raised in Notices of Motion NM52/14 and NM53/14. **LOST.**

Councillors Stavrinos and Andrews 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 Nash	Councillor Bowen
Councillor Roberts	Councillor D'Souza
Councillor Seng	Councillor Garcia
Councillor Stavrinos	Councillor Matson
	Councillor Moore
	Councillor Neilson
	Councillor Shurey
	Councillor Stevenson
Total (5)	Total (9)

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

**NM53/14 Motion Pursuant to Notice - Notice of Motion from Cr Bowen -
Proposed merge of Centennial Parklands Trust with Royal Botanic
Gardens and Domain Trust (F2005/00501)**

154/14

RESOLUTION: (Bowen/Matson) that Council in recognising Centennial Park is located within the Randwick LGA and responding to the State Government's recent decision to merge the administration of Centennial Parklands Trust with Royal Botanic Gardens and Domain Trust:

1. Notes;
 - i) the recent controversy with the proposals for significantly increased commercial activity at the Botanic Gardens
 - ii) Randwick residents' concerns about increased alienation of Centennial Park for commercial activity and user pay charges for park facilities
 - iii) concern the Centennial Park Masterplan encourages an increased entrepreneurial role for the operations of the park
2. Calls upon both the;
 - i) Centennial Parklands trust to commit to no further increases in commercial activity at the Park, and
 - ii) State Government to permit Randwick City Council representation on the Centennial Parklands Trust.
3. Express its opposition to the Government's proposed shared pedestrian bike bridge over Anzac Parade.

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

**NM54/14 Motion Pursuant to Notice - Notice of Motion from Cr Moore -
Response to Proposed Federal Government Financial Assistance
Grants Reductions for NSW Councils (F2008/00607)**

155/14

RESOLUTION: (Moore/Stavrinos) that Council, in response to the Australian Government's 2014/15 Federal Budget proposal not to increase Financial Assistance Grants in line with CPI and population increases

- a) notes Local Government NSW believes: "The freeze on these vital grants will have a significant impact on the lives of everyday Australians who are used to, and expect, quality services, roads and facilities from their local councils",
- b) recognises that Councils will need to fill the funding void left by the indexation freeze on Financial Assistance Grants, and
- c) write to the Federal Treasurer, the Member for Kingsford Smith, the NSW Minister for Local Government and the NSW Shadow Minister for Local Government registering its opposition to the Commonwealth budget cuts that will see an estimated reduction in funding to local councils of some \$288 million.

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

**NM55/14 Motion Pursuant to Notice - Notice of Motion from Cr Matson -
"Shift to renewable energy to power electric grid based transport
systems in NSW" (F2009/00291)**

156/14

RESOLUTION: (Matson/Garcia) that Council writes to the Premier noting that electric grid based commuter systems such as the CBD to South East Light Rail represent golden opportunities for NSW to achieve reductions in carbon emissions from the transport sector via a shift to renewable energy power stations.

AMENDMENT: (Roberts/Stavrinos) that Council writes to the Premier:

- a) noting that electric grid based commuter systems such as the CBD to South East Light Rail represent golden opportunities for NSW to achieve reductions in carbon emissions from the transport sector via a shift to renewable energy power stations.

- b) asking him to advocate for nuclear power in Australia to contribute to the reduction of greenhouse gas emissions. **LOST.**

Councillors Belleli and Garcia 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 Nash	Councillor Bowen
Councillor Roberts	Councillor D'Souza
Councillor Seng	Councillor Garcia
Councillor Stavrinou	Councillor Matson
	Councillor Moore
	Councillor Neilson
	Councillor Shurey
	Councillor Stevenson
Total (5)	Total (9)

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

**NM56/14 Motion Pursuant to Notice - Notice of Motion from Cr Matson -
"Response to social inequities in the Federal Budget 2014"
(F2009/00065)**

157/14

RESOLUTION: (Matson/Garcia) that Council advises local federal MP's that it considers the proposed delaying of unemployment benefits for up to six months to under 30 year olds, the deregulation of university fees, and the seven dollar fee for GP visits to be social inequities and likely to promote community alienation and anti social behavior within the Randwick City Council area.

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

**NM57/14 Motion Pursuant to Notice - Notice of Motion from Cr Roberts -
Greater flexibility for residential parking (F2004/07237)**

158/14

RESOLUTION: (Stevenson/Roberts) that the subject matter of the motion be referred to Council's Parking Taskforce.

MOTION: (Roberts/Stavrinou) that Council:

1. Note the advantages of investigating, identifying and implementing ways of increasing the residential parking efficiency of its streets;
2. Note that on occasion local residents need flexibility concerning parking in and around their properties at particular times;
3. Note that ultimately parking is regulated under the NSW Road Rules, and any new measures need to be consistent with those rules;
4. Bring back a report addressing the following ways in which more flexible residential parking could be facilitated:
 - a. Allowing residents to park in the driveway between the property boundary and the public road (on the basis that the vehicle does not intrude onto the footpath, or to an extent in excess of the usual width of a vehicle

- onto the road);
- b. Allowing residents to park partially or fully across their own driveways; and
 - c. Consideration of the options, to the extent any identified measures have merit but which may be inconsistent with the NSW Road Rules, of writing to the relevant government department requesting changes to the Rules to enable the implementation of such measures and referring the matter to the 2014 LGNSW Conference and to the Federal Member for Kingsford-Smith and the State Members of Parliament. **LOST.**

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

MOTION: (Stevenson/Roberts) CARRIED – SEE RESOLUTION.

Councillors Roberts and Stavrinis 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 Bowen	Councillor Neilson
Councillor D'Souza	Councillor Shurey
Councillor Garcia	Councillor Smith
Councillor Matson	
Councillor Moore	
Councillor Nash	
Councillor Roberts	
Councillor Seng	
Councillor Stavrinis	
Councillor Stevenson	
Total (11)	Total (4)

Confidential reports (closed session)

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

Closed Session

GF29/14 Confidential - Ongoing Engagement of Utility Asset Management (F2008/00569)

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.

159/14

RESOLUTION: (Stavrinos/Shurey) that Council approves the ongoing engagement of Utility Asset Management, or any future replacement supplier, as the sole provider for the undertaking of wire clearances and other tree pruning and removal works within three metres of Ausgrid power lines in the Randwick City Council area.

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

GF30/14 Confidential - Tender T2014-07 - Medical and Related Health Services (F2013/00513)

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.

160/14

RESOLUTION: (Moore/Shurey) that:

- a) Under regulation 178(1)(a) of the Local Government (General) Regulation 2005, Immex Medical Treatments, Recovre, Shiraz Thomas, and Spotscreen Pty Ltd, be accepted as the successful tenderers for their nominated categories;
- b) the General Manager, or delegated representative, be authorised to sign the contract documents on behalf of Council for a three year term with an option to extend for two further terms of twelve months each;
- c) in accordance with Clause 178(3)(e) of the regulations, the General Manager be authorised to negotiate with suppliers with the view to entering into a contract for the supply of services not provided for in this tender process (employee assistance program; mediation and group counselling; grief and trauma counselling; and
- d) the unsuccessful tenderers be notified.

MOTION: (Moore/Shurey) CARRIED UNANIMOUSLY - SEE RESOLUTION.

GF31/14 Confidential - Tender T2014-05 - Replacement of Library Management System (F2013/00149)

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.

161/14

RESOLUTION: (Stavrinos/Shurey) that:

- a) Under regulation 178(1)(a) of the Local Government (General) Regulation 2005, SirsiDynix Pty Ltd be accepted as the successful tenderer to supply, install, and support an Integrated Library Management System for a period of five (5) years;
- b) the General Manager be authorised to investigate and negotiate with Siris Dynix Pty Ltd for the purchase of any additional options and functionality that may be considered beneficial to Library Services and Library Service customers, and maintenance following on from the initial term of the contract for the effective life of the library management system in Council;

- c) the General Manager or delegated representative, be authorised to sign the contract documents on behalf of Council; and
- d) the unsuccessful tenderers be notified.

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

Open Session

That the meeting move back into open session.

Notice of Rescission Motions

Nil.

There being no further business, His Worship the Mayor, Cr S Nash, declared the meeting closed at 10.50pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 24 June 2014.

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CHAIRPERSON