

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, 22 SEPTEMBER 2015 AT 6:07PM**

Present:

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

Councillor A Andrews (Deputy Mayor) (Central Ward) (arrived 6.48pm)

North Ward - Councillors K Neilson, L Shurey & K Smith

South Ward - Councillor R Belleli

East Ward - Councillors T Bowen, M Matson & B Roberts (arrived 6.27pm)

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 Frangoplos
Director City Planning	Ms S Truvert
Acting Director Governance & Financial Services	Mr M Woods
Acting Manager Administrative Services	Ms J Hartshorn
Manager Development Assessment	Mr K Kyriacou
Communications Manager	Mr J Hay

Prayer & Acknowledgement of Local Indigenous People

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

Apologies/Granting of Leave of Absences

Apologies were received from Crs D'Souza and Garcia.

RESOLVED: (Smith/Stavrinou) that the apologies received from Crs D'Souza and Garcia be accepted and leave of absences from the meeting be granted.

Confirmation of the Minutes

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY 25 AUGUST 2015

236/15

RESOLUTION: (Stavrinov/Nash) that the Minutes of the Ordinary Council Meeting held on Tuesday 25 August 2015 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

The Meeting was adjourned at 6.09pm and was resumed at 6.10pm.

Declarations of Pecuniary and Non-Pecuniary Interests

- a) Cr Belleli declared a pecuniary interest in Item CP44/14 as he and his wife's dance school performs free of charge at the event. Cr Belleli indicated that he would not take part in the debate or the vote on the matter.
- b) Cr Stavrinov declared a pecuniary interest in Item CP42/15 as the applicants are a client of his (Accountant business). Cr Stavrinov indicated that he would not take part in the debate or the vote on the matter.
- c) Cr Neilson declared a non-significant non pecuniary interest in Item GM39/15 as the speakers are known to her.
- d) Cr Matson declared a non-significant non pecuniary in Item CP41/15 as a member of his family was, in the past, a client of Annie's Centre.

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:

GM14/15 2014-15 ANNUAL REPORT AND FINANCIAL STATEMENTS

Auditor Gary Mottau (Hills Rogers Spencer Steer)

CP39/15 6 PALMER STREET, SOUTH COOGEE (DA/496/2012/B)

Applicant Randal Parsons

Cr Roberts arrived at the meeting at this point (6.27pm)

CP40/15 65 HOWARD STREET, RANDWICK (DA/886/2014)

Objector Kerry Gibbs

Applicant Stuart Harding (representing the applicant)

CP42/15 20 BASS STREET, KINGSFORD (DA/362/2015)

Applicant Anthony Betros (representing the applicant)

CP43/15 47 ANZAC PARADE, KENSINGTON (DA/414/2014/B)

Applicant Anthony Betros (representing the applicant)

CP41/15 14 HILLARY PARADE, MATRAVILLE (DA/913/2014/A)

Applicant Anne Chalfant

Cr Andrews arrived at the meeting at this point (6.48pm)

GF39/15 APPLICATION OF COUNCIL'S CODE OF CONDUCT - PRECINCT COMMITTEES

Against Rosemary McKenzie

For Jayasooriah

NM46/15 NOTICE OF MOTION FROM CR STAVRINOS - COMPENSATION TO RESIDENTS IN DONCASTER AVE, KENSINGTON

For Diana Argirellis

NM47/15 NOTICE OF MOTION FROM CR STEVENSON - DOMESTIC VIOLENCE SUPPORT OFFICER

For Jacqueline Gluyas

The Meeting was adjourned at 7.30pm and was resumed at 7.49pm.

RESOLVED (PROCEDURAL MOTION): (Moore/Matson) that all the development application reports and the matters for which there were speakers be considered as the first items of business. **CARRIED.**

Mayoral Minutes

MM50/15 Mayoral Minute - Statewide Mutual Risk Management Excellence Awards 2015 - Award of Commendation to Randwick City Council (F2011/00476)

237/15 **RESOLUTION: (Mayor, Cr Seng)** that Council notes the Commendation received at the annual Statewide Mutual Risk Management Excellence Awards for its submission on Council's Integrated Management of Works System (IMOWS) and congratulates all staff involved in the submission and presentation of the IMOWS system at the 2015 Statewide Mutual Excellence Awards and Conference.

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

MM51/15 Mayoral Minute - An Act of Recognition - Request for Donation (F2015/06574)

238/15 **RESOLUTION: (Mayor, Cr Seng)** that:

- a) Council makes a donation of \$2,500 to the 'A National Act of Recognition' Fund as a contribution towards to the Project's incidental expenses, to be allocated from the 2015-16 Contingency Fund.
- b) No further monetary contribution be made until there is a tangible commitment that the events will be taking place within the Randwick LGA.

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

MM52/15 Mayoral Minute - Greater Sydney Commission – nomination for representative on selection panel for District Commissioner (F2006/00065)

239/15 **RESOLUTION: (Bowen/Matson)** that this matter be deferred to the Extraordinary Council Meeting to be held on 29 September 2015, to be considered in conjunction with the election of Council Committees.

MOTION: (Andrews/Stavrinis) that:

- a) Council resolves to nominate a representative, being Cr Nash, to participate in the recruitment selection panel for the position of one District Commissioner for the Central District; and
- b) Council writes to the Department of Planning and Environment advising of its representative for the recruitment selection panel.

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

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

MM53/15 Mayoral Minute - Southern Phone Grant Scheme - Recommended Applications (F2014/00555)

240/15

RESOLUTION: (Mayor, Cr Seng) that:

- a) Council endorses the applicants contained in the table of this report as the recommended recipients of the Southern Phone Grant Scheme 2015; and
- b) Southern Phone is advised of Council's recommendations before 25 September 2015 in order to meet the required submission deadline.

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

MM54/15 Mayoral Minute - Randwick Council recognised in the inaugural Blue Star Sustainability Awards (F2007/00485)

241/15

RESOLUTION: (Mayor, Cr Seng) that Council notes our success in the inaugural Blue Star Sustainability Awards for NSW and congratulates all staff across the organisation for their contribution to our sustainability achievements and results.

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

Urgent Business

Nil.

Director City Planning Reports

CP37/15 Director City Planning Report - 327 Clovelly Road, Clovelly (DA/396/2015)

242/15

RESOLUTION: (Andrews/Stavrinis) -

- 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 4.3 of the Randwick Local Environmental Plan 2012, relating to height of buildings, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning & Environment be advised accordingly.
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/396/2015 for alterations and additions to the existing shop top housing including upper level addition at No. 327 Clovelly Road, Clovelly, subject to the following non standard conditions and

the standard conditions contained in the development application compliance report:

Non standard conditions

2. The approved plans and documents must be amended in accordance with the following requirements:
 - The side boundary walls in the rear setback must be reduced to be no greater than 1.8 metres in height.

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

**CP38/15 Director City Planning Report - 1528 Anzac Parade, La Perouse
(DA/346/2015)**

243/15

RESOLUTION: (Smith/Stavrinou) 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/346/2015 for alterations and additions to the existing clubhouse for the NSW Golf Club, construction of a single storey teaching facility and under cover driving range, alterations to the existing parking area to provide 15 additional car spaces and extending storage area below at No. 1528 Anzac Parade, La Perouse, subject to the standard conditions contained in the development application compliance report.

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

**CP39/15 Director City Planning Report - 6 Palmer Street, South Coogee
(DA/496/2012/B)**

244/15

RESOLUTION: (Roberts/Stavrinou) that Council as the consent authority grant its consent, under Section 96 of the *Environmental Planning and Assessment Act 1979* as amended to modify Development Consent No DA/496/2012/B for retrospective approval for the relocation of the rainwater tank to the western side of the garage and the use of the existing sub floor area as a storage area at 6 Palmer Street, South Coogee, in the following manner:

A. Amend the following Conditions to read:

Approved Plans & Supporting Documentation

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

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received</i>
2/7 Issue B	Domus Homes	May 2012	26 October 2012
3/7 Issue B		October 2012	26 October 2012
4/7 Issue C		March 2013	18 March 2013
5/7 Issue B		May 2012	26 October 2012
6/7 Issue B		May 2012	26 October 2012
7/7 Issue B		May 2012	26 October 2012
Landscape concept plan, Rev C	Formed Gardens Design and Construction Pty Ltd	1 July 2013	16 July 2013

<i>BASIX Certificate</i>	<i>No.</i>	<i>Dated</i>
Single dwelling	433803S	26 June 2012

As amended by the Section 96 "A" plans and supporting documentation listed below:

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
DA 4-7 Issue D	Domus Homes	November 2014	4 December 2014
DA 7-7 Issue C			
DA 6-7 Issue D		December 2014	29 December 2014

As amended by the Section 96 "B" plans and supporting documentation listed below:

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>
DA 2-7 Issue D	Domus Homes	August 2015
DA 3-7 Issue D		
DA 6-7 Issue C		
DA 7-7 Issue C		

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

Rainwater Tanks

70. The operation of plant and equipment associated with the rainwater tank/s and greywater treatment systems are to be restricted to the following hours if the noise emitted can be heard within a habitable room in any other residential premises:

- before 8.00am or after 8.00pm on weekends or public holiday; or
- before 7.00am or after 8.00pm on weekdays.

Approval for the use of the pump associated with the rainwater tank is limited to a 12 month trial period.

B. Add the following Conditions

13. (i) Details of the design and construction of the overflow pipe from the rainwater tank must be submitted to and approved by the Certifying Authority. The overflow pipe must be connected to the stilling pit located adjacent to the Palmer Street site frontage. All works must be carried out in accordance with the approved design and construction details to the satisfaction of the Certifying Authority, prior to the issuing of an Occupation Certificate for the rainwater tank.
71. The storage room in the lower ground level shall not be used as habitable space.
72. The height of rainwater tank adjoining to the western boundary shall not exceed 1800mm, as measured from the existing ground level.
73. The rainwater tank and associated structures adjacent to the western boundary must be located wholly within the boundary of subject property with sufficient area provided to construct footings, bracing, a retaining wall and boundary fence. Specific details of the location of the rainwater tank and associated structures should be provided to the satisfaction of the Certifying Authority to demonstrate that the proposed building work will not encroach onto the adjoining property.
74. A report from a qualified structural engineer which details the methods of

support for the rainwater tank on the retaining wall must be submitted to the satisfaction of Certifying Authority, prior to the issue of Construction Certificate (or amended Construction Certificate) for the rainwater tank.

75. The existing unauthorised rainwater tank is to be removed and the rainwater tank is to be installed in accordance with this consent within 60 days of the determination date of this modification to DA/496/2012/B. Failure to carry out these works within the specified timeframe may result in Council issuing a Notice/Order to comply with your development consent.

C. Delete Condition 2(c)

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

**CP40/15 Director City Planning Report - 65 Howard Street, Randwick
(DA/886/2014)**

245/15

RESOLUTION: (Bowen/Matson) that the application be deferred for mediation and the placement of height poles.

MOTION: (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 4.3(2) of Randwick Local Environmental Plan 2012, relating to Height of Buildings, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning & Environment be advised accordingly.
- B. That Council, as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. DA/886/2014 for demolition of an existing dwelling house and construction of a 4 storey residential flat building comprising 3x3 bedroom dwellings, and 4 car spaces at 65 Howard Street, Randwick subject to the schedule of conditions outlined in this report:

Non standard conditions

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements and details are to be included in the *Construction Certificate*:

The following privacy measures are to be implemented:

- a. The bathroom windows to Apartments 2 and 3 on the north western elevation shall be of obscure glazing.
- b. The windows directly adjacent to the stair case to Apartment 2 (1 window) & apartment 3 (2 windows) shall be of obscure glazing. The awning window shall open outward only sufficiently to allow airflow, and not to intrude on privacy.
- c. Horizontal fixed louvres shall be provided within the opening of the north western side of the terrace balcony to Apartment 2. The privacy louvres shall be overlapped and angled to prevent overlooking of neighbouring dwelling. The privacy louvres must be constructed of metal or timber and the total area of any openings within the privacy louvre must not exceed

25% of the area of the louvre. The privacy louveres must be implemented prior to the issue of an occupation certificate.

- d. The non-complying height, being 130mm, is to be reduced to 12m to comply fully with Council's height limits requirements.

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

A **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 Moore
Councillor Matson	Councillor Seng
Councillor Nash	Councillor Smith
Councillor Neilson	Councillor Stavrinou
Councillor Roberts	
Councillor Shurey	
Councillor Stevenson	
Total (8)	Total (5)

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

A **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 Stavrinou
Councillor Matson	
Councillor Moore	
Councillor Nash	
Councillor Neilson	
Councillor Roberts	
Councillor Seng	
Councillor Shurey	
Councillor Smith	
Councillor Stevenson	
Total (11)	Total (2)

**CP41/15 Director City Planning Report - 14 Hillary Parade, Matraville
(DA/913/2014/A)**

246/15

RESOLUTION: (Roberts/Smith) that Council, as the consent authority, grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No DA/913/2014/A for a modification of the approved development by altering the internal configuration of the dwelling, enlarging the rear ground floor level deck off the lounge room, adding a new ground floor level deck off the kitchen, relocating the swimming pool, increasing the size of master bedroom and associated balconies at first floor level, and increasing the overall height of the dwelling by 200mm for 14 Hillary Parade, Matraville in the following manner:

- **Amend Condition No. 1 to read:**

Approved Plans & Supporting Documentation

1. The development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council's approved stamp:

Plan	Drawn by	Dated	Received by Council
DA 1.00 Issue A		19/12/2014	19 December 2014
DA 1.01 Issue A		19/12/2014	19 December 2014
DA 1.02 Issue A		19/12/2014	19 December 2014
DA 1.03 Issue A		19/12/2014	19 December 2014
DA 1.04 Issue A		19/12/2014	19 December 2014
DA 1.05 Issue A		19/12/2014	19 December 2014

BASIX Certificate No.	Dated	Received by Council
597317S	19 December 2014	19 December 2014

As amended by the Section 96 "A" plan and supporting documentation listed below:

Plan	Drawn by	Dated
S96 1.01 Issue A	Stubbs Design Tribe	June 2015
S96 1.02 Issue A	Stubbs Design Tribe	June 2015
S96 1.03 Issue A	Stubbs Design Tribe	June 2015
S96 1.04 Issue A	Stubbs Design Tribe	June 2015
S96 1.06 Issue C	Stubbs Design Tribe	June 2015

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

- **Condition 2b is deleted**
 - **Amend Condition 2c to read:**
2. c) A 1.6m high privacy screen shall be installed along the north-eastern side of the rear ground floor level balcony off the lounge room in order to restrict sightlines into the rear yard or habitable room windows of the neighbouring property at No. 16 Hillary Parade. A privacy screen must be constructed of metal or timber or material that is consistent with an approved colours and materials schedule. Details of the privacy screen shall be submitted to the Manager Development Assessment for approval prior to a construction certificate being issued for the development.

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

**CP42/15 Director City Planning Report - 20 Bass Street, Kingsford
(DA/362/2015)**

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

247/15

RESOLUTION: (Andrews/Smith) -

- 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 4.1 of Randwick Local Environmental Plan 2012, relating to Minimum Allotment Size, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning & Environment be advised accordingly.
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 362/2015 for subdivision of land

into two Torrens Title lots, at No. 20 Bass Street, Kingsford, subject to the standard conditions contained in the development application compliance report attached to this report.

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

Cr Stavrinou returned to the meeting at this point (8.13pm).

**CP43/15 Director City Planning Report - 47 Anzac Parade, Kensington
(DA/414/2014/B)**

248/15

RESOLUTION: (Smith/Andrews) that Council, as the consent authority, grants development consent under Sections 96 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 414/2014 for Section 96 modification of the approved development by deleting basement level 2, adding car stackers to basement car park, reallocation and reconfiguration of parking spaces at No. 47-53 Anzac Parade, Kensington, in the following manner:

Approved Plans & Supporting Documentation

- The development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council's approved stamp, except where amended by Council in red and/or by other conditions of this consent:

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
DA1.01 Rev B	Fox Johnson	29/10/14	31 October 2014
DA1.02 Rev B		29/10/14	31 October 2014
DA1.03 Rev B		29/10/14	31 October 2014
DA1.04 Rev B		29/10/14	31 October 2014
DA1.05 Rev B		29/10/14	31 October 2014
DA1.06 Rev B		29/10/14	31 October 2014
DA1.07 Rev B		29/10/14	31 October 2014
DA1.08 Rev B		29/10/14	31 October 2014
DA1.09 Rev B		29/10/14	31 October 2014
DA1.10 Rev B		29/10/14	31 October 2014
DA2.01 Rev B		29/10/14	31 October 2014
DA2.02 Rev B		29/10/14	31 October 2014
DA2.03 Rev B		29/10/14	31 October 2014
DA2.04 Rev B		29/10/14	31 October 2014
DA4.01 Rev A		17/09/14	16 October 2014

<i>BASIX Certificate No.</i>	<i>Dated</i>	<i>Received by Council</i>
556751M_02	21 November 2014	21 November 2014

As amended by the following Section 96 "A" plans and documentation:

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
CD1.01 Rev A	Fox Johnson	16/06/15	30 June 2015
CD1.02 Rev A		16/06/15	30 June 2015
CD1.03 Rev A		16/06/15	30 June 2015
CD1.04 Rev A		16/06/15	30 June 2015
CD1.05 Rev A		16/06/15	30 June 2015
CD1.06 Rev A		16/06/15	30 June 2015
CD1.07 Rev A		16/06/15	30 June 2015
CD1.08 Rev A		16/06/15	30 June 2015
CD1.09 Rev A		16/06/15	30 June 2015
CD1.10 Rev A		16/06/15	30 June 2015
CD2.01 Rev A		16/06/15	30 June 2015

CD2.04 Rev A		16/06/15	30 June 2015
CD2.05 Rev A		16/06/15	30 June 2015
CD2.06 Rev A		16/06/15	30 June 2015
CD2.07 Rev A		16/06/15	30 June 2015

<i>BASIX Certificate No.</i>	<i>Dated</i>	<i>Received by Council</i>
556751M_03	18 May 2015	30 June 2015

An amended BASIX certificate must be consistent with the plans referenced in Condition 1 of this determination and a copy shall be submitted to Council and the Principal Certifying Authority prior to an occupation certificate being issued for the development.

As amended by the following Section 96 "B" plans and documentation:

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>
A – 1.02 Rev E	Fox Johnston	16/07/2015
A – 1.03 Rev E		
A – 2.01 Rev E		

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

• **Add the following Conditions:**

Car Stacker Details

24. a) Prior to the issuing of a Construction Certificate, the following details (at a scale of either 1:100 or 1:200) must be submitted to Council's Development Engineer for approval:
- Structural details/dimensions (external & internal dimensions) of the proposed car stackers to be used.
 - The location and dimension of any structural columns located within the basement car park.
 - Dimensions of aisle widths/lengths within the basement car park.
 - Instructions for operation; details of manual operation in the event of power/mechanical failure; maintenance schedules/annual service contract; the waiting and working times for the car lift and safety and training requirements for the use of the car lift.
 - Turning paths for the car spaces within the basement garage once manufacturer's details for the car stackers and any structural columns have been considered and detailed in the plans.
 - Prior to the issuing of a Construction Certificate a qualified Traffic Engineer shall advise in writing that turning paths are considered acceptable and satisfy AS/NZS 2890.1:2004 requirements for the B85 vehicle.
24. b) Prior to the issuing of a Construction Certificate the applicant is to submit the following details must be submitted to Council's Development Engineer for approval:
- Proposed allocation of all residential car spaces with particular emphasis on the allocation of spaces within the car stackers.
 - Management plan/strategy for the use of the car stackers for all units allocated spaces within the stackers.

The applicant must liaise with Council's Development Engineers prior to

lodging this information to obtain Council's requirements for the submission.

Residential Parking Permits

101. All prospective owners and tenants of the building must be notified that Council will not issue any residential parking permits to occupants/tenants of this development. As a minimum a notice shall be placed in the foyer/common areas of the building advising tenants/occupiers that they are in a building which does not qualify for on-street resident parking permits.

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

CP44/15 Director City Planning Report - Cultural and Community Grant Program - Recommended Allocations - September 2015 (F2009/00182)

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

249/15 **RESOLUTION: (Andrews/Stavrinis)** that Council:

- a) endorse the funding of Coogee Family Fun Day event, being for in kind contribution of \$10,750 and cash of \$2,250, totaling \$13,000, subject to Council receiving a completed end of project acquittal documentation as identified in this report by close of business Wednesday 7 October 2015.
- b) approves the remaining allocation of Cultural and Community Program funds totalling \$52,998.26 to be allocated to the recommended grant applicants as listed in Attachment One.

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

Cr Belleli returned to the meeting at this point (9.45pm).

General Manager's Reports

GM14/15 General Manager's Report - 2014-15 Annual Report and Financial Statements (F2015/03005)

250/15 **RESOLUTION: (Stavrinis/Andrews)** that:

- a) the Randwick City Council Annual Report 2014-15, be received and noted;
- b) the General Manager be authorised to make any minor changes if required;
- c) a copy of the Annual Report be submitted to the Chief Executive, Office of Local Government, Department of Premier and Cabinet; and
- d) the Financial Statements for the financial year ended 30 June 2015 be adopted.
- e) the relevant Council staff be thanked and congratulated for being the 2nd Council in the Sydney metropolitan area to complete the 2014-15 Financial Statements.

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

GM25/15 General Manager's Report - CBD and South East Light Rail Project: Alternative Randwick Terminus and Interchange (F2014/00380)

251/15 **RESOLUTION: (Shurey/Matson)** that:

1. Council endorse meeting the financial cost of the works outlined in Transport for NSW letter of 17 September 2015 in achieving its preferred Randwick terminus in High Street and it be noted that \$2m of this cost will be funded from general revenue and the remaining costs be funded from S94 Contributions and grants.
2. The General Manager provide a report detailing the cost and works associated with the High Street Terminus;
3. Council write to the Minister for Transport and Infrastructure expressing thanks and appreciation for his support in progressing this matter to resolution.
4. Council write to Ricki-Lee McLaurin-Smith to congratulate her and offer her continued support in her campaign to save Randwick's trees.

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

Director City Services Reports

Nil.

Director Governance & Financial Services Reports

GF35/15 Director Governance & Financial Services Report - Determination of number of Councillors (F2007/00634)

252/15

RESOLUTION: (Stavrinos/Andrews) that Council determine, in accordance with Section 224 of the *Local Government Act 1993*, that the number of Councillors for Randwick City Council for the 2016-2020 term remain unchanged at 15.

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

GF36/15 Director Governance & Financial Services Report - Investment Report - August 2015 (F2015/06527)

253/15

RESOLUTION: (Stavrinos/Roberts) that the investment report for August 2015 be received and noted.

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

GF37/15 Director Governance & Financial Services Report - Cancellation of Easement for Drainage affecting 83 Loch Maree Street, Maroubra (F2008/00439)

254/15

RESOLUTION: (Stavrinos/Smith) that the Council's Seal be affixed to the Transfer Releasing Easement form and any other necessary documentation to extinguish the need for the easement over the property at 83 Loch Maree Street, Maroubra.

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

GF38/15 Director Governance & Financial Services Report - Withdrawal of Caveat and Affixing of the Council Seal - 46 White Avenue & 42 Manwaring Avenue, Maroubra (F2004/06325)

255/15

RESOLUTION: (Andrews/Smith) that the Council's Seal be affixed to the Withdrawal of Caveat form for the property at 46 White Avenue, Maroubra also known as Lot 713 in Deposited Plan 236610 and 42 Manwaring Avenue, Maroubra also known

as Lot 764 in Deposited Plan 237149).

**MOTION: (Andrews/Smith) CARRIED - SEE RESOLUTION.
GF39/15 Director Governance & Financial Services Report - Application of
Council's Code of Conduct - Precinct Committees (F2012/00372)**

Note: A rescission motion on this item was submitted by Councillors Belleli, Neilson and Moore in accordance with Council's Code of Meeting Practice and will be considered at the Ordinary Council Meeting to be held on 27 October 2015.

256/15

RESOLUTION: (Matson/Stavrinos) that the Council resolution of 28 July 2015 stands with the one exception that Council resolves that the Code of Conduct will only apply to Precinct Executives and not all Precinct Committee members, for the purpose of clarifying this issue (Option 2).

MOTION: (Bowen/Moore) that Council move to rescind the resolution of Council dated 30 August 1994 which formed the Council Precinct Committees and further resolve to form new "Precinct Community Groups" which would function in much the same way as the former Precinct Committees. These Precinct Community Groups would operate under the recently adopted Precinct Rules & Procedures but not be bound by Council's Code of Conduct as they are no longer Committees of Council under the Local Government Act (Option 1).

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

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

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

FOR	AGAINST
Councillor Andrews	Councillor Belleli
Councillor Matson	Councillor Bowen
Councillor Nash	Councillor Moore
Councillor Roberts	Councillor Neilson
Councillor Seng	Councillor Shurey
Councillor Smith	Councillor Stevenson
Councillor Stavrinos	
Total (7)	Total (6)

AMENDMENT: (Shurey/Neilson) that Council move to rescind the resolution of Council dated 30 August 1994 which formed the Council Precinct Committees and further resolve to form new "Precinct Community Groups," which would function in much the same way as the former Precinct Committees, but not be considered Committees of Council under the Local Government Act (Option 3). **LOST**.

AMENDMENT: (Stevenson/Bowen) that a joint meeting of all Councillors and all Precinct Committee Executives be conducted in the Town Hall, within the next month, and the views of the Councillors and Precinct Executives be considered prior to any of the options put forward in this report. **LOST**.

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

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

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

FOR	AGAINST
Councillor Andrews	Councillor Belleli

Councillor Matson	Councillor Bowen
Councillor Nash	Councillor Moore
Councillor Roberts	Councillor Neilson
Councillor Seng	Councillor Shurey
Councillor Smith	Councillor Stevenson
Councillor Stavrinou	
Total (7)	Total (6)

GF40/15 Director Governance & Financial Services Report - Renewal of Community Partnership with the Westpac Life Saver Rescue Helicopter Service (F2009/00266)

257/15

RESOLUTION: (Neilson/Roberts) that Council enters into a Memorandum of Understanding, containing the initiatives outlined in this report, with the Westpac Life Saver Rescue Helicopter Service for the next three years at a cost of \$15,000.00 per annum plus GST, with provision to be made in Council's annual budget moving forward.

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

Petitions

Nil.

Motion Pursuant to Notice

NM44/15 Motion Pursuant to Notice from Cr D'Souza - Cyclist and pedestrian safety around Pioneer Park, Malabar (F2004/08338)

258/15

RESOLUTION: (Belleli/Stavrinou) that, after a spate of near misses and accidents involving cyclists and pedestrians in the vicinity of Pioneer Park Malabar, Council:

- a) calls for a report on options available to Council to help reduce the very real danger to cyclists and pedestrians in the vicinity of Pioneer Park, Malabar;
- b) such options to include an inspection of the T-Junction at Cromwell Place and Franklin Street to see what can be done to make this danger spot safer, for example a Stop Sign at the corner so both cyclists and motorists will pause before turning left or right as well as other traffic calming devices such as speed bumps; and
- c) considers implementing a cycle safety education campaign to encourage both adults and children to obey both road and pathway rules so we can all enjoy the great outdoors together in harmony and without injury.

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

NM45/15 Motion Pursuant to Notice from Cr D'Souza - role of Trade Unions (F2012/00347)

259/15

RESOLUTION: (Smith/Neilson) that Council:

- a) as a matter of urgency, writes to Hutchinson Ports to express our strong view that their attempted dismissal via text and email of 56 stevedores from its Port Botany operations was an attack on human dignity and was completely disrespectful and that they should ensure that in future they respect their employees' rights to work under just and favourable conditions, to free choice of

employment and for protection against unfair dismissal;

- b) note both the important role trade unions play in our community and the large number of union members in the Randwick local government area; and
- c) unequivocally confirms its support for fairness for the unions involved in the Royal Commission.

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

NM46/15 Motion Pursuant to Notice from Cr Stavrinis - Compensation to residents in Doncaster Ave, Kensington (F2013/00263)

260/15

RESOLUTION: (Stavrinis/Andrews) that Council make representations, on behalf of residents living in Doncaster Avenue, Kensington, who are affected by the future construction/operation of the light-rail stabling yard, requesting that the NSW State Government cover the cost of noise abatement measures. These abatement measures are to include sound-proofing, double-glazed glass and tree-planting.

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

NM47/15 Motion Pursuant to Notice from Cr Stevenson - Domestic Violence Support Officer (F2013/00153)

261/15

RESOLUTION: (Stevenson/Matson) that a report be brought back to Council in relation to:

- a) the cost of establishing a position of Domestic Violence Support Officer in conjunction with the Salvation Army or other community groups to assist women and children who are victims of domestic violence in Randwick City; and
- b) the extra support that Council could provide for domestic violence victims.

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

NM48/15 Motion Pursuant to Notice from Cr Roberts - Blak Markets - Improved Parking Arrangements (F2015/00397)

262/15

RESOLUTION: (Roberts/Stavrinis) that Council:

- a) Notes the value the La Perouse Blak Markets provide for the wider and aboriginal community.
- b) Investigate the parking arrangements at La Perouse on Blak Markets days, with a view to recommending improved parking arrangements for market patrons.
- c) Notes the investigation would take into consideration all stake holders in the area.
- d) Notes the investigation could include the option of 'special event' parking arrangements that reduce the maximum time allowed for parking on market days for parts of the La Perouse loop – promoting greater parking turn over and hence greater patronage of the Blak Markets.

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

Confidential reports (closed session)

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

Closed Session**CS11/15 Confidential - T2016-03 - Randwick City Council Building Trades Services Panel Contract - Extension of Building Management Services (F2015/00309)**

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.

263/15

RESOLUTION: (Andrews/Stavrinos) that Council:

- under Regulation 178(1)(a) of the Local Government (General) Regulation 2005, accept:

Category	Description
2.0	Building Management Services for work with a value of 0-\$100,000
	ProGroup Management Pty Ltd
	Cooper Commercial Constructions Pty Ltd
	Every Trade Building Services Pty Ltd
	J&CG Construction Pty Ltd
	Van Mal Group Construction
	Sullivans Constructions (Aust) Pty Ltd
	Kellyville Building Pty Ltd
Category	Description
3.0	Building Management Services for work with a value of \$100,001 - \$300,000
	ProGroup Management Pty Ltd
	Cooper Commercial Constructions Pty Ltd
	Every Trade Building Services Pty Ltd
	Van Mal Group Construction
	Momentum Built Pty Ltd
	J&CG Construction Pty Ltd
	Sullivans Constructions (Aust) Pty Ltd
	Kellyville Building Pty Ltd
Category	Description
4.0	Building Management Services for work with a value of \$300,001 - \$750,000
	Cooper Commercial Constructions Pty Ltd
	Momentum Built Pty Ltd
	J&CG Construction Pty Ltd
	Sullivans Constructions (Aust) Pty Ltd
	ProGroup Management Pty Ltd
	Every Trade Building Services Pty Ltd
	Kellyville Building Pty Ltd

as the successful Tenderers for T2016-03 Randwick City Council Building Trades Services Panel Contract – Extension of Building Management Services in their respective categories.

2. set the term of the contract awarded to coincide with the term of the contracts awarded under T2014-14 Randwick City Council Building Trades Services Panel Contract.
3. authorise the General Manager, or delegated representative, to enter into a contract on behalf of Council.
4. notify all the unsuccessful tenderers.

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

GF41/15 Confidential - SSROC Tender - Supply and Delivery of Stationery and Associated Products (F2015/00266)

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.

264/15

RESOLUTION: (Stavrinou/Shurey) that:

- a) under Regulation 178(1)(a) of the Local Government (General) Regulation 2005, Staples Australia Pty Ltd be accepted as the successful tenderer; and
- b) the General Manager, or delegated representative, be authorised to enter into a preferred supplier agreement with Staples Australia Pty Ltd for a period of 3 years, with 2 optional 1 year extensions.

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

GM16/15 Confidential - Code of Conduct Review - Sinc Solutions (F2015/00082)

This matter is considered to be confidential under Section 10A(2) (i) Of the Local Government Act, as it deals with the report contains alleged contraventions of any code of conduct requirements applicable under section 440.

Note: A rescission motion on this item was submitted by Councillors Belleli, Bowen and Moore in accordance with Council's Code of Meeting Practice and will be considered at an Extraordinary Council Meeting to be held at 6:30pm on 29 September 2015.

Crs Andrews and Matson (as the complainants) left the meeting at this point (10.04pm).

MOTION: (Bowen/Moore) that the discussion in relation this Closed Session item (Item GM16/15) be recorded. LOST.

Cr Stevenson was given the opportunity to address the meeting in relation to the report recommendations. The Mayor reminded Cr Stevenson, several times, to confine his comments to the recommendations contained in the Conduct Reviewer's report. Given that Cr Stevenson continued to address matters other than the Conduct Reviewer's recommendations, the Mayor asked Cr Stevenson to absent the meeting.

Cr Stevenson left the meeting at this point (10.20pm).

265/15

RESOLUTION: (Smith/Stavrinou) that:

- a) Councillor Stevenson be required to apologise for his breach of the provisions of

Clauses 3.1; 3.2; 3.3; 6.2; 6.6 and 6.7 of the Randwick City Council Code of Conduct, to all persons in attendance at the Fit for the Future Working Party Meeting held on 16 December 2014 being the Mayor, Councillor Seng; Councillors Andrews; Matson and Neilson; the General Manager; Director Governance & Financial Services; Director City Planning; Director City Services; the Minutes Secretary and the Observer to the meeting Mr Jeremy Bingham. That Councillor Stevenson apologise at the start of the Extraordinary Council Meeting, to be held on 29 September 2015; both verbally and in writing, and the apology contains the words;

"that I make an unreserved apology to the persons present at the Fit for the Future Working Party Meeting held on 16 December 2014 being the Mayor, Councillor Seng; Councillors Andrews; Matson and Neilson; the General Manager; Director Governance & Financial Services; Director City Planning; Director City Services; the Minutes Secretary and the Observer to the meeting Mr Jeremy Bingham, for my inappropriate comments made at the commencement of that meeting and including for bringing to the meeting two persons who were not approved to attend the meeting."

- b) as a "Part 8" breach, under clause 5.15(c) of the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (the Procedures), the Councillor's failure to cooperate with a Code of Conduct investigation is considered a second breach of the Code of Conduct and is to be referred by the General Manager to the Office of Local Government for consideration under the misconduct provisions of the Act.

AMENDMENT: (Bowen/Moore) that the matter be referred back to the Conduct Reviewer to provide Council with a supplementary report detailing what material was provided to prepare the initial report and whether the deliberations in relation to the earlier investigation were relied upon in preparing that report. **LOST.**

AMENDMENT: (Neilson/Bowen) that:

- a) Councillor Stevenson apologise in writing in accordance with Sinc Solutions recommendations, but excluding the requirement for an apology to Cr Neilson, and that there be no requirement to make the apology public.
- b) as a "Part 8" breach, under clause 5.15(c) of the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (the Procedures), the Councillor's failure to cooperate with a Code of Conduct investigation is considered a second breach of the Code of Conduct and is to be referred by the General Manager to the Office of Local Government for consideration under the misconduct provisions of the Act. **LOST ON THE CASTING VOTE OF THE MAYOR.**

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

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

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

FOR	AGAINST
Councillor Nash	Councillor Belleli
Councillor Roberts	Councillor Bowen
Councillor Seng	Councillor Moore
Councillor Shurey	Councillor Neilson
Councillor Smith	
Councillor Stavrinou	
Total (6)	Total (4)

Open Session

That the meeting move back into open session.

Notice of Rescission Motions

- a) A rescission motion on item GF39/15 (Application of Council's Code of Conduct – Precinct Committees) was submitted by Councillors Belleli, Neilson and Moore in accordance with Council's Code of Meeting Practice and will be considered at the Ordinary Council Meeting to be held on 27 October 2015.

- b) A rescission motion on Item GM16/15 (Code of Conduct Review – Sinc Solutions) was submitted by Councillors Belleli, Bowen and Moore in accordance with Council's Code of Meeting Practice and will be considered at an Extraordinary Council Meeting to be held at 6:30pm on 29 September 2015.

There being no further business, His Worship the Mayor, Cr T Seng, declared the meeting closed at 11.02pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 27 October 2015.

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CHAIRPERSON