



**Randwick City
Council**
a sense of community

EXTRAORDINARY COUNCIL MEETING

BUSINESS PAPER

TUESDAY 29 JULY 2014

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EXTRAORDINARY COUNCIL MEETING

Notice is hereby given that an Extraordinary Council Meeting of the Council of the City of Randwick will be held in the Council Chamber, First Floor Town Hall building, 90 Avoca Street, Randwick on Tuesday, 29 July 2014 at 6:00pm.

PRAYER AND ACKNOWLEDGEMENT OF THE LOCAL INDIGENOUS PEOPLE

Prayer

*"Almighty God,
We humbly beseech you to bestow your blessings upon this Council and to direct and prosper our deliberations to the advancement of your glory and the true welfare of the people of Randwick and Australia.
Amen"*

Acknowledgement of the local indigenous people

"I would like to acknowledge that we are here today on the land of the Bidjigal people of the Dharwahal Nation. The Bidjigal people are the traditional owners and custodians of this land and form part of the wider aboriginal nations of the Sydney area. On behalf of Randwick City Council I would also like to acknowledge and pay my respects to the Elders both past and present."

Apologies/Granting of Leave of Absences

Declarations of Pecuniary and Non-Pecuniary Interests

Address of Council by Members of the Public

*Privacy warning;
In respect to Privacy & Personal Information Protection Act, members of the public are advised that the proceedings of this meeting will be recorded for the purposes of clause 66 of Council's Code of Meeting Practice.*

Urgent Business

General Manager's Reports

GM23/14 The Light Rail Project - Proposed Amendments to the
Development Agreement with TfNSW 1

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Ray Brownlee
GENERAL MANAGER

General Manager's Report No. GM23/14



Subject: The Light Rail Project - Proposed Amendments to the Development Agreement with TfNSW

Folder No: F2013/00263

Author: David Kelly, Manager Administrative Services

Introduction

The report in relation to this matter was submitted to the 22 July 2014 Council Meeting, wherein it was resolved:

“(Bowen/Garcia) that this matter be deferred to allow Councillors to consider further information received on this matter.”

Issues

The report submitted to the 22 July Council meeting is **attached**.

Relationship to City Plan

The relationship with the City Plan is as follows:

- Outcome 4: Excellence in urban design and development.
Direction 4b: New and existing development is managed by a robust framework.
- Outcome 6: A liveable city.
Direction 6a: Our public infrastructure and assets are planned, managed and funded to meet the community expectations and defined levels of service.
- Outcome 8: A strong local economy.
Direction 8a: Vibrant business, commercial, and industrial sectors that provide ongoing and diverse employment opportunities and serve the community.
- Outcome 9: Integrated and accessible transport.
Direction 9c: Advocate and/or plan for integrated local and regional transport improvements, including high capacity transport such as light/standard rail.

Financial impact statement

There is no direct financial impact for this matter.

Conclusion

The 22 July 2014 report is attached for Council’s consideration. The report recommendation is repeated below.

Recommendation

That:

- a) Council consider and formalise its position in relation to the following issues:

GM23/14

- 1) The High Cross Park Interchange and Prince of Wales Hospital Stop
 - 2) The proposed Randwick Stabling Facility (at 66a Doncaster Avenue) and identified future community centre
 - 3) Undergrounding of power along Anzac Parade
 - 4) Sale/transfer of Rainbow Street site to Council
 - 5) Rainbow Street Construction Compound
 - 6) The status of Council's Urban Design Guidelines
 - 7) Retaining 100-120 parking spaces on Anzac Parade (from Alison Road to Darling Street)
 - 8) Concern in relation to tree losses
 - 9) Traffic modeling
 - 10) Bus changes
 - 11) Kingsford Nine-Ways intersection.
- b) Council advises TfNSW of the amendments sought for the draft Development Agreement proposed by TfNSW.
- c) a report be brought to Council with TfNSW response to these matters and consideration of the proposed Development Agreement.

Attachment/s:

1. Report - The Light Rail Project - Proposed Amendments to the Development Agreement with TfNSW - presented to the 22 July 2014 Council Meeting

General Manager's Report No. GM21/14



Subject: The Light Rail Project - Proposed
Amendments to the Development
Agreement with TfNSW

Folder No: F2013/00263

Author: Sima Truuvert, Director City Planning

Introduction

The purpose of this report is to provide Council with proposed options/
recommendations to address issues outlined in Item 3 of Council's resolution of 24
June 2014 and seek Council's consideration of the suggested options for amendments
to the draft Development Agreement proposed by TfNSW.

Background

Randwick Council has continued to work collaboratively with TfNSW in developing the
Development Agreement. The progress of the discussion and negotiation between
Council and TfNSW as well as outstanding issues remained unresolved have been
previously reported to Council (at meetings of 29 April 2014 and 24 June 2014).

At its meeting of 24 June 2014, Council resolved (Mayor, Cr Nash) that Council:

1. Council supports the light rail project and the economic and employment
benefits it will bring to our local area;
2. Council rejects the currently proposed draft Development Agreement reported
under cover of GM Report 20/14;
3. Council continue to advocate publicly its position on the following concerns:
 - the High-Cross Park interchange (this issue is not negotiable);
 - the proposed Randwick Stabling Facility (at 66a Doncaster Avenue) and
identified future community centre;
 - undergrounding of Power along Anzac Parade in line with the Urban Design
objectives of the proposal;
 - loss of parking, particularly arising from the location of the Kingsford light-
rail bus interchange. In lieu of compensation for the loss of parking in
Kingsford and Kensington, that the Kingsford Markets Site be transferred
to council at no cost;
 - the status of Council's Urban Design Guidelines;
 - the Prince of Wales Hospital stop;
 - clawing back 100-120 parking spaces on Anzac Parade (from Alison Road
to Darling Street);
 - concern in relation to tree losses and the requirement for an audit of the
trees scheduled for removal in the Randwick City Council area due to light
rail, with a report back to Councillors on this matter before the matter is
next debated
 - traffic modeling be brought forward to demonstration the local traffic
impacts at the following areas:
 - Kingsford and Kensington (along and either side of Anzac Parade)

GM23/14

- Randwick (at Wansey Road, High Street, Botany Street and the interconnecting streets)
 - Randwick (at Avoca Street, Belmore Road, Coogee Bay Road, Cuthill Street and Perouse Road);
 - TfNSW needs to bring forward, and make public, its proposal for the bus changes resulting from the implementation project;
4. the Councillors nominate areas of concern or interest by sending wording for any amendments for inclusion in the proposed draft Development Agreement to the General Manager by next Tuesday (1 July 2014);
 5. Council defers its consideration of GM Report 20/14 to allow a Councillors' Briefing to be held on Tuesday 1 July 2014.

Issues

In response to the Council resolution noted above, a Councillor briefing was held on 1 July 2014. A number of issues including those outlined in Item 3 of the resolution were discussed at the briefing. The following amendments (including various amendment options) to the draft Development Agreement are proposed for Council's consideration.

1. The High Cross Park Interchange & Prince of Wales Hospital Stop (non-negotiable)

Current draft Development Agreement:

- A general Clause 6.2 (c)(i) stating that *"where reasonably practicable, the Project will be designed to implement RCC's Urban Design Guidelines in respect of the Public Domain, to the extent not inconsistent with the Planning Approval or the scope of the Project"*;
- Schedule 7 Item 1.22.1 stating that alternative substation locations to High Cross Park will be investigated when developing the Detailed Design and if located in High Cross Park, RCC will be consulted in relation to undergrounding of the substation.

Recommendations:

- Option 1 – Council considers that the interchange should not be located in High Cross Park, but in front of Prince of Wales Hospital in High Street. However, this position is not negotiable. Therefore, any reference to High Cross Park interchange should be deleted from the Development Agreement.
- Option 2 - TfNSW will ensure that the detailed design and construction of the Randwick Interchange at High Cross Park will be in accordance with RCC's Urban Design Guidelines. In addition, the substation must be underground, if located in High Cross Park.

2. The proposed Randwick Stabling Facility (at 66a Doncaster Avenue) and identified future community centre

1) Heavy maintenance

Current draft Development Agreement:

- Schedule 7 Items 1.2A.1 & 3.5.3 stating that the Randwick Stabling Facility will be designed, constructed and maintained in accordance with the noise and vibration requirements in the Planning Approval;
- No specific clause specifying what maintenance activities will be carried out at the Randwick Stabling Facility.

Recommendations:

- TfNSW will ensure that heavy maintenance be precluded at the Randwick Stabling Facility and a definition of heavy maintenance be included in the Development Agreement.

2) Flooding

Current draft Development Agreement:

- A previous Schedule 7 item (Item 1.2A.1) being "*The Light Rail Randwick Stabling Facility will be designed to cater for the 1 in 100 year event so that no property will be materially worse off in relation to flood levels*" has been removed from the Development Agreement.

Comment:

- The facility should be designed to cater for the 1:100 ARI flood event, rather than "no worsening" of existing flood characteristics. TfNSW has now deleted the above item from Schedule 7.

3) Community centre

Current draft Development Agreement:

- No relevant clause.

Recommendations:

- TfNSW will ensure that RCC's interest in the land be acknowledged and appropriate compensation be arranged.

3. Undergrounding of power along Anzac Parade

Current draft Development Agreement:

- Schedule 7 Item 1.14.2 stating that power lines cross over the Light Rail tracks in Anzac Parade will be undergrounded;
- Schedule 7 Item 1.14.2 stating that "*TfNSW will consult with RCC in relation to undergrounding of any other existing overhead power lines within the Works Site*".

Recommendations:

- Consistent with RCC's Urban Design Guidelines and TfNSW urban design principles which promotes attractive public domains, the power lines along Anzac Parade between Alison Road and Kingsford Interchange are to be located underground.

4. Sale/transfer of Rainbow Street site to Council

Current draft Development Agreement:

- Schedule 7 Item 2.5.2 stating that "*When determined to be surplus to the Project's requirements and subject to compliance with Treasury Direction TD92/2 (469) Sale or Lease of Government Assets, TfNSW will give RCC first option to purchase the Rainbow Street site on reasonable commercial terms*".

Recommendations:

- Option 1 - TfNSW will enter into a sale agreement with RCC for the Rainbow Street site, for reasonable commercial terms as at June 2014. RCC will enter into a payment and purchase plan over the next 5 years, when the parcel of land is fully transferred to RCC.
- Option 2 - RCC sells its portion at Rainbow Street site to TfNSW on condition that TfNSW will construct a car park providing 200 parking spaces for the free use of the general public.

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- Option 3 - In lieu of compensation for the loss of parking in Kingsford and Kensington, the Rainbow Street site should be transferred to RCC at no cost.

5. Rainbow Street Construction Compound

Current draft Development Agreement:

- Schedule 7 Item 2.5.2 (Construction compounds) stating that "*nothing in this section 2.5.2 precludes RCC from providing another site in lieu of the Rainbow Street site, subject to approval under the EP&A Act*".

Recommendations:

- TfNSW will relocate the construction compound from Rainbow Street site to the carpark in the median of Anzac Parade (south of Sturt Street). RCC will provide the median of Anzac Parade to TfNSW at nil cost for this use during the construction of the light rail project.

6. The status of Council's Urban Design Guidelines

Current draft Development Agreement:

- Clause 6.2 (c)(i) stating that "*where reasonably practicable, the Project will be designed to implement RCC's Urban Design Guidelines in respect of the Public Domain, to the extent not inconsistent with the Planning Approval or the scope of the Project*";

Recommendations:

- Option 1 – The above clause should be amended to: Where reasonably practicable, the Project will be designed to implement the Urban Design Guidelines in respect of the Public Domain, to the extent not inconsistent with the Planning Approval.
- Option 2 - The Project must be designed in accordance with RCC's Urban Design Guidelines, to the extent not inconsistent with the Planning Approval.

7. Retaining 100-120 parking spaces on Anzac Parade (from Alison Road to Darling Street)

Current draft Development Agreement:

- Clause 17.4 stating that "*TfNSW will support RCC's application to NSW Roads and Maritime Services for the implementation of off-peak parking outcomes*".

Comment:

- The above clause is agreed for retention.

8. Concern in relation to tree losses

Based on an audit undertaken by Council officers, a list of trees (including significant trees) scheduled for removal for the light rail project was provided at the briefing.

Current draft Development Agreement:

- Schedule 7 Section 1.19 stating that trees along the Light Rail route are to be retained wherever practicable and protected in accordance with the RCC LEP 2012, DCP 2013 and Tree Management Specifications in RCC's Urban Design Guidelines (subject to Clause 6.2(c)(i)). It also states that all limbing of trees will be performed in consultation with RCC's arborists.

Recommendations:

- TfNSW will ensure that a tree management process be developed and implemented that if RCC and TfNSW's tree experts do not agree on the extent of removal or limbing of trees, an independent arborist will review and make a determination.

9. Traffic modeling

Current draft Development Agreement:

- Schedule 7 Item 1.18.1 stating that "*TfNSW will provide, at its cost, the traffic model and data for the local government area administered by RCC and used for the Project*".

Comments:

- TfNSW has provided Council with the traffic model and data associated with the model. The data is currently being examined.

10. Bus changes

Current draft Development Agreement:

- No relevant clause.

Recommendations:

- As buses will be impacted during both construction and operation of the light rail project, TfNSW must make public the bus operation plan as soon as practicable.

11. Kingsford Nine-Ways intersection

Current draft Development Agreement:

- Schedule 7 Item 1.2.7 stating that for the Kingsford Interchange, TfNSW will undertake a safety audit of the interchange, undertake modelling of pedestrian and vehicular traffic flows around the interchange and the 9 ways intersection, investigate replacement of the proposed slip lane and consult with RCC on these matters.

Recommendations:

- TfNSW will ensure that the detailed design and construction of the Kingsford Nine-Ways intersection be in accordance with RCC's Urban Design Guidelines.

Relationship to City Plan

The relationship with the City Plan is as follows:

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|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| Outcome 4: | Excellence in urban design and development. |
| Direction 4b: | New and existing development is managed by a robust framework. |
| Outcome 6: | A liveable city. |
| Direction 6a: | Our public infrastructure and assets are planned, managed and funded to meet the community expectations and defined levels of service. |
| Outcome 8: | A strong local economy. |
| Direction 8a: | Vibrant business, commercial, and industrial sectors that provide ongoing and diverse employment opportunities and serve the community. |
| Outcome 9: | Integrated and accessible transport. |
| Direction 9c: | Advocate and/or plan for integrated local and regional transport improvements, including high capacity transport such as light/standard rail. |

Financial impact statement

The cost of drafting, legal advice and review of "Development Agreement" is approximately \$100,000. The cost is borne 50% by Randwick City Council, and 25% each by ATC and UNSW.

Conclusion

A number of key areas of concern have now been addressed through Council's ongoing discussion and negotiation with TfNSW, such as participation of the community, business and Council's officers through various reference groups and TfNSW's support for RCC's application to RMS for retaining 100-120 parking spaces (off-peak) on Anzac Parade.

However, some significant issues still require further resolution. A series of amendments to the draft Development Agreement, including various amendment options, are therefore proposed in response to these unresolved issues. It is recommended that Councillors formalise their position with regard to the issues outlined in this report.

Recommendation

That:

- a) Council consider and formalise its position in relation to the following issues:
 - 1) The High Cross Park Interchange and Prince of Wales Hospital Stop
 - 2) The proposed Randwick Stabling Facility (at 66a Doncaster Avenue) and identified future community centre
 - 3) Undergrounding of power along Anzac Parade
 - 4) Sale/transfer of Rainbow Street site to Council
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 - 6) The status of Council's Urban Design Guidelines
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 - 8) Concern in relation to tree losses
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 - 11) Kingsford Nine-Ways intersection.
- b) Council advises TfNSW of the amendments sought for the draft Development Agreement proposed by TfNSW.
- c) a report be brought to Council with TfNSW response to these matters and consideration of the proposed Development Agreement.

Attachment/s:

Nil