

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, 18 APRIL 2017 AT 6:08PM**

Present:

The Mayor, Councillor N D'Souza (Chairperson) (South 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 & H Stavrinou |
| Central Ward | - Councillors A Andrews, T Seng & G Stevenson (from 6.45 pm) |

Officers Present:

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoples
Director City Planning	Ms S Truuvert
Director Governance & Financial Services	Mr J Smith
Manager Administrative Services	Mr D Kelly
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 Moore. The Acknowledgement of Local Indigenous People was read by Cr Seng.

Apologies/Granting of Leave of Absences

Apologies were received from Crs Nash, Roberts and Smith.

RESOLVED: (Stavrinou/Matson) that the apologies received from Crs Nash, Roberts and 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 28 MARCH 2017

65/17

RESOLUTION: (Stavrinou/Shurey) that the Minutes of the Ordinary Council Meeting held on Tuesday 28 March 2017 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

Declarations of Pecuniary and Non-Pecuniary Interests

Nil.

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:

CP20/17 BOTANY CEMETERY EXPANSION PROPOSAL

Against Mr Jayasooriah

For Mr Tony Simpson

The Meeting was adjourned at 6.28pm and was resumed at 6.45pm.

RESOLVED (PROCEDURAL MOTION): (Seng/Stavrinou) that the matter that was the subject of addresses to Council by members of the public be brought forward for immediate consideration.

Mayoral Minutes

MM9/17 Mayoral Minute - Request for Financial and In-Kind Support for Kooloora Community Centre and Southend Boardriders (F2017/07396)

66/17

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

- a) Council makes an in-kind contribution of \$3,724.00 to Southend Boardriders to use Maroubra Beach for their monthly surfing contents between April and October 2017;
- b) Council makes a cash donation of \$1,450.00 to the Kooloora Community Centre to help them hold a Multicultural Lunch and Volunteers Awards Presentation;
- c) the costs for the abovementioned amounts shall be identified from the 2016/17 Contingency Funds; and
- d) both event organisers undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the activities/events.

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

Urgent Business

UB5/17 Urgent Legal Advice on Court of Appeal Decision - Ku Ring Gai Council v Gary West (F2016/04003)

The Mayor accepted that the motion was a matter of urgency.

67/17

RESOLUTION: (Bowen/Shurey) that:

- (a) Council note that the General Manager has practiced due diligence in seeking legal advice on this matter;
- (b) Councillors are invited to submit further points of legal grounds they wish the General Manager to examine; and
- (c) after Councillors have had the opportunity to read the legal advice, that the General Manager will seek support from Councillors for an Extraordinary Council meeting to be held by 1st May, 2017 to consider the legal advice.

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

Director City Planning Reports

CP19/17 Director City Planning Report - 35 Midway Drive, Maroubra (DA/806/2010/A) (DA/806/2010/A)

68/17

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. DA/806/2010/A for Section 96 modification of the approved development by addition of third level providing additional bedrooms and ensuite bathrooms, at No. 35 Midway Drive, Maroubra, 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

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
Sheet C01, Revision C	Draftsmart Pty Ltd	9 June 2011
Sheet C02, Revision C		
Sheet C03, Revision C		
Sheet C04, Revision C		
Sheet C05, Revision C		

BASIX Certificate	No.	Dated
Multi Dwelling	328706M	8 September 2011

As amended by S96A drawings below:

Plan	Drawn by	Dated
Sheet F00, Revision F	Draftsmart Pty Ltd	3 April 2017
Sheet F01, Revision F		
Sheet F02, Revision F		
Sheet F03, Revision F		

Sheet F04, Revision F		
Sheet F05, Revision F		
Sheet F06, Revision F		
Sheet F07, Revision F		
Sheet F08, Revision F		

BASIX Certificate	No.	Dated
Multi Dwelling	768610M	20 October 2016

Amendment of Plans & Documentation

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

- ~~Reduction of the roof pitch by 300mm~~
- ~~Reduction of floor to ceiling heights by 100mm to achieve an overall reduction of 400mm~~
- ~~Reduction in the depth of the upper level balconies by 300mm~~
- ~~The bathroom window to townhouse 1 to be obscure glazed~~
- ~~The bedroom window to townhouse 1 to be obscure glazed~~
- The area of the front boundary fence to be splayed to be a maximum height of 600mm

Amended by:

- Reduction in the depth of the first floor balconies by 300mm to Bedroom 2 in townhouses 1 and 2.
- Privacy screens having a height of 1.6m are to be provided to all eastern, western and southern elevations of balconies at first floor level. Privacy screen/s must be constructed with either:
 - Translucent or obscured glazing;
 - Fixed lattice/slats with individual openings not more than 30mm wide;
 - Fixed vertical or horizontal louvres with the individual blades oriented away from the private open space or windows of the adjacent dwellings.
- The bathroom windows located on eastern and western elevations at first and second floor to be obscure glazed.
- The sill height of the bedroom windows to the eastern and western elevations at first and second floors are to be increased to be a minimum height of 1.6m above floor level, or alternatively, the windows are to be fixed and provided with translucent, obscured, frosted or sandblasted glazing below 1.6m above floor level.

External Colours, Materials & Finishes

4. ~~The colours, materials and finishes of the external surfaces to the building are to be implemented substantially in accordance with the unnumbered and undated photomontage received by Council on 20 September 2010 and be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.~~

Amended by:

The colours, materials and finishes of the external surfaces to the building are to be compatible with the adjacent development to maintain the integrity and amenity of the building and the streetscape.

Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved by Council's Director of City Planning, in accordance with section 80A (2) of the *Environmental Planning & Assessment Act 1979* prior to a construction certificate being issued for the relevant building works.

Section 94A Development Contributions

5. ~~In accordance with Council's Section 94A Development Contributions Plan effective from 2 July 2007, based on the development cost of \$1,259,297, the following applicable monetary levy must be paid to Council: \$12592.95~~

~~The levy must be paid in cash, bank cheque or by credit card prior to a construction certificate [or subdivision certificate] being issued for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment.~~

~~Council's Section 94A Development Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick or at www.randwick.nsw.gov.au.~~

Amended by:

The applicant shall submit a report that reflects the approved development, prepared by a suitably qualified person. The report shall detail all works associated with the development including architect's fees, excavation and development works. The report shall be submitted to Council's Manager of Development Assessment for approval, prior to the issue of any construction certificate for the development.

In accordance with Council's Section 94A Development Contributions Plan effective from 21 April 2015, if the approved development cost is between \$100,000 and \$200,000 then 0.5% of the approved development cost must be paid to Council, and if the approved development cost of works is \$200,000 and above then 1% of the approved development cost must be paid to Council.

The levy must be paid in **cash, bank cheque** or by **credit card** prior to a construction certificate being issued for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment. Please contact Council on telephone 9399 0999 or 1300 722 542 for the indexed contribution amount prior to payment.

To calculate the indexed levy, the following formula must be used:

$$\mathbf{IDC = ODC \times CP2/CP1}$$

Where:

IDC = the indexed development cost

ODC = the original development cost determined by the Council

CP2 = the Consumer Price Index, All Groups, Sydney, as published by the ABS in respect of the quarter ending immediately prior to the date of payment

CP1 = the Consumer Price Index, All Groups, Sydney as published by the ABS in respect of the quarter ending immediately prior to the date of imposition of the condition requiring payment of the levy.

Council's Section 94A Development Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick or at www.randwick.nsw.gov.au.

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

**CP20/17 Director City Planning Report - Botany Cemetery Expansion
Proposal (F2004/07905)**

69/17

RESOLUTION: (Andrews/Stavrinis) that Council:

- a) give its in principle support for a rezoning application of Lot 4858 at Bumborah Point for cemetery use subject to a detailed assessment of all relevant planning and environmental issues in the associated planning proposal including flora and fauna, geotechnical investigation, contamination and remediation, visual impact, public access, traffic, parking and easements, and,
- b) requires the creation of a foreshore buffer zone incorporating a coastal walkway.

MOTION: (Andrews/Stavrinis) 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 Belleli
Councillor Bowen	
Councillor D'Souza	
Councillor Garcia	
Councillor Matson	
Councillor Moore	
Councillor Neilson	
Councillor Seng	
Councillor Shurey	
Councillor Stavrinis	
Councillor Stevenson	
Total (11)	Total (1)

General Manager's Reports

**GM4/17 General Manager's Report - Draft Randwick City Council
Operational Plan and Budget 2017-18 (F2017/03004)**

70/17

RESOLUTION: (Stavrinis/Andrews) that:

- a) the Draft Randwick City Council Operational Plan 2017-18, which includes the 2017-18 Budget and associated Fees and Charges be placed on public exhibition for not less than 28 days, from 24 April to 22 May, inviting submissions from the public;
- b) at the conclusion of the period of public exhibition a meeting of the Council is held to consider any submissions made concerning the Draft Plan and consider the final Operational Plan; and
- c) the General Manager be authorised to make any minor changes if required.

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

**GM5/17 General Manager's Report - Community Consultation Feedback on
Light Rail Stop Names (F2014/00453)**

71/17

RESOLUTION: (Andrews/Stavrinis) that Council's preferred light rail stop names to submit to TfNSW be as follows:-

Randwick Line: Randwick Racecourse, Randwick Stables, UNSW High Street and Prince of Wales Hospital.

Kensington/Kingsford Line: ES Marks, Kensington, UNSW Anzac Parade, Kingsford and Juniors@Kingsford.

RESOLVED (PROCEDURAL MOTION): (Belleli/Garcia) that the proposed names for each light rail stop be put to the Council to vote on one at a time. **CARRIED.**

MOTION: (Neilson/Shurey) that the first light rail stop on the Kensington/Kingsford Line be Centennial Park. **LOST.**

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 D'Souza
Councillor Matson	Councillor Garcia
Councillor Neilson	Councillor Moore
Councillor Shurey	Councillor Seng
	Councillor Stavrinis
	Councillor Stevenson
Total (5)	Total (7)

MOTION: (Andrews/Stavrinis) that the first light rail stop on the Randwick Line be Randwick Racecourse. **CARRIED ON THE CASTING VOTE OF THE MAYOR.**

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 Garcia	Councillor Matson
Councillor Seng	Councillor Moore
Councillor Stavrinis	Councillor Neilson
Councillor Stevenson	Councillor Shurey
Total (6)	Total (6)

AMENDMENT: (Matson/Belleli) that the first light rail stop on the Randwick Line be Centennial Parklands. **LOST.**

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 D'Souza
Councillor Matson	Councillor Garcia
Councillor Neilson	Councillor Moore
Councillor Shurey	Councillor Seng
	Councillor Stavrinis
	Councillor Stevenson
Total (5)	Total (7)

MOTION: (Andrews/Stavrinis) that the second light rail stop on the Randwick

Line be Randwick Stables. **CARRIED.**

MOTION: (Andrews/Stavrinos) that the third light rail stop on the Randwick Line be UNSW High Street. **CARRIED.**

MOTION: (Andrews/Stavrinos) that the fourth light rail stop on the Randwick Line be Prince of Wales Hospital. **CARRIED.**

AMENDMENT: (Matson/Nil) that the fourth light rail stop on the Randwick Line be Randwick Junction. **LAPSED FOR WANT OF A SECONDER.**

Note: Cr Matson requested that his name be recorded as opposed to the light rail stop name Prince of Wales Hospital.

MOTION: (Matson/Stevenson) that the first light rail stop on the Kensington/Kingsford Line be ES Marks. **CARRIED.**

MOTION: (Matson/Stevenson) that the second light rail stop on the Kensington/Kingsford Line be Kensington. **CARRIED.**

MOTION: (Matson/Shurey) that the third light rail stop on the Kensington/Kingsford Line be UNSW Anzac Parade. **CARRIED.**

MOTION: (Matson/Shurey) that the fourth light rail stop on the Kensington/Kingsford Line be Kingsford. **CARRIED.**

MOTION: (Stavrinos/Andrews) that the fifth light rail stop on the Kensington/Kingsford Line be Juniors@Kingsford. **CARRIED.**

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

FOR	AGAINST
Councillor Andrews	Councillor Belleli
Councillor Bowen	Councillor Moore
Councillor D'Souza	Councillor Neilson
Councillor Garcia	Councillor Stevenson
Councillor Matson	
Councillor Seng	
Councillor Shurey	
Councillor Stavrinos	
Total (8)	Total (4)

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

The **DIVISION** was then taken and the names of the Councillors voting FOR and AGAINST submitting the finalised list of names to TfNSW were as follows:

FOR	AGAINST
Councillor Andrews	Councillor Belleli
Councillor D'Souza	Councillor Bowen
Councillor Garcia	Councillor Moore
Councillor Matson	Councillor Stevenson
Councillor Neilson	
Councillor Seng	
Councillor Shurey	
Councillor Stavrinos	
Total (8)	Total (4)

Director City Services Reports

Nil.

Director Governance & Financial Services Reports**GF9/17 Director Governance & Financial Services Report - Investment Report - March 2017 (F2015/06527)**

72/17

RESOLUTION: (Stavrinos/Moore) that the investment report for March 2017 be received and noted.

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

GF10/17 Director Governance & Financial Services Report - Council Approval for Ongoing Engagement of Information & Communication Technology Suppliers (F2016/04009)

73/17

RESOLUTION: (Stavrinos/Matson) that:

- a) in accordance with Clause 55(3) of the Local Government Act 1993, Council be exempt from tendering for the provision of its range of ICT support services, due to the unavailability of competitive tenderers; and
- b) Lanluas, Information Professionals, DWS Australia, Hitech Support Pty Ltd, Content Security, CSA and AAM Pty Ltd be engaged to complete their respective current projects, continue to provide maintenance and support for existing systems and continue to enhance Council's ICT infrastructure & business systems.

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

Petitions

Nil.

Motions Pursuant to Notice**NM26/17 Motion Pursuant to Notice - Notice of Motion from Cr Smith - Vertical Forests for High Rise Zones (F2005/00860)**

74/17

RESOLUTION: (Andrews/Matson) that Council's Strategic Planning and Sustainability Departments:

- a) review recent designs and builds of vertical forests residential towers such as the Bosco Verticale in Milan, One Central Park in Sydney, Nanjing Green Towers in China and Agora Gardens in Taipei;
- b) report back to Council on the high level benefits, challenges and obstacles to this style of development; and
- c) outline what steps the Council could take to encourage this style of development in its existing high rise zones.

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

Note: Councillor Stevenson left the meeting at this point, the time being 8.38pm.

NM27/17 Motion Pursuant to Notice - Notice of Motion from Cr Shurey - Live Streaming of Council Meetings (F2009/00363)

75/17

RESOLUTION: (Shurey/Stavrinos) that Randwick Council investigate the feasibility of live streaming Council and Committee Meetings and bring back a report.

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

NM28/17 Motion Pursuant to Notice - Notice of Motion from Cr Stavrinos - Smart Bins (F2012/00218)

76/17

RESOLUTION: (Stavrinos/Andrews) that Council bring back a report investigating the possibility of installing Smart-Bins throughout Randwick City.

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

Notice of Rescission Motions

Nil.

There being no further business, His Worship the Mayor, Cr D' Souza, declared the meeting closed at 8.40pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 23 May 2017.

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CHAIRPERSON