

THESE MINUTES ARE DRAFT UNTIL CONFIRMED AT THE NEXT MEETING OF THIS COUNCIL AND/OR COMMITTEE

**MINUTES OF ORDINARY COUNCIL MEETING OF THE
COUNCIL OF THE CITY OF RANDWICK HELD ON
TUESDAY, 28 FEBRUARY 2017 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 & K Smith

South Ward - Councillors R Belleli & P Garcia

East Ward - Councillors T Bowen & M Matson

West Ward - Councillors G Moore & H Stavrinis

Central Ward - Councillors A Andrews, T Seng & G Stevenson (from 6.24pm)

Officers Present:

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoples
Director City Planning	Ms S Truvert
Director Governance & Financial Services	Mr J Smith
Manager Administrative Services	Mr D Kelly
Manager Development Assessment	Mr K Kyriacou
Communications Manager	Mr J Hay
Chief Information Officer	Mr G Curley
Manager Spatial Systems	Ms K Lasky

Prayer & Acknowledgement of Local Indigenous People

The Council Prayer was read by Cr Stavrinis. The 'Welcome to Country' was read by Doctor Peter McKenzie.

Apologies/Granting of Leave of Absences

An apology was received from Cr Nash.

RESOLVED: (Stavrinis/Andrews) that the apology received from Cr Nash 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 13 DECEMBER 2016

1/17 **RESOLUTION: (Stavrinou/Andrews)** that the Minutes of the Ordinary Council Meeting held on Tuesday 13 December 2016 and the Extraordinary Council Meeting held on Saturday 17 December 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 Shurey declared a non-significant non pecuniary interest in Item NM12/17 as she is a member of the 'Friends of Malabar Headland.'
- b) Cr Matson declared a non-significant non pecuniary interest in Item NM12/17 as he knows a number of members of the 'Friends of Malabar Headland.'
- c) Cr Neilson declared a non-significant non pecuniary interest in Item CP5/17 as she knows some of the objectors to this development application.
- d) Cr Neilson declared a non-significant non pecuniary interest in Item CP6/17 as she knows some of the supporters of the heritage order.
- e) Cr Neilson declared a non-significant non pecuniary interest in Item CP9/17 as she knows some of the supporters of the alcohol ban.
- f) Cr Neilson declared a non-significant non pecuniary interest in Item CP10/17 as she knows some of the objectors to this proposal.
- g) Cr Andrews declared a pecuniary interest in Item CP5/17 as his builder is involved in this development application. Cr Andrews will be taking no part in the debate or voting on this matter.
- h) Cr Belleli declared a non-significant non pecuniary interest in Item CP9/17 as he and his wife's dance school has performed free of charge at a previous Coogee Chamber of Commerce event.
- i) Cr Bowen declared a non-significant non pecuniary interest in Item CP9/17 as he knows some of the supporters of the alcohol ban.
- j) Cr Smith declared a pecuniary interest in Item CP9/17 as his employer is involved in the liquor industry. Cr Smith 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:

CP4/17 1 MEAGHER AVENUE, MAROUBRA (DA/29/1990/B)

Applicant Mr Emmanuel Smith-Aspros

CP5/17 94 ST PAULS STREET, RANDWICK (DA/25/2015/A)

Objector Ms Tracey Clancy

Applicant Mr Anthony Betros on behalf of applicant

CP6/17 48 DUDLEY STREET, COOGEE – INTERIM HERITAGE ORDER

- For** Ms Beth Macarthur
- CP9/17 TEMPORARY ALCOHOL BAN AT DUNNINGHAM AND GOLDSTEIN RESERVES, COOGEE
- Against** Mr Adrian Reynolds
- For** Mr Greg Vankuyk
- CP10/17 BOTANY CEMETERY EXPANSION PROPOSAL
- Against** Mr Jayasooriah
- CS1/17 LIGHT RAIL PARKING RECOVERY PROJECT
- For** Mr Keith McCraw
- NM2/17 NOTICE OF MOTION FROM CR BOWEN - ANZAC PARADE - NAMING ANNIVERSARY
- For** Ms Margaret Hope
- NM4/17 NOTICE OF MOTION FROM CR MATSON - PROPOSED BYRON STREET RESIDENT PREFERRED PARKING SCHEME
- For** Mr Steven Hodkin
- NM10/17 NOTICE OF MOTION FROM CR BOWEN - LIGHT RAIL CAPACITY STUDY - CALL FOR COMMISSION OF INQUIRY
- For** Ms Rosemary McKenzie
- NM12/17 NOTICE OF MOTION FROM CR MATSON - URGENT REVIEW OF COUNCIL'S PARCEL OF LAND AT THE END OF FISHERMAN'S ROAD
- For** Ms Claire Bettington

The Meeting was adjourned at 6.59pm and was resumed at 7.21pm.

Mayoral Minutes

MM1/17 Mayoral Minute - Waiving of Fees for Lycee Condorcet Sydney International French School at the Des Renford Leisure Centre (F2010/00214)

2/17

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

- a) Council vote \$9,640.00 from the 2016-17 Council Contingency Fund to cover the hire fees for Maroubra Beach and the Des Renford Leisure Centre; and
- b) the organiser undertakes to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event.

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

MM2/17 Mayoral Minute - Waiver of Fees for Maroubra Swim Club's Five Carnivals to be Held in 2017 at the Des Renford Leisure Centre (F2010/00214)

3/17 **RESOLUTION: (Mayor, Cr N D'Souza)** that:

- a) Council assists Maroubra Swim Club to raise funds by voting \$4,840 from the 2016-17 Council Contingency Fund to cover costs of hiring the Des Renford Leisure Centre; and
- b) Maroubra Swim Club undertakes to appropriately and prominently acknowledge and promote Council's contribution to Club members.

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

MM3/17 Mayoral Minute - Proposed Use of Alison Park for Multicultural Celebrations (F2004/06281)

4/17 **RESOLUTION: (Mayor, Cr N D'Souza)** that Council calls for a report on the feasibility and cost to Council of holding national days of celebration for all our respective nationalities at a suitable location in the City of Randwick.

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

MM4/17 Mayoral Minute - Waiving of Fees - Handball Australia (F2017/00096)

5/17 **RESOLUTION: (Mayor, Cr N D'Souza)** that:

- a) the Beach Hire Fee amount of \$1,770.00 be waived and funds be allocated from the 2016-17 Contingency Fund; and
- b) the activity organisers undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the activity.

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

MM5/17 Mayoral Minute - Greater Sydney Planning Award for K2K Urban Design Competition (F2016/00252)

6/17 **RESOLUTION: (Mayor, Cr N D'Souza)** that this report be received and noted.

MOTION: (Mayor, Cr N D'Souza) CARRIED - SEE RESOLUTION

MM6/17 Mayoral Minute - ANZAC Dawn Service at Coogee Beach (F2017/00425)

7/17 **RESOLUTION: (Mayor, Cr N D'Souza)** that Council support our local RSL sub-branches in the organisation of the yearly Anzac Day Dawn Service at Coogee Beach through the provision of:

- a) annual financial assistance of \$25,000.00 direct to the Coogee Randwick Clovelly sub-branch for the audio visual hire and installation of staging;
- b) allocation of \$27,000.00 for promotion, advertising, event equipment hire and traffic management, to be funded through Council's annual Event Budget;
- c) the event organiser undertakes to appropriately and prominently acknowledge

- and promote Council's contribution prior to and during the event; and
- d) this funding be added to the annual Events Budget.

MOTION: (Mayor, Cr N D'Souza) CARRIED - SEE RESOLUTION

Urgent Business

Nil.

Director City Planning Reports

CP1/17 Director City Planning Report - 3A Gordon Avenue, Coogee (DA/921/2015/A) (DA/921/2015/A)

8/17

RESOLUTION: (Andrews/Stavrinos) that Council, as the consent authority, grants development consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/561/2012/A of the approved development by altering the internal layout of the rear outbuilding including pergola above patio area and increase the height of the outbuilding by 200mm, at 25 Bay Parade, Malabar, subject to the following conditions:

A. Amend Condition No. 1 to read:

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:

Plan	Drawn by	Dated
DWG No. 00, and 02 to 10	Meacham Nockles McQualter	21 December 2015

BASIX Certificate No.	Dated
A229843	17 December 2015

Except as amended by the **Section 96 'A' plans**

Plan	Drawn by	Dated
DWG No. 02 to 09 Revision C	Meacham Nockles McQualter	24 October 2016

BASIX Certificate No.	Dated
769776S	25 October 2016

Only in so far as they are highlighted and detailed below, and as may be amended by the following conditions and as may be shown in red on the attached plans:

B. Amend Condition 4 and 9 to read:

Landscape Plan

- The Certifying Authority/PCA must ensure that the Landscape Plans submitted as part of the approved Construction Certificate are substantially consistent with the Landscape Plan & Proposed Plant Species by Meacham Nockles McQualter, dwg 13-14, revision A, dated 21.12.15, **and Existing Site Plan/Tree Survey plan, dwg EX01, revision B, dated 25.10.16.**

External Colours, Materials & Finishes

9. The colours, materials and finishes of the external surfaces are to match those specified on the "Photomontage + Materials and Finishes" Drawing no. 11, Revision D, prepared by Meacham Nockles McQualter, and dated 30 January 2017.

C. Add Conditions No. 29(d) and 48 to 60 to read:**Tree Management**

29. Approval is granted for removal of the following trees, subject to full implementation of the approved Landscape Plans:
- d) The *Metrosideros excelsa* (Pohutakawa, T16) to the northeast of T22, towards the northeast corner of the site, so as to allow the planting of 1 x 25 litre/300mm (pot size at the time of planting) endemic species, *Angophora costata* (Sydney Red Gum), in this same area of the site, as approved by the S96A application.
48. The use of the premises shall not give rise to air impurities in contravention of the *Protection of the Environment Operations Act 1997*. Waste gases released from the premises must not cause a public nuisance nor be hazardous or harmful to human health or the environment.
49. The solid fuel heating appliance shall be designed and installed in compliance with the following requirements:
- a) The Environment Protection Authority's Environmental Guidelines for Selecting, Installing and Operating Solid Fuel Heaters;
- b) Section G2 of the Building Code of Australia;
- c) The *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Clean Air) Regulation 2010*;
- d) [Manufacturer's specification, Installation of Wood heaters AS/NZS 2918:2001 Domestic solid fuel burning appliances-Installation; and](#)
- e) [Woodheater standards AS/NZS 4012:1999 and AS/NZS 4013:1999](#)
50. Where there is conflict between the manufacturer's specifications and the Building Code of Australia, the more stringent standard shall apply. Details of compliance with relevant standards are to be prepared by a suitably qualified person and be submitted to Council after the installation of the chimney stack/flue.
51. The chimney stack/flue must discharge vertically, which must be a minimum of one (1) metre in height.
52. The chimney/flue must discharge vertically, which must be a minimum of one (1) metre above the height of any dwelling located within a 15 metre horizontal radius of the chimney stack/flue.
53. The stack shall be protected by a rain excluder in accordance with the Environmental Protection Authority Guidelines and the stack/flue shall terminate in such a position that it does not pose a fire risk. Details of compliance with relevant standards are to be prepared by a suitably qualified person and be submitted to Council after the installation of the chimney/flue.
54. Solid particle emissions from any trade, industry or process and any fuel burning equipment or industrial plant must not exceed 250 milligrams of solid particles per cubic metre of the resulting gases or as otherwise specified by the *Protection of the Environment Operations Act 1997* and Regulations.

55. The use and operation of the premises shall not give rise to an environmental health nuisance to the adjoining/nearby premises or environment.
56. There are to be no emissions or discharges from the premises which will give rise to an offence under the *Protection of the Environment Operations Act 1997*.
57. The installation and operation of the equipment must satisfy relevant requirements of the Environment Protection Authority.
58. The flue, chimney and baffle must be checked regularly for a build-up of soot or creosote (a tar-like oily deposit.) This build up indicates that the fire is not burning properly, and can cause chimney fires.

Your wood heater must be serviced annually and flue cleaned regularly by a chimney sweep. It is recommended that you retain copies of all cleaning invoices and such records can be provided to Council's Officers, upon request.

59. When storing wood, stack it under cover in a dry ventilated area. Freshly cut wood needs to be stored for about eight to twelve months prior to use.
60. If any complaints are lodged by neighbouring residents, Council may contact the Australian Home Heating Association Inc. to undertake an assessment on the solid fuel heater from the owner and affected neighbour's premises. Following the Association's assessment, a written report will be prepared for Council with written recommendations.

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

**CP2/17 Director City Planning Report - 30 Frances Street, Randwick
(DA/297/2016) (DA/297/2016)**

- 9/17 **RESOLUTION: (Andrews/Stavrinos)** that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 297/2016 for the refurbishment of Randwick Town Hall including internal reconfiguration, new entry lobby, public foyer, sanitary and back-of-house facilities, kitchen, single storey addition at western end of the building with central mechanical plant area on the roof, external alterations including re-roofing of the main building, repair/repaint external walls, changes to window/door openings on elevations, associated mechanical and hydraulic services upgrade at No. 30 Frances Street, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

Non standard conditions

2. Prior to an occupation certificate being issued for works being undertaken within the Randwick Town Hall forecourt the on-street parking plan for the angled car spaces in Frances Street shall be implemented.

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

**CP3/17 Director City Planning Report - 263-269 Clovelly Road, Clovelly
(DA/566/2014/C) (DA/566/2014/C)**

- 10/17 **RESOLUTION: (Andrews/Stavrinos)** 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/566/2014/C for 263-269 Clovelly

Road, Clovelly, by alteration to eastern boundary fence, removal of window to meter room, demolition of existing eastern stairs, construction of new stairs, increase in part of the ground floor finished floor level, internal layout changes, and alteration to some materials in the following manner:

• **Amend Condition No. 1 to read:**

1. 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:

Plan	Drawn by	Dated	Received by Council
DA02 Issue E	Bongiorno Hawkins	12.01.15	15 January 2015
DA03 Issue E	Bongiorno Hawkins	12.01.15	15 January 2015
DA05 Issue E	Bongiorno Hawkins	12.01.15	15 January 2015
DA06 Issue E	Bongiorno Hawkins	12.01.15	15 January 2015
DA07 Issue E	Bongiorno Hawkins	12.01.15	15 January 2015
DA08 Issue E	Bongiorno Hawkins	12.01.15	15 January 2015
DA09 Issue E	Bongiorno Hawkins	12.01.15	15 January 2015
DA 13 Issue E	Bongiorno Hawkins	12.01.15	15 January 2015
DA14 Issue E	Bongiorno Hawkins	12.01.15	15 January 2015
DA15 Issue E	Bongiorno Hawkins	12.01.15	15 January 2015
DA16 Issue E	Bongiorno Hawkins	12.01.15	15 January 2015
DA17 Issue E	Bongiorno Hawkins	12.01.15	15 January 2015
Landscape Plans 1 of 4 to 4 of 4	Tessa Rose	22 July, 2014	19 August 2014
Sample Boards 1 and 2	Tessa Rose		19 August 2014

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

Plan	Drawn by	Dated
CC01 Issue B	Bongiorno Hawkins	5 Nov. 2015
CC02 Issue A	Bongiorno Hawkins	9 June 2015
CC03 Issue A	Bongiorno Hawkins	9 June 2015
CC04 Issue A	Bongiorno Hawkins	9 June 2015
CC05 Issue A	Bongiorno Hawkins	9 June 2015
CC06 Issue A	Bongiorno Hawkins	9 June 2015
CC07 Issue A	Bongiorno Hawkins	9 June 2015
CC08 Issue B	Bongiorno Hawkins	20 Oct. 2015
CC09 Issue A	Bongiorno Hawkins	20 Oct. 2015
CC10 Issue A	Bongiorno Hawkins	9 June 2015
CC11 Issue B	Bongiorno Hawkins	16 Sept. 2015
CC12 Issue B	Bongiorno Hawkins	16 Sept. 2015

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

Plan	Drawn by	Dated
CC02 Issue G	Bongiorno Hawkins	13 Feb. 2017
CC10 Issue G	Bongiorno Hawkins	13 Feb. 2017
CC11 Issue G	Bongiorno Hawkins	13 Feb. 2017
CC12 Issue G	Bongiorno Hawkins	13 Feb. 2017
CC13 Issue G	Bongiorno Hawkins	13 Feb. 2017
CC14 Issue G	Bongiorno Hawkins	13 Feb. 2017
CC15 Issue G	Bongiorno Hawkins	13 Feb. 2017
CC16 Issue G	Bongiorno Hawkins	13 Feb. 2017
CC19 Issue G	Bongiorno Hawkins	13 Feb. 2017
CC20 Issue G	Bongiorno Hawkins	13 Feb. 2017

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:

- **Delete Condition 2a**

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

**CP4/17 Director City Planning Report - 1 Meagher Avenue, Maroubra
(DA/29/1990/B) (DA/29/1990/B)**

11/17

RESOLUTION: (Matson/Andrews) that Council, as the consent authority, grants development consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/29/1990/B of the approved development by extending the trading hours of the existing service station and convenience store from 6am to 11pm, 7 days a week at 1 Meagher Avenue, Maroubra, subject to the following conditions:

A. Add Condition 3a to read:

- 3a. The hours of operation of the service station and convenience store specified under Condition 3 of the Development Consent No. DA/29/1990 shall be extended to allow a 6:00am start on a trial basis for twelve (12) months from date of this consent. Prior to the expiry of the trial period an application must be lodged with Council for approval to continue operating the extended hours. Should an application not be received by Council prior to the expiry of the trial period, the hours of operation must revert to the previously approved times, that is 7:00am – 11:00pm, daily.

B. Add Conditions No. 15 to 20 to read:

Environmental Amenity

15. There are to be no emissions or discharges from the premises which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.
16. The proposed use of the premises and the operation of all plant and equipment must not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and *Regulations*.

In this regard, the use and operation of the premises (including all plant and equipment) shall not give rise to a sound pressure level at any affected premises that exceeds the background ($L_{A90}, 15 \text{ min}$) noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an $L_{Aeq, 15 \text{ min}}$ and adjusted in accordance with the NSW Office of Environment & Heritage/Environment Protection Authority Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

17. The following recommendations in the acoustic report prepared by Wilkinson Murray Pty Limited (Report no. 11107-AC) dated December 2016 are to be implemented at all times:
- Staff be trained to encourage patrons to respect the neighbours and leave the premises in an orderly manner.
 - Signs be erected to encourage patrons to respect the neighbours and leave the premises in an orderly manner.

18. The Plan of Management prepared by Milestone dated September 2016 is to be implemented at all times.
19. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises.
20. Hours of deliveries are restricted to 7.00am to 10.00pm.

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

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

FOR	AGAINST
Councillor Andrews	Councillor Moore
Councillor Belleli	Councillor Roberts
Councillor Bowen	Councillor Smith
Councillor D'Souza	
Councillor Garcia	
Councillor Matson	
Councillor Neilson	
Councillor Seng	
Councillor Shurey	
Councillor Stavrinou	
Councillor Stevenson	
Total (11)	Total (3)

**CP5/17 Director City Planning Report - 94 St Pauls Street, Randwick
(DA/25/2015/A) (DA/25/2015/A)**

12/17

RESOLUTION: (Stavrinou/Matson) 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/25/2015 by replacement of privacy screen to Unit 6 balcony with planter box, alter car park allocation, addition of storage in basement, alteration to entry foyer, new car park exhaust, alteration to excavation and piling profile, addition of door to Unit 3, alteration to some windows, delete stair access to Unit 2, internal changes, expand lobbies and addition of planter box at 94 St Pauls Street, Randwick, subject to the following conditions:

• **Amend Condition 1 to read:**

1. The development must be implemented substantially in accordance with the plans and documents listed below, the application form and on any supporting information received with the application,

Plan	Drawn by	Dated
DA 100 Rev E	ASA architects	24/8/2015
DA 101 Rev E	ASA architects	24/8/2015
DA 102 Rev E	ASA architects	24/8/2015
DA 300 Rev E	ASA architects	24/8/2015
DA 301 Rev E	ASA architects	24/8/2015
DA 302 Rev E	ASA architects	24/8/2015

BASIX Certificate	No.	Dated
	601731M	14 January

as amended by the **Section 96 plans and documents 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	Drawn by	Dated
DA 100 Rev 03	ASA architects	02/11/16
DA 101 Rev 03	ASA architects	02/11/16
DA 102 Rev 03	ASA architects	02/11/16
DA 300 Rev 03	ASA architects	02/11/16
DA 301 Rev 03	ASA architects	02/11/16
DA 302 Rev 03	ASA architects	02/11/16

BASIX Certificate	No.	Dated
	601731M_02	6 June 201

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

- **Condition 2c shall be deleted**
 - **Condition 2d shall be retained**
 - **Condition 83 shall be amended to read:**
83. A total of one car space shall be continually dedicated as visitor parking to serve the development.

Note: Car wash bays may be dedicated as visitor spaces

- **Add the following condition:**
- 2g. Only low lying shrub planting (at maturity) shall be installed within the planter along the western side of unit 6 terrace.

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

CP6/17 Director City Planning Report - 48 Dudley Street, Coogee - Interim Heritage Order (F2005/00306)

13/17

RESOLUTION: (Matson/Shurey) that:

1. the item at No 48 Dudley Street be placed on the heritage schedule of the Randwick LEP, with the appropriate provisions for protection and management of the item;
2. the heritage schedule and heritage map of the Randwick LEP be amended to include the proposed extension of the Dudley Street Heritage Conservation Area to include the site at 48 Dudley Street and the properties fronting the southern side of Dudley Street in the block between Mount and Byron Street;
3. Council commence preparation of a planning proposal for submission to the Department of Planning and Environment concerning both the above-mentioned amendments; and
4. subject to the Gateway review and outcome, commence the exhibition of the LEP and community consultation.

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

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST

were as follows:

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

CP7/17 Director City Planning Report - Report for Variation to Development Standard under SEPP No. 1 and Clause 4.6 between 1 November 2016 to 31 January 2017 (F2008/00122)

14/17 **RESOLUTION: (Andrews/Stavrinis)** that the report be received and noted

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

CP8/17 Director City Planning Report - Advisory Committee Minutes (F2006/00216)

15/17 **RESOLUTION: (Andrews/Stavrinis)** that the Council acknowledges and accepts the minutes of the Access Advisory Committee – September 2016 and the Older Persons Advisory Committee – November 2016.

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

CP9/17 Director City Planning Report - Temporary Alcohol Ban at Dunningham and Goldstein Reserves, Coogee (F2005/00834)

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

Note: a Rescission Motion in relation to this matter was submitted by Councillors Andrews, Roberts and Stavrinis in accordance with Council's Code of Meeting Practice and will be considered at the ordinary Council Meeting to be held on 28th March 2017.

16/17 **RESOLUTION: (Matson/Shurey)** that Council adopt, for Coogee Beach and its reserves, the current alcohol bans prevailing at nearby Bondi, Bronte and Tamarama beaches as a permanent arrangement.

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

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

FOR	AGAINST
Councillor Andrews	Councillor Roberts
Councillor Belleli	Councillor Stavrinis
Councillor Bowen	
Councillor D'Souza	

Councillor Garcia
 Councillor Matson
 Councillor Moore
 Councillor Neilson
 Councillor Seng
 Councillor Shurey
 Councillor Stevenson

Total (11)

Total (2)

AMENDMENT: (Roberts/Stavrinis) that the current ban remain in place at Coogee beach, pending community consultation on the banning of alcohol at all beaches within the Randwick local government area, with a report to come back to Council.

LOST.

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

FOR	AGAINST
Councillor Andrews	Councillor Bowen
Councillor Belleli	Councillor D'Souza
Councillor Roberts	Councillor Garcia
Councillor Stavrinis	Councillor Matson
Councillor Stevenson	Councillor Moore
	Councillor Neilson
	Councillor Seng
	Councillor Shurey
Total (5)	Total (8)

CP10/17 Director City Planning Report - Botany Cemetery Expansion Proposal (F2004/07905)

Note: a Rescission Motion in relation to this matter was submitted by Councillors Andrews, Matson and Seng, in accordance with Council's Code of Meeting Practice and will be considered at the ordinary Council Meeting to be held on 28th March 2017.

17/17

RESOLUTION: (Bowen/Belleli) that:

- this matter be deferred for a Councillor briefing as it's a critical issue that needs more consideration; and
- detailed information be obtained from all stakeholders as to what is planned to protect all those that are involved.

MOTION: (Andrews/Stavrinis) that Council in principle supports:

- Southern Metropolitan Cemetery Trust's proposal for the expansion of botany cemetery to use Bumborah Point for botany cemetery expansion;
- the rezoning of Lot 4858 for cemetery use;
- Council accepts the offer of a strip of foreshore land for access and recreation;
- the in principle agreement must be built on the recognition that the Trust will relinquish their licence over the market gardens site; and
- the Trust to define the alternative arrangements for the use of the market garden site.

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

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Bowen	Councillor D'Souza
Councillor Garcia	Councillor Matson
Councillor Moore	Councillor Seng
Councillor Neilson	Councillor Stavrinis
Councillor Roberts	
Councillor Shurey	
Councillor Smith	
Councillor Stevenson	
Total (9)	Total (5)

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

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

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

AMENDMENT: (Matson/Stavrinis) that clauses (a) through (f) previously moved by Councillor Andrews be adopted along with an additional clause (f) which states "the in-principle agreement be contingent upon Council holding a briefing session for all Councillors. **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 D'Souza	Councillor Bowen
Councillor Matson	Councillor Garcia
Councillor Seng	Councillor Moore
Councillor Shurey	Councillor Neilson
Councillor Stavrinis	Councillor Roberts
	Councillor Smith
	Councillor Stevenson
Total (6)	Total (8)

General Manager's Reports

GM1/17 General Manager's Report - Merger Planning Update (F2016/04004)

18/17 **RESOLUTION: (Smith/Andrews)** that Council receives and notes this report and requests the General Manager to thank the Randwick City Council staff for their voluntary commitment in preparing our community for the trauma of the merger into a new Council body by their practice of due diligence in formulating the transition plans we have before us.

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

Note: Cr Stevenson requested that his name be recorded as against the resolution.

GM2/17 General Manager's Report - Review of the Randwick City Council 2016-17 Operational Plan - December Quarter (F2016/03001)

19/17 **RESOLUTION: (Andrews/Stavrinos)** that the information contained in the December Quarterly Review of the 2016-17 Annual Operational Plan be received and noted.

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

Director City Services Reports

CS1/17 Director City Services Report - Light Rail - Parking Recovery Project - Kingsford South (F2016/00195)

20/17 **RESOLUTION: (Stavrinos/Roberts)** that:

- a) the Wallace Street angle parking proposal be approved for construction, once the plans are endorsed by the Voting Members of the Traffic Committee, and
- b) the existing Anzac Parade/Sturt Street car park be reconstructed further south, toward Botany Street.

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

Director Governance & Financial Services Reports

GF1/17 Director Governance & Financial Services Report - Quarterly Budget Review - December 2016 (F2016/00402)

21/17 **RESOLUTION: (Andrews/Stavrinos)** that:

- a) the report in relation to the December 2016 Budget Review be received and noted; and
- b) the proposed December 2016 budget variations shown in the attachment to this report be adopted.

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

GF2/17 Director Governance & Financial Services Report - Investment Report - November 2016 (F2015/06527)

22/17 **RESOLUTION: (Andrews/Stavrinos)** that the investment report for November 2016 be received and noted.

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

GF3/17 Director Governance & Financial Services Report - Investment Report - December 2016 (F2015/06527)

23/17 **RESOLUTION: (Andrews/Stavrinos)** that the investment report for December 2016 be received and noted.

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

GF4/17 Director Governance & Financial Services Report - Investment Report - January 2017 (F2015/06527)

24/17 **RESOLUTION: (Andrews/Stavrinos)** that the investment report for January 2017 be received and noted.

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

Petitions

Nil.

Motion Pursuant to Notice

NM1/17 Motion Pursuant to Notice - Notice of Motion from Cr Matson - Bring Waverley Council's 24 Hour Alcohol Prohibition to Coogee Beach (F2005/00873)

This matter was considered in conjunction with item number CP9/17. See resolution number 13/17.

NM2/17 Motion Pursuant to Notice - Notice of Motion from Cr Bowen - Anzac Parade - Naming Anniversary (F2004/07140)

25/17 **RESOLUTION: (Bowen/Andrews)** that:

- a) this Council formally gives it support to the Daughters of ANZAC project;
- b) commits to working with all relevant stake-holder to endeavor to restore and re-create the ANZAC Parade corridor as intended with the 1917 dedication of ANZAC parade, inducing the construction of an appropriate monument at La Perouse; and
- c) Council commit to constructing an appropriate monument at La Perouse to mark 100 years of the naming of Anzac Parade.

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

NM3/17 Motion Pursuant to Notice - Notice of Motion from Crs Garcia, Matson and Neilson - Pollution at Coogee Beach (F2004/06144)

26/17

RESOLUTION: (Garcia/Matson & Neilson) that Council:

- a) note the Southern Courier report that Sydney Water has admitted that 'a leak in either the sewerage network or a private residence is polluting Coogee Beach';
- b) note community concerns about water pollution at Coogee beach;
- c) note that signs erected by Sydney Water warning residents about water quality is an insufficient and unsatisfactory response to Sydney Water's findings on the source of water pollution at Coogee beach;
- d) writes to the NSW Premier requesting the urgent upgrade of storm water run-off at our beaches;
- e) direct the General Manager to commence discussions with Sydney Water about ways in which Council and Sydney Water might work together to resolve concerns about water pollution at Coogee beach;
- f) monitors gross pollutant, bacterial and faecal contamination in discharges from the north Coogee Beach storm water pipe after both high rainfalls and during periods of dry weather and reports the data back to a Council meeting;
- g) create and fund a working group of council officers, relevant experts and local residents tasked with examining ways in which water pollution stemming from storm water drains at Coogee beach might be reduced, including but not limited to:
 - i) assessment of the immediate need to improve, replace or duplicate the Dolphin Street gross pollutant trap;
 - ii) assessing extending the stormwater pipe's discharge point further off the beach by diverting the pipe through the adjacent northern headland;
 - iii) the reducing of dry weather contamination flows by plans for a vigorous search for illegal or accidental sewage entry points into the storm water pipe itself;
 - iv) adopting a Council policy point of negotiating with local Members of Parliament and appropriate State Government authorities for a deed of agreement with Sydney Water to achieve reductions in the necessity of deliberate wet weather sewage overflow releases into the local stormwater system;
 - v) adopting a Council policy point of working with the State Government to implement new infrastructure solutions including re-routing parts of the sewer system away from Coogee beach and more directly connecting to the Malabar STP; and
- h) direct the General Manager to develop a funding strategy for any of the solutions proposed by the working group, and report this strategy to Council.

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

NM4/17 Motion Pursuant to Notice - Notice of Motion from Cr Matson - Proposed Byron Street Resident Preferred Parking Scheme (F2004/07236)

27/17

RESOLUTION: (Matson/Andrews) that Council conducts a survey of residents in Byron Street and relevant adjacent streets to judge support for the implementation of a resident preferred parking scheme.

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

NM5/17 Motion Pursuant to Notice - Notice of Motion from Cr Matson - Reconfiguring the Greening Randwick Committee (F2007/00646)

28/17

RESOLUTION: (Matson/Shurey) that:

- a) Council notes that the Greater Sydney Commission will not finalise its individual District Plans and revised Greater Sydney Region Plan until the end of 2017 so that newly elected council officials can have their say;
- b) accordingly, Council will reconfigure the Greening Randwick Committee to provide community input on the Plan's 'Green Grid' concept which is to be a key component based on the successful London model;
- c) Council will augment this significant environmental task by adopting a policy position that the Greening Randwick Committee be appropriately continued under any new merged Council entity.

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

NM6/17 Motion Pursuant to Notice - Notice of Motion from Cr Matson - Long Term Plan of Management for Contaminated Bundock Street Site (F2006/00653)

29/17

RESOLUTION: (Matson/Shurey) that a deed of agreement be sought for a mutually binding Plan of Management (POM) between the Federal Government and Randwick City Council (and any successor council entity) for the long-term stabilization of the contaminated Bundock Street site in Randwick. This POM will have as its objectives:

- the long-term stabilization of the site as recommended by the Hon Judi Moylan MP (Ret);
- replacement of existing fencing fronting residential streets with an aesthetically pleasing non-barb-wire but still secure alternative design; and
- the repeat of the past successful and locally popular Defence Force revegetation program in which the site was sprayed with a native grass and native wattle seed emulsion mix.

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

NM7/17 Motion Pursuant to Notice - Notice of Motion from Cr Stavrinou - Housing Affordability (F2004/07991)

30/17

RESOLUTION: (Bowen/Matson) that in light of the extreme pressures being placed on Local Councils by State & Federal Governments, to meet housing supply targets and in light of the housing affordability crisis affecting many Australians, Council write to the Federal Treasurer of Australia, the Hon. Scott Morrison MP, requesting that the

Federal Government conduct an immediate and urgent review.

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

NM8/17 Motion Pursuant to Notice - Notice of Motion from Cr Stavrinis - Protecting Solar Access - Parks in Randwick LGA. (F2004/00961)

31/17

RESOLUTION: (Stavrinis/Roberts) that Council incorporate into its Development Control Plan, a strategy aimed at protecting the solar access of public parks in the Randwick LGA.

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

NM9/17 Motion Pursuant to Notice - Notice of Motion from Cr Stavrinis - Proposed Street Libraries in Randwick LGA (F2004/08383)

32/17

RESOLUTION: (Stavrinis/Bowen) that Council bring back a report investigating the feasibility of introducing street libraries in the Randwick LGA. As part of the report, Council write to Local Schools to determine, if they are interested in promoting such a scheme.

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

NM10/17 Motion Pursuant to Notice - Notice of Motion from Cr Bowen - Light Rail Capacity Study - Call for Commission of Inquiry (F2013/00263)

Note: a Rescission Motion in relation to this matter was submitted by Councillors Matson, Roberts and Shurey in accordance with Council's Code of Meeting Practice and will be considered at the ordinary Council Meeting to be held on 28th March 2017.

33/17

RESOLUTION: (Bowen/Moore) that:

- a) Council notes the EMM report Anzac Parade Corridor future light Rail station and system capacity (dated 20 January 2017) analysis states:

6.1 It is a significant concern that the proposed Light Rail system capacity will actually be lower than the capacity of the existing peak hour bus services which are currently using Anzac Parade and Todman Avenue and the future corridor public transport system will effectively be operating at full capacity from the commencement of operations in 2019. This will require a significant number of existing peak hourly bus services (mainly the existing express bus service) to be retained if the system is to provide adequate public transport capacity for all the relevant areas of Randwick LGA in the future;

- b) Council further notes Randwick Council has committed to support the light rail project through the development agreement requiring expenditure of \$69M of Randwick Council funds;
- c) Council further notes community anger at the destruction of the local environment of Randwick LGA, including the route re-alignment of light rail at Alison Road, Centennial Parklands and the Tree of Knowledge, overall project cost blow-out and the ongoing concerns about the impact of CSLER project on parking and local businesses, in conjunction with the calls by Urban Taskforce for even greater density along the Anzac Parade corridor; and
- d) as such, Council resolves to immediately call upon the NSW state government to

agree to full commission of inquiry into the light rail project with power to receive evidence and investigate fully the costs and benefits of the project.

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

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

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

NM11/17 Motion Pursuant to Notice - Notice of Motion from Cr Matson - Review of City of Sydney Green Roofs and Walls Policy (F2005/00176)

34/17

RESOLUTION: (Matson/Andrews) that Council brings back a report to Councillors on the City of Sydney's Green Roofs and Walls Policy assessing adoption of our own version of the Policy along with possible amendments to our Development Control Plan.

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

NM12/17 Motion Pursuant to Notice - Notice of Motion from Cr Matson - Urgent Review of Council's Parcel of Land at the End of Fisherman's Road (F2005/00887)

35/17

RESOLUTION: (Matson/Shurey) that Council responds to the recent request from the Friends of Malabar Headland for an urgent review of Council's parcel of land at the end of Fisherman's Road, Malabar, east of the car park, by convening an onsite meeting with the group and interested Councillors to generate suitable capital works programs for consideration in the draft budget.

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

NM13/17 Motion Pursuant to Notice - Notice of Motion from Cr Matson - Review Efficiency of Current Gross Pollutant Trap and Discharge Pipe at North End of Coogee Beach (F2004/06144)

This motion was considered in conjunction with item number NM3/17. See resolution number 26/17.

NM14/17 Motion Pursuant to Notice - Notice of Motion from Cr Neilson - Acknowledgement of the Support of Local Democracy (F2016/04003)

Note: a Rescission Motion in relation to this matter was submitted by Councillors Roberts, Seng and Smith in accordance with Council's Code of Meeting Practice and will be considered at the ordinary Council Meeting to be held on 28th March 2017.

36/17

RESOLUTION: (Neilson/Bowen) that Randwick City Council commends Woollahra Council for its fight to save local democracy for its residents and;

- a) inform Woollahra Council and the NSW Premier, Gladys Berjiklian, and the Minister for Local Government, Gabrielle Upton, of this Councils acknowledgement of the support of local democracy; and
- b) send a framed Certificate of Merit designed by our Communications team to Woollahra Council.

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

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

FOR	AGAINST
Councillor Belleli	Councillor Andrews
Councillor Bowen	Councillor Roberts
Councillor D'Souza	Councillor Seng
Councillor Garcia	Councillor Smith
Councillor Matson	Councillor Stavrinou
Councillor Moore	
Councillor Neilson	
Councillor Shurey	
Councillor Stevenson	
Total (9)	Total (5)

NM15/17 Motion Pursuant to Notice - Notice of Motion from Cr Neilson - Upgrade of Stormwater Run-Off at Beaches (F2007/00082)

This motion was considered in conjunction with item number NM3/17. See resolution number 26/17.

Confidential Reports

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

Closed Session

GF5/17 Confidential - Tender Report Supply and Delivery of Ready Mixed Concrete (F2016/00364)

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.

37/17

RESOLUTION: (Bowen/Andrews) that:

- a) under Regulation 178(1)(a) of the Local Government (General) Regulation 2005, Concrete Pty Ltd and The Concrete Group t/a Minicrete be accepted as

- the successful tenderers for the Supply and Delivery of Ready Mixed Concrete;
- b) entering into this contractual arrangement is in accordance with the "Guidelines for Council Decision making During Merger Proposal Periods" under Section 23A of the Local Government Act, in that the contract is being entered into as a result of a decision made and a procurement process commenced prior to the start of the merger proposal period. In addition, entry into the contract is necessary for the purposes of meeting Council's ongoing service delivery commitments to our community; and
- c) the General Manager, or delegated representative, be authorised to enter into preferred supplier agreements for a period of three (3) years, with two (2) optional one (1) year extensions.

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

Open Session

The meeting moved back into open session.

Notice of Rescission Motions

- (a) A Rescission Motion in relation to Item CP9/17 (Director City Planning Report - Temporary Alcohol Ban at Dunningham and Goldstein Reserves Coogee) was submitted by Councillors Andrews, Roberts and Stavrinou in accordance with Council's Code of Meeting Practice and will be considered at the ordinary Council Meeting to be held on 28th March, 2017.
- (b) A Rescission Motion in relation to Item CP10/17 (Director City Planning Report - Botany Cemetery Expansion Proposal) was submitted by Councillors Andrews, Matson and Seng in accordance with Council's Code of Meeting Practice and will be considered at the ordinary Council Meeting to be held on 28th March, 2017.
- (c) A Rescission Motion in relation to Item NM10/17 (Notice of Motion from Cr Bowen - Light Rail Capacity Study Call for Commission of Inquiry) was submitted by Councillors Matson, Roberts and Shurey in accordance with Council's Code of Meeting Practice and will be considered at the ordinary Council Meeting to be held on 28th March, 2017.
- (d) A Rescission Motion in relation to Item NM14/17 (Notice of Motion from Cr Neilson - Acknowledgement of the Support for Local Democracy) was submitted by Councillors Roberts, Seng and Smith in accordance with Council's Code of Meeting Practice and will be considered at the ordinary Council Meeting to be held on 28th March, 2017.

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

The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 28 March 2017.

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CHAIRPERSON