

**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, 28 JULY 2015 AT 6:09PM**

**Present:**

The Mayor, Councillor T Seng (Chairperson) (Central Ward)

Councillor A Andrews (Deputy Mayor) (Central Ward) (from 6.58pm)

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

**Officers Present:**

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoples
Director City Planning	Ms S Truuvert
Director Governance & Financial Services	Mr J Smith
Manager Administrative Services	Mr D Kelly
Acting Manager Development Assessment	Mr F Ko
Communications Manager	Mr J Hay
Manager Strategic Planning	Mr A Bright

**Prayer & Acknowledgement of Local Indigenous People**

The Council Prayer was read by Cr Stevenson. The Acknowledgement of Local Indigenous People was read by Cr Bowen.

**Apologies/Granting of Leave of Absences**

Nil.

**Confirmation of the Minutes**

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING  
HELD ON TUESDAY 23 JUNE 2015**

175/15

**RESOLUTION: (Shurey/Nash)** that the Minutes of the Ordinary Council Meeting held on Tuesday 23 June 2015 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting, subject to the minutes being amended to include an item of urgent business moved

by Councillor Bowen, relating to Local Government Reform, which was rules out of order by the Mayor.

### **Declarations of Pecuniary and Non-Pecuniary Interests**

- a) Cr Nash declared a significant non pecuniary interest in Item CP27/15 as an individual in the applicant company is a client of his. Cr Nash will be taking no part in the debate or voting on this matter.
- b) Cr Matson declared a non-significant non pecuniary interest in Item CP27/15 as this site has been before the JRPP in the past.
- c) Cr Neilson declared a non-significant non pecuniary interest in Items CP27/15 and NM33/15 as she knows one of the speakers on both matters who is a former Councillor.
- d) Cr Neilson declared a non-significant non pecuniary interest in Item GF23/15 as both speakers on the matter are known to her.
- e) Cr Neilson declared another non-significant non pecuniary interest in Item CP27/15 as she knows the other speaker on the matter who is a former member of the ALP.
- f) Cr Smith declared a significant non pecuniary interest in Item CP23/15 as his cousin made a submission on the matter. Cr Smith will be taking no part in the debate or voting on this matter.
- g) Cr Matson declared a non-significant non pecuniary interest Items CP27/15 as he knows one of the speakers on the matter who is a former Councillor.
- h) Cr Bowen declared a non-significant non pecuniary interest in Item CP27/15 as he knows one of the speakers on the matter who is a former member of the ALP.
- i) Cr Stavrinou declared a significant non pecuniary interest in Item NR4/15 as one of the objectors is the sister of his cousin's wife. Cr Stavrinou will be taking no part in the debate or voting on this matter.
- j) Cr Smith declared a non-significant non pecuniary interest in Item NM32/15 as his employer is part owned by a tobacco company.
- k) Cr Andrews declared a non-significant non pecuniary interest in Item NR4/15 as he knows the applicant and objectors.
- l) Cr Garcia declared a non-significant non pecuniary interest in Item CP27/15 as he knows the speaker against the proposal.
- m) Cr Belleli declared a pecuniary interest in Item NM31/15 as his wife's dance school performed at the Botany multicultural event recently.

### **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:

MM35/15 PREFERRED LOCATION OF NEW COUNCIL ADMINISTRATION OFFICES

**For** Marcella McAdam

CP23/15 54A BREAM STREET, COOGEE (DA/94/2015)

**Applicant** Brett Kenyon

CP24/15 135 AVOCA STREET RANDWICK (DA/366/2015)

- Applicant** Phillip Whitton on behalf of applicant
- CP25/15 14 BRUCE STREET, KINGSFORD (DA/121/2015)
- Applicant** Kerry Nash on behalf of applicant
- CP27/15 PLANNING PROPOSAL: 84-108 ANZAC PARADE, KENSINGTON (APPLICATION FOR LEP AMENDMENT)
- Against** Frank Sartor
- For** Margery Whitehead
- CP28/15 BOTANY CEMETERY EXPANSION PROPOSAL
- Against** Fred Haskins - NSW Farmers Association
- For** David Harley representing the cemetery
- GF23/15 UPDATE TO PRECINCT COMMITTEE BOUNDARIES, RULES & PROCEDURES
- Against** Rosemary McKenzie
- For** Terry Lustig
- CS7/15 COUNCIL OPERATED SWIM CLUB - RANDWICK CITY SWIM CLUB
- Against** Martin Connolly - Maroubra Swim Club
- For** Mark White - President Bayside Swimming Club
- NM33/15 NOTICE OF MOTION FROM CR BOWEN - RELOCATING THE 1917 ANZAC MEMORIAL
- Against** Margery Whitehead
- NM35/15 NOTICE OF MOTION FROM CR MATSON - COMMUNITY CONCERN OVER PROLONGED DOLPHIN STREET CLOSURE
- For** Anne Ring
- NR4/15 RESCISSION MOTION SUBMITTED BY CRS D'SOUZA, MATSON, NEILSON AND SHUREY - 315 MAROUBRA RD, MAROUBRA (DA/884/2014)

Note: Council's Director City Planning left the chamber during the addresses on this matter.

**Objector** Tony Magistrale on behalf of objectors

**Applicant** Tony Tuxworth on behalf of applicant

The Meeting was adjourned at 8.15pm and was resumed at 8.29pm.

- NM32/15 NOTICE OF MOTION FROM CR NEILSON – MOTION FOR 2015 LG NSW CONFERENCE TO BAN SMOKING ON ALL BEACHES IN NSW

**For** Justin Bonsey

**RESOLVED: (PROCEDURAL MOTION) (Andrews/Moore)** that all the development application reports and then the matters that were subject to addresses by the public be dealt with as the first items of business.

## Mayoral Minutes

### **MM35/15 Mayoral Minute - Preferred Location of New Council Administration Offices (F2014/00600)**

176/15

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

- (a) Council resolves that the main administration centre for any new eastern suburbs council emerging out of the Fit for the Future process be located within the City of Randwick unless there be compelling reasons, financial or otherwise, that would make such a decision disadvantageous for residents and staff;
- (b) the administration of Council, Council meetings and city services must stay within the existing Randwick local government area; and
- (c) any proposal that would see existing local government administration, Council meetings and centre of operations for city services located outside the existing Randwick LGA boundary not be proceeded with.

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

The meeting was adjourned at 9.38pm and was resumed at 9.45pm.

### **MM37/15 Mayoral Minute - Establishment of New Award - Mayor's Award for Outstanding Contribution to the Randwick Business Community (F2015/00620)**

177/15

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

- a) Council establishes a new award for its bi-annual Business Awards night, being the Mayor's Award for Outstanding Contribution to the Randwick Business Community;
- b) the first recipients are Richard Ho and John Engelman;
- c) Richard Ho be offered ten tickets to the 2015 awards presentation and be presented with a certificate;
- d) the family of John Engelman be offered ten tickets to the 2015 awards presentation and be presented with a posthumous certificate; and
- e) this award only be presented when a long-serving business person in Randwick City retires from business and may not be presented at every awards presentation.

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

## Urgent Business

Nil.

## Director City Planning Reports

### **CP23/15 Director City Planning Report - 54A Bream Street, Coogee (DA/94/2015)**

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

178/15

**RESOLUTION: (Nash/Stavrinos)**

- A. That Council reject 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 does not comply with the objectives of the clause, and the additional floor space is only for the purpose of creating a new apartment which will have a poor level of amenity; and that the Department of Planning & Infrastructure be advised accordingly;
- B. That Council, as the consent authority, refuse development consent under Section 80(1)(b) of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 94/2015 for conversion of part of the subfloor void of an existing residential flat building into a new one bedroom dwelling at No. 54A Bream Street Coogee for the following reasons:
- (1) The proposal is not satisfactory for the purposes of clause 50 of the Environmental Planning and Assessment Regulation as the application is not accompanied by a Design Verification Statement from a qualified designer.
  - (2) The application is not satisfactory for the purposes of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as proposed dwelling is not satisfactory for the purposes of clause 30(2)(b) and (c) of State Environmental Planning Policy 65 (Design Quality of Residential Flat Development).
  - (3) The proposal is not satisfactory for the purposes of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as the submission pursuant to clause 4.6 of Randwick Local Environmental Plan 2012 fails to demonstrate the variation of the floor space ratio control is able to meet all of the zone objectives for the R3 Medium Density Residential Zone.
  - (4) The application is not satisfactory for the purposes of Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979 as it is not in the public interest to vary the floor space ratio control in Randwick Local Environmental Plan 2012 for the purpose of creating a dwelling which has sub-optimal amenity for future residents when evaluated against the Residential Flat Design Code and Randwick Comprehensive Development Control Plan 2013.
  - (5) The proposal does not comply with relevant objectives and controls of the Randwick Comprehensive Development Control Plan 2013 under:
    - Clause 3 of Part B7, and of Part C2:
    - Clause 2.3 private open space,
    - Clause 3.4 front setback,
    - Clause 4.4 ceiling height,
    - Clause 4.7 Apartment layout,
    - Clause 4.8 balconies,
    - Clause 4.12 retaining walls,
    - Clause 5.1 solar access,
    - Clause 5.2 natural ventilation, and
    - Clause 7.6 storage

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

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**CP24/15 Director City Planning Report - 135 Avoca Street Randwick  
(DA/366/2015)**

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179/15

**RESOLUTION: (Stavrinou/Nash)** 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/366/2015 for Fit out and change of use of the premise to a day spa and Thai massage shop, at No. 135 Avoca 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**

2. No approval is granted for any alterations to the façade of the premises (other than signage changes).
3. Details of signage to the shop front window and existing under awning sign must be submitted to Council's Manager of Development Assessment for approval prior to the commencement of the use.

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

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**CP25/15 Director City Planning Report - 14 Bruce Street, Kingsford  
(DA/121/2015)**

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180/15

**RESOLUTION: (Stavrinou/Andrews)** that Council, as the consent authority, refuses development consent under Sections 80 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 121/2014 for Demolition of all structures on site and construction of a new part 2/part 3 storey boarding house in two buildings comprising 20 rooms and 4 car spaces at No. 14 Bruce Street, Kingsford, for the following reasons:

- 1) The proposal does not satisfy certain zone objectives of the R3 Medium Density Zone under the Randwick Local Environmental Plan 2012 as the development in does not provide for an acceptable presentation to the streetscape or adequately protect the amenity of residents.
- 2) The proposal does not satisfy the relevant requirements of the SEPP (Affordable Rental Housing) 2009 in that:
  - a) The development does not provide for adequate landscaping of the frontage of the development to Bruce Street and the resultant presentation is not compatible with the streetscape in which the building is located.
  - b) Inadequate information has been submitted to establish that adequate solar access will be available to the communal area within the development.
  - c) Inadequate detail has been submitted to establish compliance with the minimum floor areas recommended under the SEPP (Affordable Rental Housing) 2009.
  - d) No bicycle parking is provided within the development.
  - e) The proposed development in its current form is not compatible with the character of the local area in terms of the presentation of the development to the streetscape.

- 3) The proposal does not satisfy the provisions of the DCP in regard to internal and communal facilities, outdoor communal facilities and acoustic amenity.
- 4) The proposal does not provide for an adequate design and the resultant internal and external amenity within the development is unacceptable.
- 5) The granting of consent to the proposal is not in the public interest.

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

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

FOR	AGAINST
Councillor Andrews	Councillor Stevenson
Councillor Belleli	
Councillor Bowen	
Councillor D'Souza	
Councillor Garcia	
Councillor Matson	
Councillor Moore	
Councillor Nash	
Councillor Neilson	
Councillor Roberts	
Councillor Seng	
Councillor Shurey	
Councillor Smith	
Councillor Stavrinos	
<b>Total (14)</b>	<b>Total (1)</b>

**CP26/15 Director City Planning Report - Report Variation to Development Standard under State Environmental Planning Policy NO.1 (SEPP1) and Clause 4.6 between 1 June to 30 June (F2008/00122)**

181/15 **RESOLUTION: (Bowen/Stavrinos)** that the report be received and noted.

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

**CP27/15 Director City Planning Report - Planning Proposal: 84-108 Anzac Parade, Kensington (application for LEP Amendment) (RZ/1/2015)**

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

182/15 **RESOLUTION: (Bowen/Shurey)** that Council:

- (a) not forward the Planning Proposal prepared by LJB Urban Planning dated 4 June 2015 to amend the Height of buildings Map on the land located at 84-108 Anzac Parade Kensington to the Minister for Planning for a gateway determination in accordance with s.56 of the Environmental Planning and Assessment Act 1979; and
- (b) advise the applicant of Council's decision.

**MOTION: (Andrews/Roberts)** that this application be referred to the Minister for Planning for a gateway determination. **LOST.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Belleli
Councillor Roberts	Councillor Bowen
	Councillor D'Souza
	Councillor Garcia
	Councillor Matson
	Councillor Moore
	Councillor Nash
	Councillor Neilson
	Councillor Seng
	Councillor Shurey
	Councillor Smith
	Councillor Stavrinis
	Councillor Stevenson
<b>Total (2)</b>	<b>Total (13)</b>

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

**CP28/15 Director City Planning Report - Botany Cemetery Expansion Proposal (F2004/07905)**

Note: A rescission motion was submitted on this matter in accordance with Council's Code of Meeting Practice by Councillors Andrews, Nash, Roberts and Stavrinis and will be dealt with at the ordinary Council meeting to be held 25<sup>th</sup> August, 2015.

183/15

**RESOLUTION: (Bowen/Matson)** that:

- (a) Council commence discussions with all stakeholders including Crown Land, OEH, LALC, utility agencies, service providers and SMCT to identify all issues affecting the proposed Botany Cemetery expansion into Military Road and the unformed Crown Road and the feasibility of addressing these issues;
- (b) Council commences consultations with Crown Lands Department on the future operation and ownership of the Chinese Market Gardens site and the proposed transfer of the unformed Crown road on the southern side of Botany Cemetery to form part of the Cemetery; and
- (c) the findings on the discussions/consultations with the stakeholders and agencies be reported to Council for Council to consider its in-principle support for the Botany Cemetery expansion proposal as detailed in the SMCT Briefing Document.
- (d) that Council initiate, as a matter of urgency, discussions with the relevant State authority with the intent of stabilizing the de-vegetated northern slope of Hill 60 to better protect the historical and agricultural value of the Chinese market gardens
- (e) Mr Fred Haskins be invited to make a submission to Council on the feasibility and advantages of using mechanical de-weeding techniques on the Chinese Market Gardens site rather than herbicide based techniques; and
- (f) Council arrange a forum between the Councillors and the Farmers' Association on the issue of the Chinese Market gardens.

**MOTION: (Stavrinis/Andrews)** that:



- (a) Council commence discussions with all stakeholders including Crown Land, OEH, LALC, utility agencies, service providers and SMCT to identify all issues affecting the proposed Botany Cemetery expansion into Lot 4858, Military Road and the unformed Crown Road and the feasibility of addressing these issues;
- (b) Council commences consultations with Crown Lands Department on the future operation and ownership of the Chinese Market Gardens site and the proposed transfer of the unformed Crown road on the southern side of Botany Cemetery to form part of the Cemetery; and
- (c) the findings on the discussions/consultations with the stakeholders and agencies be reported to Council for Council to consider its in-principle support for the Botany Cemetery expansion proposal as detailed in the SMCT Briefing Document.

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

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

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

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

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

FOR	AGAINST
Councillor Belleli	Councillor Nash
Councillor Bowen	Councillor Roberts
Councillor D'Souza	Councillor Smith
Councillor Garcia	Councillor Stavrinou
Councillor Matson	
Councillor Moore	
Councillor Neilson	
Councillor Seng	
Councillor Shurey	
Councillor Stevenson	
<b>Total (10)</b>	<b>Total (4)</b>

**CP29/15 Director City Planning Report - 2015-16 Community Partnerships Funding Program - Recommended Allocations (F2008/00139)**

184/15

**RESOLUTION: (Stavrinou/Nash)** that Council approve funds totalling \$101,144.00 to be allocated to the organisations listed in the table attached to the report.

**MOTION: (Stavrinou/Nash) CARRIED - SEE RESOLUTION.**

**CP30/15 Director City Planning Report - Fallen Life Savers Memorial, Coogee (F2012/00305)**

185/15

**RESOLUTION: (Stavrinos/Garcia)** that Council:

- a) endorse the preferred design option for the memorial wall as per resolution from the Trust meeting held on 30 March 2015, which was design option (d) retrofitting of the current design memorial wall with a reduction in height and length to better accommodate the reduced number of names;
- b) agree to a validation process by the Council; and
- c) support the completion of the project comprising the construction of the memorial wall within the budget allocated from the grant funds for the total amount of \$200,000.00 (inc GST) available from Department of Veterans' Affairs.

**MOTION: (Stavrinos/Garcia) CARRIED - SEE RESOLUTION.**

### General Manager's Reports

Nil.

### Director City Services Reports

**CS7/15 Director City Services Report - Council Operated Swim Club - Randwick City Swim Club (F2006/00408)**

186/15

**RESOLUTION: (Andrews/Stavrinos)** that Council form a new Swim Club affiliated with NSW Swimming, with a board to be set up to look after the Club comprising a representative from Maroubra Swim Club, Bayside Swim Club and representatives from Council.**MOTION: (Andrews/Stavrinos) CARRIED - SEE RESOLUTION.**

### Director Governance & Financial Services Reports

**GF23/15 Director Governance & Financial Services Report - Update to Precinct Committee Boundaries, Rules & Procedures (F2012/00372)**

Note: A rescission motion was submitted on this matter in accordance with Council's Code of Meeting Practice by Councillors Belleli, Bowen, Moore and Stevenson and will be dealt with at the ordinary Council meeting to be held 25<sup>th</sup> August, 2015.

187/15

**RESOLUTION: (Andrews/Stavrinos)** that:

- a) all Precinct Executives be advised that they are bound by Council's Code of Conduct moving forward and that a briefing session on how the Code of Conduct applies to be provided in the near future to all Precinct Executives;
- b) the updated Precinct Rules & Procedures be adopted;
- c) a section be included on Council's website for the provision of all Precinct agendas, minutes containing Precinct resolutions and Council responses;
- d) an independent minute taker be provided, at Council's expense and upon request, at an upcoming meeting of each Precinct to improve the accuracy and consistency of minutes being taken by all the Precinct Committees;
- e) Council endorse the revised Precinct boundary maps and update such maps as required to reflect the absorption of the Moverly Precinct into adjoining Precincts upon their agreement; and

- f) all Precinct Executives and complainants be advised of Council's above resolution.

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

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Belleli
Councillor D'Souza	Councillor Bowen
Councillor Garcia	Councillor Moore
Councillor Matson	Councillor Stevenson
Councillor Nash	
Councillor Neilson	
Councillor Roberts	
Councillor Seng	
Councillor Shurey	
Councillor Smith	
Councillor Stavrinis	
<b>Total (11)</b>	<b>Total (4)</b>

**AMENDMENT: (Matson/Roberts)** that an additional clause (g) be added to the recommendation which reads "that the mechanism Council uses for dealing with conflicts of interest apply to Precinct Executives, including an example that Executive holders of Precinct Committees cannot be Executives of Resident Action Groups."

**LOST.**

**AMENDMENT: (Bowen/Stevenson)** that this matter be deferred for consultation with the Precincts and to obtain further legal advice considering Sections 440, 440AA and 439 of the Local Government Act, together with the model code of conduct.

**LOST.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Belleli	Councillor Andrews
Councillor Bowen	Councillor D'Souza
Councillor Moore	Councillor Garcia
Councillor Stevenson	Councillor Matson
	Councillor Nash
	Councillor Neilson
	Councillor Roberts
	Councillor Seng
	Councillor Shurey
	Councillor Smith
	Councillor Stavrinis
<b>Total (4)</b>	<b>Total (11)</b>

**AMENDMENT: (Stevenson/Bowen)** that Council's Code of Conduct be amended to specifically exclude Precinct Executive members. **RULED OUT OF ORDER BY THE MAYOR.**

**RESOLVED: (Procedural Motion) (Stavrinis/Moore)** that the meeting be extended to midnight.

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**GF24/15 Director Governance & Financial Services Report - Investment Report - June 2015 (F2015/06527)**

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188/15 **RESOLUTION: (Stavrinos/Garcia)** that the investment report for June 2015 be received and noted.

**MOTION: (Stavrinos/Garcia) CARRIED - SEE RESOLUTION.**

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**GF25/15 Director Governance & Financial Services Report - 2014-15 Draft Financial Statements (F2015/00086)**

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189/15 **RESOLUTION: (Stavrinos/Smith)** that:

- a) the Schedule of 2014-15 funds to be carried forward into 2015-16 be adopted as per Attachment 1
- b) in relation to the financial statements required in accordance with Section 413(2)(c) of the Local Government Act 1993:
  - i) Council resolve that in its opinion the General Purpose Financial Statements, Special Purpose Financial Statements and Special Schedules for the year ended 30 June 2015:
    - a. have been properly drawn up in accordance with the provisions of the Local Government Act 1993 and the Regulations there under, the Australian Accounting Standards and professional pronouncements, and the Local Government Code of Accounting Practice and Financial Reporting;
    - b. to the best of the Council's knowledge and belief the statements present fairly the Council's operating result and financial position for the year and accords with the Council's accounting and other records; and
    - c. the Council is unaware of any matter that would render the financial statements false or misleading in anyway.
  - ii) The Statement by Councillors and Management for both the General Purpose Financial Statements and Special Purpose Financial Statements be signed by the Mayor, another Councillor, the General Manager and the Responsible Accounting Officer.
- c) the financial statements be referred to the Council's Auditors for audit.
- d) arrangements be made to place copies of the audited financial statements on public exhibition and the necessary advertisements be published.
- e) a copy of the audited financial statements be forwarded to the NSW Office of Local Government.
- f) the audited financial statements be presented at a meeting of Council to be held in accordance with Section 418 of the *Local Government Act 1993*.

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

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**GF26/15 Director Governance & Financial Services Report - Cancellation of**

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**October 2015 Committee Meetings (F2004/06645)**

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190/15 **RESOLUTION: (Stavrinos/Andrews)** that the Council Committee Meetings scheduled to be held on Tuesday 13 October 2015 be cancelled due to a conflict with the 2015 Conference of Local Government NSW.

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

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**GF27/15 Director Governance & Financial Services Report - Coronial Inquest into Rock Fishermen Deaths - Deputy State Coroner's Findings and Recommendations (F2006/00364)**

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191/15 **RESOLUTION: (Bowen/Stavrinos)** that Council, in accordance with the recommendations made by Coroner Forbes into deaths relating to rock fishing incidents: -

- (a) review the size and location of current signage relating to rock fishing and give consideration to the erection of further appropriate signage at known rock fishing sites warning of the hazards of rock fishing and promoting the wearing of life-jackets;
- (b) install shock signage, indicating the number of deaths or serious injuries associated with rock fishing in a particular location, at identified locations of particular danger for rock fishing; and
- (c) undertake the above actions in consultation with local rock fishing associations.

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

**Petitions**

Nil.

**Motion Pursuant to Notice**

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**NM27/15 Motion Pursuant to Notice - Notice of Motion from Cr D'Souza - Proposed Matraville Community Centre (F2010/00091)**

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192/15 **RESOLUTION: (D'Souza/Stavrinos)** that the first item on the agenda for the Councillor Workshop at the end of the year to review the Building for our Communities Program is to be a discussion on the development of a Matraville Community Centre on the site of the current Matraville Youth and Cultural Hall site at Knowles Avenue, Matraville. This agenda item will address the lack of a local community centre for use by the local Precinct Committee, seniors, young adults and our youth and discussion will also include the potential to build a half basketball court and a child care centre on this site which Council can consider leasing to cover building costs and overheads.

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

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**NM28/15 Motion Pursuant to Notice - Notice of Motion from Cr Stavrinos - Proposed Shopping Trolley Management System (F2006/00393)**

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**MOTION: (Stavrinos/Roberts)** that Council write to all shopping centres in the Randwick LGA requesting that a shopping trolley management system (wheel locking system) be implemented in their centres which prevent shopping trolleys being taken outside the perimeter of their shopping centres. **LOST.**

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

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

**NM29/15 Motion Pursuant to Notice - Notice of Motion from Cr Stavrinou - Proposed Feasibility Study Regarding the Heavy-Rail Network (F2004/08175)**

**MOTION: (Stavrinou/Andrews)** that Council writes to the NSW Minister for Transport & Infrastructure, the Hon. Andrew Constance requesting that the State Government conduct a feasibility study and cost-benefit analysis into the expansion of the heavy-rail network from Mascot Train Station to Port Botany and from Mascot Train Station to Maroubra Junction, in order to service residents in the Randwick LGA.  
**LOST.**

**NM30/15 Motion Pursuant to Notice - Notice of Motion from Cr Moore - ALGA Campaign to Restore Adequacy to FAG Funding (F2014/00396)**

193/15

**RESOLUTION: (Moore/Matson)** that Council, regarding the Commonwealth Financial Assistance Grants (FAG) and the Federal Government's decision in the 2014/15 Budget to freeze indexation and thereby not increase the FAG in line with CPI and population increases,

- a) having previously resolved on
  - i) the 27 May 2014 to registered its opposition to the cuts to the FAG,
  - ii) the 24 June 2014 to call on the Federal Government to immediately abandon its decision to freeze the indexation of FAG, and
  - iii) the 22 July 2014 to forward its resolution from 24 June to the LGNSW Annual Conference 2014;
- b) acknowledges the importance of federal funding through the FAG program and other Federal Government funding for the continued delivery of local councils' services and infrastructure across Australia;
- c) notes the estimated reduction to the Council's income resulting from the freeze in 2014-15 was approximately \$53,701 and for 2015-16 is \$158,325;
- d) commits to continuing to identify funding received from the Commonwealth in Council publications including its budget, annual report and other appropriate reports;
- e) restates its opposition to the freeze and is supportive of the Australian Local Government Association (ALGA) campaign to lobby the Federal Government to restore indexation and address adequacy to the FAG; and
- f) forwards this resolution to ALGA, copied LGNSW, in support of the campaign to

redress FAG funding adequacy.

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

**NM31/15 Motion Pursuant to Notice - Notice of Motion from Crs Neilson and Shurey - Proposed Bi-Annual Multi Cultural Fair (F2004/06281)**

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

194/15 **RESOLUTION: (Neilson/Shurey) that Council:**

1. consider and report back on the possibility of holding a Multicultural Fair to celebrate the cultural diversity in our community. Randwick is a culturally diverse area and it would be wonderful to be able to celebrate this;
2. note that the Randwick Council Multicultural Committee is very supportive of the merits of such a venture; and
3. consider liaising with Botany City Council so that it is a bi-annual event.

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

**NM32/15 Motion Pursuant to Notice - Notice of Motion from Cr Neilson - Motion for 2015 LG NSW Conference to Ban Smoking on all Beaches in NSW (F2004/07518)**

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195/15 **RESOLUTION: (Neilson/Andrews) that:**

1. Randwick Council seek support from the LGC Conference to gain the support of the Premier to adopt legislation to ban smoking on all beaches in NSW in line with the No Smoking ban at outdoor restaurants and Bus Stops;
2. the NSW government provide additional funding to improve the quality of filters attached to storm water drains in order to prevent items like cigarette butts washing into the sea and then back on to land/beaches; and
3. every effort be made to have this No Smoking on Beaches Ban in force ASAP on the beaches throughout NSW. Our beaches are healthy, fun places and we should do all in our power to keep them this way.

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

**NM33/15 Motion Pursuant to Notice - Notice of Motion from Cr Bowen - Relocating the 1917 Anzac Memorial (F2011/00199)**

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196/15 **RESOLUTION: (Bowen/Andrews) that in noting the controversy surrounding the removal of the 1917 ANZAC memorial to make way for the \$40 million Albert "Tibby" Cotter Bridge across Anzac Parade, previously known as "Randwick Rd", Council resolves:**

1. to offer for the memorial obelisk to be located on Anzac Parade at an appropriate location within Randwick LGA provided any such offer is supported by the RSL; and
2. that Randwick Council investigate the construction of an appropriate matching memorial to identify the historical significance Anzac Parade at the southern end

of Anzac Parade at La Perouse, potentially with such memorial to be based on the concept of the Memorial obelisk but also reflecting the input of the local community of Randwick in the Southern part of our city and the local RSL sub branches.

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

**NM34/15 Motion Pursuant to Notice - Notice of Motion from Cr Bowen -  
Location of Council Administration Building in any Merged Council  
Entity (F2014/00600)**

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Note: This motion pursuant to notice was considered in conjunction with Mayoral Minute MM35/15 - Preferred Location of New Council Administration, with the recommendation put forward by Councillor Bowen being included as clauses (b) and (c) of the adopted resolution. See resolution number 176/15

**NM35/15 Motion Pursuant to Notice - Notice of Motion from Cr Matson -  
Community Concern over Prolonged Dolphin Street Closure  
(F2009/00453)**

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197/15

**RESOLUTION: (Matson/Andrews)** that Council request Sydney Water to re-open Dolphin Street between Mount and Brook Street if no current work is now actually being carried out on the intended sewer upgrades due to the prolonging of the project from reported encountering of unexpected problems.

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

**RESOLVED: (Procedural Motion) (Stavrinos/Matson)** that the meeting be extended to 1.00am.

### Confidential Reports

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

### Closed Session

**MM36/15 Confidential - Performance Review of General Manager 2015  
(EMPO2901)**

*This matter is considered to be confidential under Section 10A(2) (a) Of the Local Government Act, as it deals with personnel matters concerning particular individuals.*

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198/15

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

- a) Council receive and note the General Manager's performance review and rating as Better than Satisfactory;
- b) Council increase the total remuneration package of the General Manger to \$423,948.20 per annum based on the performance review and achievements of the General Manager in accordance with the standard contract of employment; and
- c) Council increase the provisions within clauses 10.3.5 and 11.3 of the General Manager's contract of employment from 38 weeks to 52 weeks in accordance with Local Government (General) Regulation 405(1)(a).

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



**CS8/15 Confidential - T2015-15 - Heffron Park Synthetic Fields Construction (F2015/00150)**

*This matter is considered to be confidential under Section 10A(2) (c) Of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

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199/15

**RESOLUTION: (Andrews/Stavrinos) that:**

1. under Regulation 178(1)(a) of the Local Government (General) Regulation 2005, Turf One Pty Ltd be accepted as the successful tenderer for Option 2 for a lump sum price of \$1,329,476.00 (ex. GST);
2. the General Manager, or delegated representative, be authorised to enter into a contract on behalf of Council; and
3. unsuccessful tenderers are notified.

**MOTION: (Andrews/Stavrinos) CARRIED UNANIMOUSLY - SEE RESOLUTION.****CS9/15 Confidential - T2015-20 - Heffron Park Stage B – Western Car Park Construction (F2015/00209)**

*This matter is considered to be confidential under Section 10A(2) (c) Of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

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200/15

**RESOLUTION: (Andrews/Stavrinos) that:**

- a) under Regulation 178(1)(a) of the Local Government (General) Regulation 2005, Statewide Civil Pty Ltd be accepted as the successful tenderer for a lump sum price of \$1,658,620.48 (ex GST);
- b) the General Manager, or delegated representative, be authorised to enter into a contract on behalf of Council; and
- c) unsuccessful tenderers are notified.

**MOTION: (Andrews/Stavrinos) CARRIED UNANIMOUSLY - SEE RESOLUTION.****GF28/15 Confidential - T2015-21 - Licence & Operation of Coffee Cart in Foyer of Bowen Library & Community Centre (F2015/00246)**

*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.*

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201/15

**RESOLUTION: (Andrews/Stavrinos) that:**

- (a) Council:
  - under clause 178(1)(b) of the *Local Government (General Regulation) 2005* (NSW) having considered the tenders submitted for the proposed coffee cart services contract, resolve to decline to accept all of the tenders;
  - Council write to all tenderers and formally cancel the tender process for

- the services;
- under section 55(3)(i) of the Local Government Act 1993 negotiate an irrevocable offer with the current operator in relation to a new licence for provision of services for a short term period of 1 year, plus a one year option exercisable only by Council;
- (b) after an agreement is reached with the current operator, that a licence be entered into for a period of 1 year plus a 1 year option.

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

### Open Session

The meeting moved back into open session.

### Notice of Rescission Motions

**NR4/15 Notice of Rescission Motion - Rescission Motion Submitted by Crs D'Souza, Matson, Neilson and Shurey - Development Application Report - 315 Maroubra Rd, Maroubra (DA/884/2014) (DA/884/2014)**

Note: Council's Director City Planning left the chamber during the debate and voting on this matter. Having previously declared an interest, Cr Stavrinou also left the chamber and took no part in the debate or voting on this matter.

202/15

**RESOLUTION: (Matson/Shurey)** that the resolution passed at the Planning Committee meeting held on Tuesday, 14 July 2015, reading as follows:

- "A. That Council supports the exceptions to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clauses 4.3 of Randwick Local Environmental Plan 2012, relating to Building Height respectively, 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/884/2014 for the construction of a residential flat building consisting of a total of nine (9) units above basement car parking consisting of a total of 13 car spaces, at No. 315 Maroubra Road, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

#### Non standard conditions

2. The following plans are to be amended to be inconsistent with the approved floor plans (DA-01 and DA-02):
  - 'Unit Plan' (DA-07 dated Feb 2014) at 1:50. The 1 bedroom plan in the top corner should be referenced as Units 1 and 2. The 2 bedroom plan below should be referenced Unit 5 and 8 and then Unit 4 and 7 Mirror Reverse.
  - Section A-A Plan (DA-04 dated Feb 2014), are inconsistent with the floor plans. The above ground units closer towards Maroubra Road should be referenced Units 5 and 8 instead of Units 6 and 9.
  - Maroubra Rd Façade Detail Plan (DA-08 dated Feb 2014), are inconsistent with the floor plans. Unit 6 and 9 should be marked Unit 5. and 8.

Details shall be provided to the satisfaction of the PCA on approved Construction Certificate plans.

3. The angled side blade walls at second floor level (of Units 7 and 8) must have the same side setback as the angled blade walls at first floor level. Details shall be provided to the satisfaction of the PCA prior to obtaining a Construction Certificate.
4. The window of Bedroom 1 of both Units 1 and 2 must consist of double glazing. Details of compliance must be included in the construction certificate application and written confirmation of compliance is to be provided to Council's Director of City Planning and the Certifying Authority **prior to the construction certificate being issued.**
5. The kitchen windows on the side elevations (i.e. of Units 4,5,7 and 8) are to consist of fixed and obscured glazing to the lower pane of the window.
6. The translucent glazing above the balustrades (indicated on the plans) on the rear elevation of Units 6 and 9 must be replaced with horizontal, fixed, 45 degree, angled louvres (i.e. angled upwards) that are spaced 10mm from each other. The balustrade and louvres must have a combined height of a minimum of 1.6m measured from the finished floor level of each balcony.
7. All screen planting must be maintained at all times to the satisfaction of Council's Director of City Planning. A Maintenance Plan must be prepared and submitted for the approval of Council's Director of City Planning prior to a Construction Certificate being issued. The Maintenance Plan must include arrangements for the following aspects (as a minimum):
  - Inspection and maintenance of waterproofing roof membrane.
  - Details of drainage and irrigation systems (preferably self-watering), including overflow provisions.
  - Details of the location, numbers and type of plant species.
  - Planting and maintenance procedures, including frequency and methodology of maintenance requirements.
  - Maintenance of irrigation.

All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued. The maintenance plan must be complied with during occupation of the property.

The owner/strata body of the premises shall at all times comply with the ongoing maintenance requirements of the Maintenance Plan and shall promptly upon request produce a copy of the Plan to Council.

8. The communal landscaped areas should include an area dedicated to onsite composting. Details are to be provided on the landscape plans submitted with an application for a Construction Certificate to the satisfaction of the Principal Certifying Authority.
9. The screen planting along the rear boundary shall be mature size and height upon planting. Details of the maturity of the screen planting are to be submitted for the approval of Council's Director of City Planning prior to obtaining a construction certificate.
10. A specification or acoustic report must be submitted with an application for a Construction Certificate that verifies the frosted glazing around the common roof terrace consists of noise reducing qualities.
11. The depth of the planter boxes on the private roof top terrace of Unit 9 shall be

amended as follows:

- The planter box along the western side of the terrace shall be increased to 2579mm (measured from the inner face of the parapet wall).
  - The planter box along the southern side of the terrace shall be increased to 1000mm (measured from the inner face of the parapet wall).
12. The depth of the planter box along the western side of the private roof top terrace of unit 7 shall be increased to 2000mm (measured from the inner face of the parapet wall)
13. New side fencing shall be erected to a height of 1.8m measured from the finished ground level around the building (inclusive of any retaining walls or portions of above the finished ground level) to the top of the fencing. The fencing shall be erected adjacent to the common boundaries, be wholly on the subject site and step down the site in response to the terracing. The cost of the fencing must be borne by the applicant.  
Details must be submitted to and approved by Council's Director of City Planning, prior to obtaining a construction certificate.
14. A new 2.1m high hardwood timber post and rail paling fence shall be erected on the common boundary with the rear adjoining properties 68, 70 and 72 Haig Street, Maroubra measured from the finished ground level of the rear adjoining properties. The cost of the fencing must be borne by the applicant and the details must be submitted to and approved Council's Director City Planning prior to obtaining a Construction Certificate.

#### **USE OF COMMON AREAS AND FACILITIES**

95. Use of the roof top terraces must be limited to prevent disturbance to neighbouring residents:
- 8am to 10:00pm during weekdays and on Sundays.
  - 7am to midnight on Saturdays and public holidays.

A strata subdivision certificate must not be issued in respect of a strata plan for the development unless it incorporates strata by-laws accordingly and an instrument under Section 88B of the Conveyancing Act 1919 that includes a restriction on use of the terrace areas as set out above. The instrument under Section 88B cannot be varied without the approval of Council. In addition, the by-laws and instrument referred to above must be registered prior to the issue of any occupation certificate for the development.

#### **Visitor Parking**

99. Car parking spaces shall be allocated according to the following requirement and marked accordingly. Any future strata scheme must be consistent with this allocation.
- At least 1 space per unit and 2 visitor spaces. This must include two (2) adjacent spaces (preferably spaces 9 and 10) being altered into a combined accessible/visitor space and a motorcycle and marked accordingly."

BE AND IS HEREBY RESCINDED.

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

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

**FOR**

**AGAINST**

Councillor Belleli	Councillor Andrews
Councillor Bowen	Councillor Garcia
Councillor D'Souza	Councillor Moore
Councillor Matson	Councillor Roberts
Councillor Nash	
Councillor Neilson	
Councillor Seng	
Councillor Shurey	
Councillor Smith	
Councillor Stavrinou	
Councillor Stevenson	
<b>Total (11)</b>	<b>Total (4)</b>

203/15

**RESOLUTION: (Matson/Shurey)** that:

- (a) the application be deferred as the amended notification plans dated June 2015 were not forwarded to the adjoining residents and contain an additional sectional drawing of the basement carpark not shown in the original notification plan, which indicates that there is scope to lower the rear carpark level and height of the rear section of the building to considerably lessen the overall height of the rear of the building and its impact upon the amenity of the adjoining properties in Haig Street; and
- (b) the amended notification plans be advertised to enable full submissions from the community.

**MOTION: (Matson/Shurey) CARRIED UNANIMOUSLY – SEE RESOLUTION.**

A rescission motion on item CP28/15 (Director City Planning Report - Botany Cemetery Expansion Proposal) was submitted by by Councillors Andrews, Nash, Roberts and Stavrinou in accordance with Council's Code of Meeting Practice and will be dealt with at the ordinary Council meeting to be held 25<sup>th</sup> August, 2015.

A rescission motion on item GF23/15 (Director Governance & Financial Services Report - Update to Precinct Committee Boundaries, Rules & Procedures) was submitted on this matter in accordance with Council's Code of Meeting Practice by Councillors Belleli, Bowen, Moore and Stevenson and will be dealt with at the ordinary Council meeting to be held 25<sup>th</sup> August, 2015

There being no further business, His Worship the Mayor, Cr T Seng, declared the meeting closed at 12.40 am.

**The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 25 August 2015.**

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**CHAIRPERSON**