

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, 25 OCTOBER 2016 AT 6:06PM**

Present:

The Mayor, Councillor N D'Souza (Chairperson) (South Ward)

Councillor B Roberts (Deputy Mayor) (East Ward)

North Ward	- Councillors K Neilson & L Shurey
South Ward	- Councillors R Belleli & P Garcia
East Ward	- Councillors T Bowen & M Matson
West Ward	- Councillors G Moore, S Nash & H Stavrinou
Central Ward	- Councillors A Andrews, T Seng & G Stevenson

Officers Present:

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoples
Acting Director City Planning	Mr K Kyriacou
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 Corporate and Financial Planning	Mr M Woods

Prayer & Acknowledgement of Local Indigenous People

The Council Prayer was read by Cr Roberts. The Acknowledgement of Local Indigenous People was read by Cr Matson.

Apologies/Granting of Leave of Absences

An apology was received from Cr Smith.

RESOLVED: (Stavrinou/Matson) that the apology received from Cr Smith be accepted and leave of absence from the meeting be granted.

Confirmation of the Minutes**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY 23 AUGUST & 27 SEPTEMBER 2016**

195/16

RESOLUTION: (Stavrinos/Shurey) that the Minutes of the Ordinary Council Meetings held on Tuesday 23 August and Tuesday 27 September 2016 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of those meetings.

Declarations of Pecuniary and Non-Pecuniary Interests

- a) Cr Belleli declared a pecuniary interest in Item MM36/16 as he and his wife's performing arts school performed at this event at no charge and he also supplied the sound equipment for the event at no charge. Cr Belleli will be taking no part in the debate or voting on this matter.
- b) Cr Stavrinos declared a non-significant non pecuniary interest in Item NR6/16 as he knows the applicant through living in the Council area and having eaten at the restaurant before.
- c) Cr Shurey declared a non-significant non pecuniary interest in Item NR6/16 as she knows the applicant through living in the Council area and having eaten at the restaurant before.
- d) Cr Shurey declared a non-significant non pecuniary interest in Item NM44/16 as she is employed by the University of New South Wales.
- e) Cr Neilson declared a non-significant non pecuniary interest in Item NR6/16 as she knows people who have made submissions on this matter.
- f) Cr Seng declared a non-significant non pecuniary interest in Item CP60/16 as he knows one of the owners in this matter.
- g) Cr Andrews declared a significant non pecuniary interest in Item CS13/16 as his street has a street party every year. Cr Andrews will be taking no part in the debate or voting on this matter.
- h) Cr Bowen declared a significant non pecuniary interest in Item MM31/16 as he has done work for the Sports Club in the past. Cr Bowen will be taking no part in the debate or voting on this matter.
- i) Cr Andrews declared a non-significant non pecuniary interest in Item MM31/16 as he knows some members of the Club.
- j) Cr Shurey declared a non-significant non pecuniary interest in Item MM31/16 as she has done volunteer work at the Club.
- k) Cr Seng declared a non-significant non pecuniary interest in Item MM31/16 as he knows the President of the Sports Club.
- l) Cr Shurey declared a non-significant non pecuniary interest in Item CS13/16 as her street is in the process of putting together a submission for closing their street for such an event. Cr Shurey will be taking no part in the debate or voting on this matter.

Address of Council by Members of the Public

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

GF30/16 2015-16 FINANCIAL REPORTS

Mr Gary Mottau - Council Auditor

CP58/16 25 PARK STREET, CLOVELLY (DA/117/2016)

- Objector** Ms Cathy Murcutt
- Applicant** Mr Anthony Betros on behalf of applicant
- CP59/16 32-34 CARR STREET, COOGEE (DA/725/2012/C)
- Objector** Mr John Pearson
- Applicant** Mr Andrew Michael
- CP60/16 11 BOND STREET, MAROUBRA (DA/535/2015/C)
- Objector** Mr Jeffrey Norton
- Applicant** Mr Anthony Betros on behalf of applicant
- CP61/16 18 DUNDAS STREET, COOGEE (DA/780/2015)
- Objector** Mr Patrick Holland on behalf of objector
- Applicant** Mr Kim Ross on behalf of applicant
- CP63/16 DRAFT KENSINGTON PARK PLAN OF MANAGEMENT - PUBLIC EXHIBITION AND SUBMISSIONS REVIEW
- For** Ms Stella Calpis
- NR6/16 4/199-203A MALABAR ROAD, SOUTH COOGEE (DA/153/2015/A)
- Objector** Ms Dianne Lawrence
- Applicant** Ms Larissa Ozog on behalf of applicant

The Meeting was adjourned at 7.42pm and was resumed at 7.56pm.

Mayoral Minutes

MM31/16 Mayoral Minute - Maroubra Sports Club - Waiving of Fees (F2004/06207)

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

196/16

RESOLUTION: (His Worship the Mayor, Cr N D'Souza) that:

- a) Council vote to waive the associated fees for the removal of trade waste from the Maroubra Sports Club at Malabar Road, Maroubra for a three month period;
- b) this site will be added to the trade waste collection list at a cost of \$1,352.99; and
- c) this costing be funded from the General Trade Waste operating budget.

MOTION: (His Worship the Mayor, Cr N D'Souza) CARRIED - SEE RESOLUTION.

MM32/16 Mayoral Minute - Waiving of Fees - Surf Life Saving Sydney (F2016/00096)

197/16

RESOLUTION: (His Worship the Mayor, Cr N D'Souza) that:

- a) Council vote \$1,064.00 to cover the fees associated with hosting the Surf Life Saving Branch Carnival to be held at Maroubra Beach on 11 and 12 February, 2017 and funds be allocated from the 2016/17 Council Contingency Fund;
- b) the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and
- c) the Mayor or the Mayor's representative be given the opportunity to address the event on behalf of Council.

MOTION: (His Worship the Mayor, Cr N D'Souza) CARRIED - SEE RESOLUTION.**MM33/16 Mayoral Minute - Request for Council to Waive Fees for Registered Charity to Conduct Community Event/Fundraiser Within the Randwick LGA (F2016/00096)**

198/16

RESOLUTION: (His Worship the Mayor, Cr N D'Souza) that:

- a) Council votes \$629.00 from the 2016-17 Contingency fund to cover the fees associated with running "The Bloody Long Walk" on Sunday, 13 November 2016 commencing at Pioneers Park; and
- b) the event organiser undertakes to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event.

MOTION: (His Worship the Mayor, Cr N D'Souza) CARRIED - SEE RESOLUTION.**MM34/16 Mayoral Minute - Waiving of Fees - Carols by Candlelight Grant Reserve Coogee (F2016/00096)**

199/16

RESOLUTION: (His Worship the Mayor, Cr N D'Souza) that:

- a) the fees for the "Carols by the Sea" event in Grant Reserve on Saturday 10 December 2016 be waived and \$1,772.00 be allocated from the 2016-17 Contingency Fund;
- b) the organisers undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event;
- c) the Mayor or his representative is given the opportunity to address the event on behalf of Council; and
- d) the event organisers provide Council with information following the event on the number of attendees.

MOTION: (His Worship the Mayor, Cr N D'Souza) CARRIED - SEE RESOLUTION.**MM35/16 Mayoral Minute - Coast Centre for Seniors Inc - Request to Waive Hire Fees for Prince Henry Centre (F2012/00278)**

200/16

RESOLUTION: (His Worship the Mayor, Cr N D'Souza) that:

- a) Council waives the Prince Henry Centre hire fees associated with the Coast Centre for Seniors Inc. Christmas Concert to be held on the Wednesday 30th November, 2016 with the funds to come from the Council Contingency Fund 2016/17;
- b) the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and
- c) the Mayor or the Mayor's representative be given the opportunity to address the event on behalf of Council.

MOTION: (His Worship the Mayor, Cr N D'Souza) CARRIED - SEE RESOLUTION.

**MM36/16 Mayoral Minute - 16th Annual Des Renford Chair of Hearts
Research Family Gala and Charity Day - Use of Des Renford Leisure
Centre (F2008/00064)**

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

- 201/16 **RESOLUTION: (His Worship the Mayor, Cr N D'Souza)** that Council notes the \$8,500.00 to cover the costs associated with Council's contribution towards the organising and staging of the Des Renford Family Day and Swim Challenge to be held on Sunday 16 October 2016 for the purpose of raising money for the Victor Chang Cardiac Foundation and this be funded from the 2016-17 Contingency Fund.

MOTION: (His Worship the Mayor, Cr N D'Souza) CARRIED - SEE RESOLUTION.

**MM37/16 Mayoral Minute - Indonesian Community Council of NSW - Request
to Waive Hire Fees for Randwick Town Hall (F2004/07674)**

- 202/16 **RESOLUTION: (His Worship the Mayor, Cr N D'Souza)** that Council waives the Randwick Town Hall hire fees associated with the Indonesian Community Council of NSW fundraiser to be held on Saturday 12 November 2016 with the funds to come from the Contingency Fund 2016-17.

MOTION: (His Worship the Mayor, Cr N D'Souza) CARRIED - SEE RESOLUTION.

**MM38/16 Mayoral Minute - Waiving of Fees - Randwick Shield Carnival
(F2016/00096)**

- 203/16 **RESOLUTION: (His Worship the Mayor, Cr N D'Souza)** that:
- a) Council vote \$706.00 to cover the fees associated with hosting the Randwick Shield Carnival to be held at Maroubra Beach on 6 November, 2016. The funds be allocated from the 2016-17 Contingency Fund;
 - b) the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and
 - c) the Mayor or the Mayor's representative be given the opportunity to address the event on behalf of Council

MOTION: (His Worship the Mayor, Cr N D'Souza) CARRIED - SEE RESOLUTION.

MM39/16 Mayoral Minute - Waiving of Fees - Carols by Candlelight - St Luke's Anglican Church, Clovelly (F2016/00096)

204/16

RESOLUTION: (His Worship the Mayor, Cr N D'Souza) that:

- a) the fees for the "Carols by Candlelight" event in Varna Street, Clovelly between Arden Street and Carlton Street, Clovelly on Sunday 11 December 2016 be waived and \$4,097.00 be allocated from the 2016-17 Contingency Fund;
- b) the organisers undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and
- c) the Mayor or his representative is given the opportunity to address the event on behalf of Council.

MOTION: (His Worship the Mayor, Cr N D'Souza) CARRIED - SEE RESOLUTION.**MM40/16 Mayoral Minute - DRLC Spin Bikes Donation to Surf Clubs (F2006/00408)**

205/16

RESOLUTION: (His Worship the Mayor, Cr N D'Souza) that Council:

- a) offers to donate four spin bikes to each of the four Surf Clubs within the Randwick LGA; and
- b) disposes of any remaining Spin Bikes in accordance with Council's Asset Disposal Policy.

MOTION: (His Worship the Mayor, Cr N D'Souza) CARRIED - SEE RESOLUTION.**MM41/16 Mayoral Minute - Request for donations to Erakor Primary School in Vanuatu (F2004/07396)**

206/16

RESOLUTION: (His Worship the Mayor, Cr N D'Souza) that Council approves Randwick City Library donating a collection of books up to the value of \$500.00, which are surplus to its requirements, for local author Elizabeth Cummings to courier to the Erakor Primary School in Vanuatu.**MOTION: (His Worship the Mayor, Cr N D'Souza) CARRIED - SEE RESOLUTION.****Urgent Business**

Nil.

Director City Planning Reports**CP58/16 Director City Planning Report - 25 Park Street, Clovelly (DA/117/2016)**

207/16

RESOLUTION: (Matson/Neilson) -

- A. That Council does not support the exception 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 comply with the objectives of Clause 4.4 or the R2 Low Density Residential zone, and will adversely affect the amenity of the locality.

- B. That Council, as the consent authority, refuse development consent under the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/117/2016 for demolition of existing dwelling, retention of existing retaining walls, construction of new 3 storey dwelling, garage fronting laneway with swimming pool and terrace on level above (variation to floor space control) at No. 25 Park Street, Clovelly, for the following reasons:
1. The proposed development does not comply with the objectives of the R2 "Low Density Residential" zone of Randwick Local Environmental Plan 2012 in that the proposal will not represent a desirable development. The bulk and scale of the proposed development will be inconsistent with that of surrounding built forms and will cause adverse amenity impacts for neighbours. In this regard, the proposal will be contrary to the third and fourth objectives of the zone.
 2. The proposed development does not comply with the relevant objectives and controls of Part C1, Clause 2.3 of the Randwick Comprehensive Development Control Plan 2013 in that the excessive site coverage of the proposal will contribute to the overdevelopment of the site and not allow for adequate ground level private open space or landscaping.
 3. The proposed development does not comply with the relevant objectives and controls of Part C1, Clause 2.4 of the Randwick Comprehensive Development Control Plan 2013 in that the inadequate landscaping will be inconsistent with the character of the locality.
 4. The proposed development does not comply with the relevant objectives and controls of Part C1, Clauses 2.5 and 5.1 of the Randwick Comprehensive Development Control Plan 2013 in that the proposed private open space will have poor amenity at ground level.
 5. The proposed development does not comply with the relevant objectives and controls of Part C1, Clause 3.2 of the Randwick Comprehensive Development Control Plan 2013 in that the external wall height on the southern elevation will contribute to visual massing in relation to the neighbouring property at 23 Park Street.
 6. The proposed development does not comply with the relevant objectives and controls of Part C1, Clause 3.3.1 of the Randwick Comprehensive Development Control Plan 2013 in that the inadequate front setback will be inconsistent with that of adjoining dwellings and will disrupt the rhythm of setbacks in Park Street. Landscaping in the front yard will also be inconsistent with that of adjoining dwellings.
 7. The proposed development does not comply with the relevant objectives and controls of Part C1, Clause 4.1 of the Randwick Comprehensive Development Control Plan 2013 in that the inadequate articulation of the northern elevation will create an excessive sense of visual mass in relation to the residents at 27 Park Street.
 8. The proposed development does not comply with the relevant objectives and controls of Part C1, Clause 5.6 of the Randwick Comprehensive Development Control Plan 2013 in that non-compliances with the relevant building envelope controls will cause significant view loss for neighbours.

9. The proposed development does not comply with the relevant objectives and controls of Part B10 of the Randwick Comprehensive Development Control Plan 2013 in that the streetscape presentation will be inconsistent with that of other properties in Park Street; the materials of the proposed development will not be sympathetic to the light toned neutral hues of the Foreshore Protection Area; and the proposed landscaping will block views to the foreshore from neighboring properties and will therefore not enhance the scenic qualities of the foreshore.
10. The proposal is not in the public interest. The proposal is contrary to objectives of the zone; will result in adverse environmental impacts and will set a poor precedent for other development in Park Street.

MOTION: (Andrews/Stavrinou) that Council, as the consent authority, grants development consent under the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/117/2016 for demolition of existing dwelling, retention of existing retaining walls, construction of new 3 storey dwelling, garage fronting laneway with swimming pool and terrace on level above (variation to floor space control) at No. 25 Park Street, Clovelly subject to standard conditions.
LOST.

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

FOR	AGAINST
Councillor Andrews	Councillor Belleli
Councillor Nash	Councillor Bowen
	Councillor D'Souza
	Councillor Garcia
	Councillor Matson
	Councillor Moore
	Councillor Neilson
	Councillor Roberts
	Councillor Seng
	Councillor Shurey
	Councillor Stavrinou
	Councillor Stevenson
Total (2)	Total (12)

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

AMENDMENT: (Andrews/Nil) that the application be deferred for mediation between the applicant and the objectors. **LAPSED FOR WANT OF A SECONDER.**

**CP59/16 Director City Planning Report - 32-34 Carr Street, Coogee
(DA/725/2012/C)**

208/16

RESOLUTION: (Neilson/Andrews) that Council, as the consent authority, grants development consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Application No. DA/725/2012 for new bicycle rack, rain water tank and stormwater pits at basement level, increase height of third floor level parapets, minor internal modifications to window openings, increase size of level 3 balcony with new privacy screen, increase in height of roof parapet by an additional 250mm and new landscape planter at ground floor level, at No. 32-34 Carr Street, Coogee, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

Amend Condition No. 1 to read:

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

Plan	Drawn by	Received by Council
A1.01b Rev C	Marchese & Partners Architects	21 Feb 2014
A1.01c Rev C		21 Feb 2014
A1.01d Rev B		21 Feb 2014
A1.01e		21 Feb 2014
A2.01 Rev B		28 June 2013
A2.02 Rev A		15 March 2013
A2.03 Rev B		19 Feb 2014
A2.04 Rev B		19 Feb 2014
A2.05 Rev C		20 Feb 2014
A2.05b Rev B		19 Feb 2014
A2.06 Rev B		19 Feb 2014
A3.01 Rev B		21 Feb 2014
A3.02 Rev C		21 Feb 2014
A4.04 Rev B		20 Feb 2014
A8.01 Rev B		15 March 2013

BASIX Certificate No.	Dated	Received by Council
540923M	8 April 2014	8 April 2014

as amended by the following *Section 96 "A" plans and documentation except as may be amended by the following conditions and as may be shown in red on the attached plans:*

Plan	Drawn by	Dated	Received by Council
A2.01 Rev C	Marchese & Partners Architects	27 June 2014	18 July 2014
A2.02 Rev C		27 June 2014	18 July 2014
A2.03 Rev C		27 June 2014	18 July 2014
A2.04 Rev C		27 June 2014	18 July 2014
A2.05 Rev C		10 Sept. 2014	10 September 2014
A2.06 Rev C		10 Sept. 2014	10 September 2014
A3.01 Rev D		24 June 2014	18 July 2014
A3.02 Rev E		24 June 2014	18 July 2014
A4.04 Rev D		10 Sept. 2014	10 September 2014

BASIX Certificate No.	Dated	Received by Council
540923M_02	27 June 2014	18 July 2014

as amended by the following **Section 96 "C" plans and documentation:**

Plan	Drawn by	Dated	Received by Council
A2.01 Rev F	Marchese & Partners Architects	28 April 2016	3 May 2016
A2.02 Rev H		29 April 2016	3 May 2016
A2.03 Rev G		29 April 2016	3 May 2016
A2.04 Rev G		29 April 2016	3 May 2016
A2.05 Rev G		29 April 2016	3 May 2016
A2.06 Rev E		21 April 2016	3 May 2016
A3.01 Rev J		29 April 2016	3 May 2016
A3.02 Rev J		29 April 2016	3 May 2016
A4.04 Rev G		29 April 2016	3 May 2016

BASIX Certificate No.	Dated	Received by Council
540923M_02	27 June 2014	18 July 2014

except as may be amended by the following conditions and as may be shown in red on the attached plans:

Amend the following conditions:

Amendment of Plans & Documentation

2. The approved plans and documents must be amended in accordance with the following requirements:
 - 2.5 The roof area south of unit 3.01 shall be non-trafficable. The parapet height to this part of the roof shall not exceed RL34.95.

BASIX Requirements

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

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

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

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.

16. Except when varied by the conditions of this consent, the vehicular access driveways, internal circulation ramps and the carpark areas, (including, but not limited to, the ramp grades, carpark layout and height clearances) are to be in accordance with the requirements of AS2890.1:2004. The Construction Certificate plans must demonstrate compliance with these requirements.
19. The gradient of the internal access driveway must be designed and constructed in accordance with the approved Section 96 plans stamped by Council 3rd May 2016 and the levels of the driveway must match the alignment levels at the property boundary (as specified by Council). Details of compliance are to be included in the

Add the following condition:

- 2.11 Privacy screens having a height of 1.6m above floor level must be provided to the landscaped areas in front of the planter box's along the eastern side of units G.01 and G.03. This condition has been included to protect the privacy of the adjoining properties. The privacy screens must be setback a minimum of 1.5m from the eastern side boundary. The privacy screens must be constructed of metal or timber and the total area of any openings within the privacy screens must not exceed 25% of the area of the screen. Alternatively, the privacy screens may be constructed with translucent, obscured, frosted or sandblasted glazing in a suitable frame.

2.12 The western wall along the BBQ area of unit 3.01 shall be reduced in height to 1.8m above floor level.

MOTION:(Neilson/Andrews) CARRIED UNANIMOUSLY – SEE RESOLUTION.

**CP60/16 Director City Planning Report - 11 Bond Street, Maroubra
(DA/535/2015/C)**

209/16

RESOLUTION: (Roberts/Andrews) that Council, as the consent authority, grants development consent under Sections 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Application No. DA/535/2015/C of the approved development at 11 Bond Street, Maroubra, subject to the following conditions:

A. 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, except where amended by Council in red and/or by other conditions of this consent:

Plan	Drawn by	Dated	Received by Council
Sheet 1 of 7 to 7 of 7 (Issue F)	Architects Ink	19/01/2016	25 January 2016
Colours, Materials and Finishes Schedule	Architects Ink	-	6 August 2015

as amended by the Section 96 'A' modification to alter the determination to reference Torrens Title subdivision not strata

as amended by the following Section 96 'B' plans and information:

Plan	Drawn by	Dated
Sheet 1 of 7 to 7 of 7 (Issue G)	Architects Ink	June 2015

BASIX Certificate	No.	Dated
Single Dwelling	646628S_05	18 March 2016

as amended by the following Section 96 'C' plans and information:

Plan	Drawn by	Dated
Sheet 1 of 7 to 7 of 7 (Issue L)	Architects Ink	17 June 2016

BASIX Certificate No.	Dated.
646628S_06	8th June 2016
647877S_06	8 th June 2016

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:

B. Condition No. 2b be deleted

C. Add Condition No. 2e

- 2 e. The extension to the approved garages shown on Sheet 1 of 7, Issue L, dated 17 June 2016 must be deleted. The garages must be implemented in accordance with the approval under the Section 96'B' application.

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

**CP61/16 Director City Planning Report - 18 Dundas Street, Coogee
(DA/780/2015)**

210/16

RESOLUTION: (Bowen/Matson) that the matter be deferred for mediation between the applicant and objectors.

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

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

FOR

Councillor Andrews
Councillor Bowen
Councillor D'Souza
Councillor Garcia
Councillor Matson
Councillor Nash
Councillor Neilson
Councillor Roberts
Councillor Shurey
Councillor Stavrinou
Councillor Stevenson

AGAINST

Councillor Belleli
Councillor Moore
Councillor Seng

Total (11)

Total (3)

**CP62/16 Director City Planning Report - 1 Daintrey Crescent, Randwick
(DA/99/2016/A)**

211/16

RESOLUTION: (Stavrinou/Moore) that Council, as the consent authority, grants development consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Application No. DA/99/2016 by adding an additional car space within basement, increase the area of the dwelling at ground and third floor levels, changes to openings on elevations and new communal open space at the rear of the site at No. 1 Daintrey Crescent, Randwick, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

A. Amend condition 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, except where amended by Council in red and/or by other conditions of this consent:

Plan	Drawn by	Dated
A-1.01 Issue C	MKD Architects	30/03/2016
A-1.02 Issue C		30/03/2016
A-1.03 Issue C		30/03/2016
A-1.04 Issue C		30/03/2016

A-1.05 Issue C		30/03/2016
A-2.01 Issue C		30/03/2016
A-3.01 Issue C		30/03/2016
A-3.01A Issue C		30/03/2016
A-3.02 Issue C		30/03/2016
A-3.03 Issue C		30/03/2016
A-3.04 Issue C		30/03/2016
A-3.05 Issue C		30/03/2016
A-4.01 Issue C		30/03/2016
A-4.02 Issue C		30/03/2016
A-4.03 Issue C		30/03/2016
A-4.04 Issue C		30/03/2016
A-4.05 Issue C		30/03/2016
A-5.01 Issue C		30/03/2016
A-5.02 Issue C		30/03/2016

<i>BASIX Certificate No.</i>	<i>Dated</i>
701808M	18 February 2016

As amended by as amended by the following section 96 plans and documentation:

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>
A-1.01 Rev. B	MKD Architects	01/08/2016
A-1.02 Rev. B		01/08/2016
A-1.03 Rev. B		01/08/2016
A-1.04 Rev. B		01/08/2016
A-1.05 Rev. B		01/08/2016
A-2.01 Rev. B		01/08/2016
A-3.01 Rev. B		01/08/2016
A-3.01A Rev. B		01/08/2016
A-3.02 Rev. B		01/08/2016
A-3.03 Rev. B		01/08/2016
A-3.04 Rev. B		01/08/2016
A-3.05 Rev. B		01/08/2016
A-4.01 Rev. B		01/08/2016
A-4.02 Rev. B		01/08/2016
A-4.03 Rev. B		01/08/2016
A-4.04 Rev. B		01/08/2016
A-4.05 Rev. B		01/08/2016
A-5.01 Rev. B		01/08/2016
A-5.02 Rev. B		01/08/2016

<i>BASIX Certificate No.</i>	<i>Dated</i>
701808M_02	27 July 2016

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:

B. Delete condition 2c

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

CP63/16 Director City Planning Report - Draft Kensington Park Plan of Management - Public Exhibition and Submissions Review

(F2014/00598)

212/16 **RESOLUTION: (Moore/Nash) that:**

- a) Council endorse the Kensington Park Plan of Management for finalisation subject to the deletion of the three outdoor ping pong tables;
- b) Council forward the Kensington Park Plan of Management to the Department of Industry – Lands for information; and
- c) Council agree that the Director, City Planning may make minor modifications to rectify any numerical, typographical, interpretation and formatting errors as required in finalising and printing the Kensington Park Plan of Management.

MOTION: (Moore/Nash) CARRIED UNANIMOUSLY – SEE RESOLUTION.

General Manager's Reports**GM17/16 General Manager's Report - 2015-16 Disclosure of Interests Returns (F2016/00361)**

213/16 **RESOLUTION: (Andrews/Stavrinos)** that it be noted that the Register of Disclosure of Interests Returns for 2015-16 has been tabled at the Ordinary Council Meeting of 25 October 2016.

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

Director City Services Reports**CS13/16 Director City Services Report - Supporting "Sense of Community" Street Parties (F2009/00454)**

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

214/16 **RESOLUTION: (Stavrinos/Seng)** that Council:

1. support "Sense of Community" street parties in 2016 by arranging, on behalf of residents:
 - a) traffic control plans'
 - b) the preparation of traffic management plans and road occupancy licences for submission to the RMS (if necessary), and
 - c) all traffic control measures associated with street parties including all signage and equipment as well as labour on the day of the event; and
2. vote \$12,000.00 to cover the costs associated with the 2016 street party applications with funds being allocated from the Community Donations budget.

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

Director Governance & Financial Services Reports**GF30/16 Director Governance & Financial Services Report - 2015-16 Financial Reports (F2015/00182)**

215/16 **RESOLUTION: (Stavrinos/Nash)** that the Financial Reports for the 2015-16 financial year be adopted.

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

GF31/16 Director Governance & Financial Services Report - Investment Report - September 2016 (F2015/06527)

216/16 **RESOLUTION: (Seng/Roberts)** that the investment report for September 2016 be received and noted.

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

GF32/16 Director Governance & Financial Services Report - Withdrawal of Caveat and Affixing of the Council Seal - 72 Broome Street, Maroubra (F2004/06862)

217/16 **RESOLUTION: (Stavrinos/Roberts)** that the Council's Seal be affixed to the Withdrawal of Caveat form for the property at 72 Broome Street, Maroubra also known as Lot 36 in Deposited Plan 226181.

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

Petitions

Nil.

Motion Pursuant to Notice

NM40/16 Motion Pursuant to Notice - Notice of Motion from Cr Stavrinos - Proposed Office Location for New Amalgamated Council (F2016/04003)

This motion was withdrawn with the consent of Council.

NM41/16 Motion Pursuant to Notice - Notice of Motion from Cr Seng - Cultural Diversity Policy (F2004/07109)

218/16 **RESOLUTION: (Seng/Bowen)** that Randwick City Council formalise a reconciliation statement and update its Cultural Diversity policy as an acknowledgement and recognition of the indigenous and multicultural values of its' community.

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

NM42/16 Motion Pursuant to Notice - Notice of Motion from Cr Matson - Reconsideration of Previous Heritage Conservation Area Expansions in East Ward (DA/455/2016)

219/16 **RESOLUTION: (Matson/Shurey)** that:

- (a) Council adopts a policy of bringing back a report revisiting previous proposals for a minor boundary adjustment of the Heritage Conservation Area covering Dudley Street, Coogee as canvassed in the discussion papers to Draft Comprehensive Local Environmental Plan of 2012; and
- (b) any recommendations contained in the report to become policy recommendations for the new Council, should Council be merged.

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

**NM43/16 Motion Pursuant to Notice - Notice of Motion from Cr Matson -
Byron Shire Council Trial of Virtual Net Metering (F2012/00583)**

220/16

RESOLUTION: (Matson/Shurey)

- (a) That Council adopts a policy of bringing back a report on the outcomes of the trial of virtual net metering conducted by Byron Council in collaboration with the Australian Renewable Energy Agency, the Institute of Sustainable Futures at the University of Technology Sydney and the NSW Renewable Energy Advocate; and
- (b) any recommendations contained in the report to become policy recommendations for the new Council, should Council be merged.

MOTION: (Matson/Shurey) CARRIED - SEE RESOLUTION.**NM44/16 Motion Pursuant to Notice - Notice of Motion from Cr Shurey - NOX
to Become a Permanent Annual Event in the Randwick City
Calendar (F2016/00050)**

221/16

RESOLUTION: (Shurey/Neilson) that the NOX event in the Environment Park is incorporated into the event calendar for Randwick City Council into the future.**MOTION: (Shurey/Neilson) CARRIED UNANIMOUSLY - SEE RESOLUTION.****NM45/16 Motion Pursuant to Notice - Notice of Motion from Cr Matson -
Green Square to Randwick Cycle Link (F2010/00077)**

222/16

RESOLUTION: (Stavrinos/Nash) that:

- a) Council bring back a report on the development of a regional bike path link such as the Green Square to Randwick cycle link and advises Council on achieving an off road cycle path along the Anzac Parade median strip to the southern areas of the LGA;
- b) consultation be undertaken with the Maroubra Chamber of Commerce and local businesses and residents regarding the parking in the Anzac Parade median strip;
- c) a report be requested from the local Traffic Committee on this matter;
- d) a report to come back to Council reminding the councilors what the regional bike path links are that are being proposed to be developed, such as the Green Square to Randwick cycle link;
- e) that Council in principle supports the concept of off road bike paths and integration of regional bike paths with the City of Sydney; and
- f) Council advises the City of Sydney of this resolution.

MOTION: (Matson/Shurey) that:

- a) Council write to the City of Sydney and BIKE east reiterating our support for the development of regional bike path links such as the Green Square to Randwick cycle link and advises them of Council's intent to achieve an off-road cycle path along the Anzac Parade median strip to the southern areas of LGA; and
- b) Council's intent to achieve an off-road cycle path along the Anzac Parade median strip to the southern areas of LGA and its support for the development of regional

bike path links to become policy recommendations for the new Council, should Council be merged.

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

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

FOR	AGAINST
Councillor Andrews	Councillor Matson
Councillor Belleli	Councillor Neilson
Councillor Bowen	Councillor Shurey
Councillor D'Souza	
Councillor Moore	
Councillor Nash	
Councillor Roberts	
Councillor Seng	
Councillor Stavrinos	
Councillor Stevenson	
Total (10)	Total (3)

AMENDMENT: (Matson/Shurey) that an addendum be added to the motion which reads " that in principle, Council supports the City of Sydney and BIKE East by reiterating our support for the development of regional bike path links such as the Green Square to Randwick cycle link and the previously adopted policy of an off road bike path from the Kingsford roundabout to La Perouse. **LOST.**

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

FOR	AGAINST
Councillor Matson	Councillor Andrews
Councillor Shurey	Councillor Belleli
	Councillor Bowen
	Councillor D'Souza
	Councillor Moore
	Councillor Nash
	Councillor Neilson
	Councillor Roberts
	Councillor Seng
	Councillor Stavrinos
	Councillor Stevenson
Total (2)	Total (11)

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

NM46/16 Motion Pursuant to Notice - Notice of Motion from Cr Roberts - Innovation Hub (F2012/00347)

RESOLUTION: (Roberts/Stavrinos) that Council:

- a) investigate and bring back a report on the potential use of the federal government's Incubator Support initiative;
- b) note the grant is valued at up to \$500,000 and is open to local government;
- c) note the grant is part of the federal government's "National Innovation and

Science Agenda;"

- d) note Council's previous resolution to commission a report on the viability of establishing a startup incubator in Randwick;
- e) note Randwick's close association with its health precinct and the UNSW education precinct; and
- f) note the potential successful synergies such associations could have for any potential startup incubator in the Randwick area.

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

Confidential Reports

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

**CP64/16 Confidential - 325-327 Arden Street, Coogee (DA/695/2015)
(DA/695/2015)**

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.

224/16

RESOLUTION: (Stavrinou/Roberts) that Council enter into consent orders in relation to the Class 1 appeal against Council's refusal of the development application seeking approval for demolition of existing buildings and the construction of a residential flat building at 325 -327 Arden Street, Coogee.

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

**GM18/16 Confidential - Fallen Life Savers Memorial, Coogee - Stage 2
Construction of the Memorial Wall (F2012/00305)**

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.

225/16

RESOLUTION: (Stavrinou/Nash) that Council:

- a) in accordance with Clause 178(3) of the the Local Government General Regulations 2005, reject the four tenders submitted and invite the same companies to tender under a selective tender process in February 2017;
- b) advise the tenders accordingly that they will be invited to submit fresh or amended tenders as part of a selective tendering process in early 2017;
- c) schedule construction of the Memorial Wall for Fallen Lifesavers and associated works for commencement in May 2017; and
- d) Council provide the financial shortfall amount of \$62,000 to complete the project.

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

Open Session

The meeting moved back into open session.

Notice of Rescission Motions

NR6/16 Notice of Rescission Motion - 4/199-203A Malabar Road, South Coogee (DA/153/2015/A)

MOTION: (Matson/Shurey) that the resolution passed at the Planning Committee meeting held on Tuesday 11 October 2016 reading as follows:

RESOLUTION: (Smith/Roberts) that Council, as the consent authority, grants development consent under grant its consent under Section 96 of the Environmental Planning and Assessment Act 1979 as amended to modify Development Consent No DA/153/2015 for permission to convert the rear car parking area to courtyard patron outdoor seating; increase the outdoor footpath seating at 4/199-203A Malabar Road, South Coogee, subject to the following conditions:

Non-standard conditions

Amend Condition the following conditions:

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

Plan No./ Documents	Drawn by	Dated	Received
The Lion and Buffalo 203a Malabar Road, South Coogee	-	-	25 March 2015
Sketch Plan K	Caroline Beresford Design	19 January 2015	10 March 2015
A-01	IQ Homes	5 March 2015	10 March 2015
A-02	IQ Homes	5 March 2015	10 March 2015
A-03	IQ Homes	5 March 2015	10 March 2015
Statement of Environmental Effects	Anna Allison	-	10 March 2015

as amended by the **Section 96 plans and documentation listed below, only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 application,**

Plan No./ Documents	Drawn by	Dated	Received
Site plan sheet 1 of 1	Classic Plans	11/11/15	30 May 2016

except as may be amended by the following conditions and as may be shown in red on the attached plans:

Waste Management

- A Waste Management Plan detailing the waste and recycling storage and removal strategy for all of the development is required to be submitted to and approved by Council's Manager of Development Assessment.

The Waste Management plan is required to be prepared in accordance with Council's Waste Management Guidelines for Proposed Development and must

include the following details (as applicable):

- The use of the premises and the number and size of occupancies.
- The type and quantity of waste to be generated by the development.
- Demolition and construction waste, including materials to be re-used or recycled.
- Details of the proposed recycling and waste disposal contractors.
- Waste storage facilities and equipment.
- Access and traffic arrangements.
- The procedures and arrangements for the on-going waste management of the café including collection, storage and removal of waste and recycling of materials.
- Requirements for a screen, management and size of the waste bin area imposed in this consent.

Further details of Council's requirements and guidelines, including pro-forma Waste Management plan forms can be obtained from Council's Customer Service Centre.

Environmental Amenity

33. An acoustic report from a suitably qualified and experienced consultant in acoustics for the subject development shall be provided to Council within 1 month of commencement of use and from time to time as reasonably requested by Council may be requested by Council from time to time, which demonstrates and certifies that noise from the use and operation from the development complies with the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW EPA/DECC Noise Control Manual & Industrial Noise Policy and conditions of Council's consent.

The acoustic report is to include (but not be limited) to;

- Noise emission from the proposed development (e.g. operational noise, mechanical noise, monitoring from nearest affected residential premises during the use and operation of the premises when there is maximum occupancy to satisfy intrusiveness and amenity criteria)
- Patron noise from the development having regard to the footway dining and the proposed hours of operation
- Background noise levels shall be in the absence of any other businesses operating in the area.
- The validation acoustic report shall be conducted at the nearest sensitive receivers including but not limited to residential occupancies above 119-203A Malabar Road, South Coogee. A copy of the report is to be forwarded and approved by Council.

Operational Hours

35. The operating hours of the café including the footpath dining area must be restricted to the following and are subject to a review period in accordance with Section 80A (10B) of the Environmental Planning & Assessment Act 1979 and Division 14 of the Environmental & Assessment Regulation 2000:

- Sunday to Thursday: 7:00am – 8.30pm
- Friday & Saturday : 7:00am – 9.30pm

Footpath trading:

- Sunday to Thursday: 7.00am - 6.00pm
- Friday & Saturday: 7:00am – 9.30pm

All food services to customers in footway dining area shall only be provided within the abovementioned hours of operation and all patrons must vacate the

area and all outdoor furniture is to be removed within 30 minutes of the specified hours.

The operating hours will be reviewed by Council in six months and at the end of twelve months from the date of this amended consent. Appropriate supporting evidence (including but not limited to, relevant acoustics measurements) must be provided at the end of these review periods to demonstrate compliance with all conditions of this consent as part to the review.

36 Deliveries of goods are restricted to the following hours:

Monday to Friday: 7:00am- 5:00pm
Saturday: 8:00am- 1:00pm
Sunday: No deliveries of any goods allowed

When in operation, all deliveries shall be undertaken from the Randwick Traffic Committee (RTC) approved Loading Zone located approximately 20m north of the site on Malabar Road.

37. The footpath dining area is to be limited to twenty (20) persons.

Add the following conditions:

Amended of plans and documentation

The following parts of the Section 96 application shall be amended and submitted to Council for approval prior to an amended license being drawn up and a construction certificate being issued for the works encompassed within this section 96 application:

77. The bins shall only be placed for collection outside of the premises along Malabar Road. Bins shall only be placed on the public footpath during morning periods. The waste bin area shall be increased in size to accommodate the additional bins required for the premises. A 1.8m high screen shall also be installed along the waste bin area fronting Denning Street. The screen shall be designed so that it is 25% open across the whole of the screens surface area. Details shall be submitted to Council for approval prior to an amended construction certificate being issued for the development.

Carparking

78. The 700mm wide planter box underneath the rear window shall be removed to allow for the provision of 1 carspace for staff. A carspace of minimum dimensions 5.0m x 2.4m (or 2.7m if adjacent to an obstruction) shall be provided.

Footpath Dining

79. The proposed 1.2m extension of the footpath dining area on the Malabar Road frontage incorporating table 4 (and three chairs) on the approved plans is not supported as it will be a hindrance for pedestrian access to the café and footpath to Denning Street. It shall be deleted from the application.

80. The extension of the footpath dining area to incorporate Table 11 (four chairs) on the approved plans is not supported and shall be deleted from the application.

81. The addition of the single seat to the northern end of Table 1 on the approved plans is not supported and shall be deleted from the application.

GENERAL CONDITIONS

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

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

82. The L_{10} noise level emitted from the licensed premises shall not exceed the background noise level (L_{90}) in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 7.00am and 12.00 midnight at the boundary of any affected residence. The background noise level shall be measured in the absence of noise emitted from the licensed premises.

The L_{A10} noise level emitted from the licensed premises shall not exceed the background noise level (L_{A90}) in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) between 12.00 midnight and 7.00am at the boundary of any affected residence. The background noise level shall be measured in the absence of noise emitted from the licensed premises.

Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am.

83. The licensee must establish and maintain a formal and documented system for the recording and resolution of complaints made to the licensed premises by residents. All complaints are to be attended to in a courteous and efficient manner and referred promptly to the licensee or duty manager. The appropriate remedial action, where possible, is to be implemented immediately and the licensee or duty Manager is to contact the complainant within 48 hours to confirm details of action taken.

Upon reasonable prior notice, the licensee must make available the incident book to the police and Council officers.

OPERATIONAL CONDITIONS

The following operational conditions must be complied with at all times, throughout the use and operation of the development.

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

Waste Management

84. All waste collection shall be undertaken from Malabar Road during the morning (AM) period and waste bins must be immediately removed from the footpath area once collection has been undertaken.
85. The café operators are not permitted to deliver to patrons on the reserve. The café operators are not permitted to provide seating to patrons in the reserve.

BE AND IS HEREBY RESCINDED. **LOST.**

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

FOR	AGAINST
Councillor Bowen	Councillor Andrews
Councillor Matson	Councillor Belleli
Councillor Shurey	Councillor D'Souza

Councillor Stevenson	Councillor Garcia Councillor Moore Councillor Nash Councillor Neilson Councillor Roberts Councillor Seng Councillor Stavrinou
Total (4)	Total (10)

There being no further business, His Worship the Mayor, Cr D' Souza, declared the meeting closed at 10.20 pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 22 November 2016.

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CHAIRPERSON