



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, 24 OCTOBER 2017 AT 6:03PM

Present:

The Mayor, Councillor L Shurey (Chairperson) (North Ward)

Councillor A Luxford (Deputy Mayor) (West Ward)

- | | |
|--------------|----------------------------------------------|
| North Ward | - Councillors C Hamilton & K Neilson |
| South Ward | - Councillors C Da Rocha, N D'Souza & D Said |
| East Ward | - Councillor M Matson |
| West Ward | - Councillors H Stavrinou & P Veitch |
| Central Ward | - Councillors A Andrews, D Parker & T Seng |

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
Senior Administrative Coordinator	Ms J Hartshorn
Communications Manager	Mr J Hay
Executive Manager	Mr L Fitzgerald

Prayer & Acknowledgement of Local Indigenous People

The Council Prayer was read by Cr Hamilton. The Acknowledgement of Local Indigenous People was read by Cr Veitch.

Apologies/Granting of Leave of Absences

Apologies were received from Crs Bowen and Roberts.

RESOLVED: (Stavrinou/Matson) that the apologies received from Crs Bowen and Roberts be accepted and leave of absences from the meeting be granted.

Confirmation of the Minutes

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY 10 OCTOBER 2017

177/17

RESOLUTION: (Stavrinos/Matson) that the Minutes of the Ordinary Council Meeting held on Tuesday 10 October 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

- a) The Mayor, Cr Shurey declared a pecuniary interest in Item CP65/17 as her husband works for the company that prepared the plans for this application. Cr Shurey indicated that she would not take part in the debate or the vote on the matter.
- b) Cr Neilson declared a non-significant non pecuniary interest in Item CP64/17 as she knows some of the objectors.
- c) Cr Neilson declared a non-significant non pecuniary interest in Item NM64/17 as she knows the speaker.
- d) Cr Stavrinos declared a significant non pecuniary interest in Item CP63/17 as one of the objectors is his cousin's wife's sister. Cr Stavrinos indicated that he would not take part in the debate or the vote on the matter.

Sustainability Schools presentations

Sustainability Schools Exchange presentations were delivered by:

- Students from Temora West Public School;
- Students from Maroubra Bay Public School; and
- Mayor of Temora - Video presentation about the Sister City relationship with Council and the success of the schools exchange.

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:

CP62/17 36 ARDEN STREET, CLOVELLY (DA/352/2017)

Applicant Ms Timea Nagy

CP65/17 4/28 ARCADIA STREET, COOGEE (DA/469/2017)

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

The Deputy Mayor, Cr Luxford, assumed the Chair.

Applicant Ms Carolyn Martin

The Mayor returned to the meeting at this point (6.24pm) and resumed the Chair.

CP66/17 122 BUNDOCK STREET, SOUTH COOGEE (DA/70/2017)

Objector Mr Colin Griffith

Applicant Mr Jamie McDonnell (representing the applicant)

NM64/17 NOTICE OF MOTION FROM CR MATSON - CONSULTATION ON BEST USE FOR COMMUNITY PURPOSES OF VACANT COUNCIL LAND AT NEPTUNE STREET COOGEE

For Ms Rona Wade

NM65/17 NOTICE OF MOTION FROM CR MATSON - NSW STATE GOVERNMENT
ASPIRATIONAL OBJECTIVE FOR ACHIEVING NET-ZERO EMISSIONS BY 2050

For Ms Daisy Barham

NR8/17 NOTICE OF RESCISSION MOTION FROM COUNCILLORS ANDREWS,
STAVRINOS AND HAMILTON - AUSTRALIAN MARRIAGE LAW POSTAL SURVEY

For Ms Helen Makrillos

The Meeting was adjourned at 6.45pm and was resumed at 7.03pm.

Mayoral Minutes

MM31/17 Mayoral Minute - Waiving of Fees - Carols by Candlelight - St Lukes Anglican Church, Clovelly (F2017/00096)

178/17

RESOLUTION: (Mayor, Cr L Shurey) that:

- a) The fees for the "Carols by Candlelight" event in Varna Street, Clovelly between Arden Street and Carlton Street, Clovelly on Sunday 10 December 2017 be waived and \$4,118.00 be allocated from the 2017-18 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 her representative is given the opportunity to address the event on behalf of Council.

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

MM32/17 Mayoral Minute - Waiving of Fees - Randwick Botany Cycling Club Inc - Retro Day (F2017/00096)

179/17

RESOLUTION: (Mayor, Cr L Shurey) that:

- a) Council vote \$823.00 to cover the fees associated with hosting the Randwick Botany Cycling Club's Retro Day to be held at Heffron Park on Saturday 11 November 2017.
- b) The sale of alcohol at the event be noted.
- c) The event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and
- d) The Mayor or the Mayor's representative be given the opportunity to address the event on behalf of Council.

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

MM33/17 Mayoral Minute - Waiving of Fees - South Maroubra Surf Club (F2017/00096)

180/17

RESOLUTION: (Mayor, Cr L Shurey) that:

- a) The fees for the South Maroubra Surf Lifesaving Club Ocean Swim on Sunday 4 February 2018 be waived and \$1,995.00 be allocated from the 2017-18 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 the Mayor's representative be given the opportunity to address the event on behalf of Council.

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

MM34/17 Mayoral Minute - Addition of Alternative Delegate to Sports Committee (F2005/00446)

181/17

RESOLUTION: (Mayor, Cr L Shurey) that the voting Councillors on the Sports Committee be expanded in number by the addition of Councillor Da Rocha as the Mayor's representative should the Mayor be unable to attend.

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

MM35/17 Mayoral Minute - Randwick Council Finalist in Two Categories of National Sustainable Buildings Awards for Works at Randwick Community Centre (F2004/08350)

182/17

RESOLUTION: (Mayor, Cr L Shurey) that Council note this important level of recognition for the ongoing efforts at Randwick Community Centre and Environment Park and that staff involved be congratulated for their efforts in this regard.

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

MM36/17 Mayoral Minute - Motion Required for Local Government Conference on Funding for Public Safety Mechanisms (F2013/00140)

183/17

RESOLUTION: (Mayor, Cr L Shurey) that a motion be submitted to the upcoming Local Government conference stating that "the Australian Local Government Association seeks immediate clarification on whether there is funding from the State or Federal Governments for the mechanisms that need to be implemented for public safety, as outlined in the 'Australia's Strategy for Protecting Crowded Places from Terrorism' document?"

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

Urgent Business

Nil.

Director City Planning Reports

CP62/17 Director City Planning Report - 36 Arden Street, Clovelly (DA/352/2017)

184/17

RESOLUTION: (Andrews/Matson) that Council as the consent authority, grant development consent under Section 80 and 80A of the Environmental Planning and Assessment Act 1979 (as amended) to Development Application No. 352/2017 for use of part of the dwelling and existing swimming pool as home business swimming school with hours of operation being 9am to 3:30pm Monday to Friday, construction

of new front gate and stairs to pool area and construction of internal storage room at No. 36 Arden Street, Clovelly, 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. A minimum of 2 off-Street parking spaces for the existing dwelling must be continually provided. The proposed paved area shown on the approved documentation as "*to address issues for children affected by grass (and other) allergies*" shall be deleted and retained as parking.
3. The provision of the proposed pedestrian gate and pathway must not prohibit vehicular movements during operation of the business.

Home Business Use

36. The approved 'home business' for swimming lessons within the existing swimming pool must comply with the following:
 - Hours of Operation: 9:00am till 3:30pm Mondays to Friday.
 - Each classes shall not extend for more than a duration of 30 minutes.
 - Each subsequent class shall be allocated at least 30 minutes after the end of the previous class.
 - The maximum number of attendees during classes (other than the employee and existing residents) must be limited to four (6). This includes the number of students and any family members.
 - The maximum number of employees during classes is limited to three persons.
 - No elevated diving podiums/platforms are to be installed and used.

An amended Plan of Management incorporating the above changes must be submitted to Council's Manager Development Assessment for approval prior to issuing of an occupation certificate.

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

CP63/17 Director City Planning Report - 315 Maroubra Road, Maroubra (DA/884/2014/A)

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

185/17

RESOLUTION: (Andrews/Hamilton) that Council, as the consent authority, grants consent under Sections 96 of the Environmental Planning and Assessment Act 1979, as amended, to Development consent No. 884/2014/A for modification of the approved development by altering the colours and materials of the external surfaces of the building; extension of the common staircase to roof terrace; new concrete planters to the roof terrace and deletion of roof access stairs from Units 7, 8 and 9, at No. 315 Maroubra Road, Maroubra. The consent is modified in the following manner:

Amend Condition No.1 to read:

Approved plans and supporting information

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
DA-01 - Basement Floor	Nexus	February 2014	27 March

Plan; Site & Ground Floor Plan	Architecture Pty Ltd		2015
DA-02 - First Floor & Second Floor Plans	Nexus Architecture Pty Ltd	February 2014	27 March 2015
DA-03-01 - Roof Terraces Plan	Nexus Architecture Pty Ltd	February 2014 & 3/6/2015 for Revision A	4 June 2015
DA-04 - Section & Sectional Elevation	Nexus Architecture Pty Ltd	February 2014 & 3/6/2015 for Revision A	4 June 2015
DA-05 - Elevations 1	Nexus Architecture Pty Ltd	February 2014 & 3/6/2015 for Revision A	4 June 2015
DA-06 - Elevations 2	Nexus Architecture Pty Ltd	February 2014 & 3/6/2015 for Revision A	4 June 2015
DA-07 - Unit Plans	Nexus Architecture Pty Ltd	February 2014	27 March 2015
DA-8 - Miscellaneous Details	Nexus Architecture Pty Ltd	February 2014	27 March 2015

<i>BASIX Certificate No.</i>	<i>Dated</i>	<i>Received by Council</i>
562981M_02	20 March 2015	21 April 2015

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

<i>Plan</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received by Council</i>
S96-N-01 Rev A	Nexus Architecture Pty Ltd	October 2016	16 June 2017
S96-01	Nexus Architecture Pty Ltd	October 2016	16 June 2017
S96-02	Nexus Architecture Pty Ltd	October 2016	16 June 2017
S96-03	Nexus Architecture Pty Ltd	October 2016	16 June 2017
S96-04	Nexus Architecture Pty Ltd	October 2016	16 June 2017
S96-05 Rev A	Nexus Architecture Pty Ltd	October 2016	16 June 2017
S96-06	Nexus Architecture Pty Ltd	October 2016	16 June 2017
S96-07	Nexus Architecture Pty Ltd	October 2016	16 June 2017
S96-08	Nexus Architecture Pty Ltd	October 2016	16 June 2017
CC-09	Nexus Architecture Pty Ltd	October 2016	16 June 2017
S96-10	Nexus Architecture Pty Ltd	October 2016	16 June 2017

Only in so far as they relate to the modifications highlighted on the Section 96 plans and details 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 No.11 and 12.**
 - **Amend Condition No.15 to read:**
15. Any sandstone blocks in the existing buildings or fences on the site must be recycled and/or re-used. They must be rendered or painted.

The originally approved materials, finishes and colours which included a face brickwork (FB) finish, with sections of the building including an off-concrete finish (OFC) and cement rendered masonry (CR1) shall be retained as originally approved in accordance the plans received by Council dated 27 March 2015 and 4 June 2015, drawn by Nexus Architecture and dated February 2014 and 3 June 2015 (Rev A).

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 Manager Development Assessments prior to issuing a construction certificate for the development

- **Amend Condition No.36 to read:**
36. The Certifying Authority/PCA must ensure that the Landscape Plans submitted as part of the approved Construction Certificate are substantially consistent with the Landscape Plans by Lightbox Landscape Architects, DA.101-102, job no.078, issue A & B, dated 19.08.14 and as amended by the Section 96 plans as outlined in Condition No.1.

- **Amend Condition No.50 to read:**
50. Prior to the commencement of any works, the Certifying Authority/PCA, must ensure that the Landscape Plans by Lightbox Landscape Architects, DA.101-102, job no.078, issue A & B, dated 19.08.14 and as amended by the Section 96 plan as noted in Condition No.1 have been amended to include the following requirements:

- a) A minimum of 3 x 45 litre (pot size at the time of planting) evergreen trees that will assist with screening, privacy and separation between this site and adjoining properties to the south, must be provided in the area of deep soil at the rear, selecting species which will attain a minimum of 6 metres at height;

(These 3 trees must replace the 2 Frangipani's that are currently shown in this area).

- b) The planting schedule must include plant quantities and pot sizes, along with any other additional details required in order to describe the works, such as soil, mulch, irrigation, edging, paving, fencing, surface finishes, retaining walls, lighting;
- c) All planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm, with details confirming compliance to be provided.
- d) Details of specific plant species within the planter boxes on the rooftop terraces shall be identified within the Landscape Plan. Larger native trees shall be included along the outer edge (such as Lilly Pilly's, Frangipanis or the like) that grow to a minimum mature height of 1.5m. Details of the plants to be used shall be included in an amended Landscape Plan.

- e) The second tier of planter boxes shall include smaller trees and/or shrubs (like succulents and natives) that reach a mature height of 1m. Details of the species and plants will need to be included in the amended Landscape Plan.

▪ **Amend Condition No.87 to read:
Landscaping**

87. Prior to issuing any type of Occupation Certificate, certification from a qualified professional in the landscape/horticultural industry must be submitted to, and be approved by, the PCA, confirming the date that the completed landscaping was inspected, and that it has been installed substantially in accordance with the Landscape Plans by Lightbox Landscape Architects, DA.101-102, job no.078, issue A & B, dated 19.08.14, and as amended by the Section 96 plans as well as any relevant conditions of consent.

▪ **New Condition No.124 to read:**

124. The outer layer of planter boxes along the whole periphery of the roof terrace (along the communal area and private decks to apartments 7, 8 and 9) shall have a minimum width of 1.2m, minimum depth of 1.2m and minimum height of 900mm. A second layer of planter boxes shall also be provided to the communal terrace. The second internal layer of planter boxes shall have a maximum height of 700mm. The second tier of planter boxes for all terraces shall be lower in height to create a stepped/terrace approach on the roof top and this should provide easier access for maintenance and will improve the visual appearance at this level. Details to be submitted to Council's Manager Development Assessment for approval prior to issuing a construction certificate.

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

Cr Stavrinou returned to the meeting at this point (7.42pm).

**CP64/17 Director City Planning Report - 2 Byron Street, Coogee
(DA/24/2008/B)**

186/17

RESOLUTION: (Andrews/Stavrinou) that Council, as the consent authority, refuse development consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Consent No. 24/2008/B to increase the number of children attending the childcare centre from 90 to 110 at 2 Byron Street, Coogee for the following reasons:

1. The proposed modification will result in a development that is not substantially the same as originally approved.
2. The proposal does not satisfy the objective of the R2 Low Density Residential zone in relation to protecting the amenity of residents.
3. The proposal does not satisfy the relevant objectives and controls in relation to on-site parking provision contained within Randwick DCP 2013, Part B7, Clause 3.2(i) and Part D11, Clause 5 for the following reasons:
 - No staff parking is provided on the site. The proposal will result in a staff deficiency of 10-13 car spaces in circumstances where there is already a deficiency of 8-11 car spaces.
 - The pickup and drop-off zone is at or approaching capacity during peak times.
 - There will be an increased likelihood of reverse parking manoeuvres in Carr Street impacting on traffic delays and road safety in Carr Street.

4. The proposal fails to satisfy the relevant considerations under Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979 in terms of the suitability of the site and the public interest.

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

**CP65/17 Director City Planning Report - 4/28 Arcadia Street, Coogee
(DA/469/2017)**

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

The Deputy Mayor, Cr Luxford, assumed the Chair.

187/17

RESOLUTION: (Andrews/Stavrinos) -

- A. That Council supports the exceptions to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clause 4.4 of Randwick Local Environmental Plan 2012, relating to floor space ratio, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning & Environment be advised accordingly.
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/469/2017 for alterations to existing residential flat building by enclosure of balcony for unit 4 and internal works (variation to floor space ratio control), at No. 4/28 Arcadia Street, Coogee, subject to the standard conditions contained in the development application compliance report.

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

The Mayor returned to the meeting at this point (7.07pm) and resumed the Chair.

**CP66/17 Director City Planning Report - 122 Bundock Street, South Coogee
(DA/70/2017)**

188/17

RESOLUTION: (Matson/Stavrinos) that the application be deferred to allow all the East Ward Councillors the opportunity to participate in the debate on this matter and to enable mediation between the applicant and objector.

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

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

FOR	AGAINST
Councillor Da Rocha	Councillor Andrews
Councillor D'Souza	Councillor Hamilton
Councillor Luxford	Councillor Said
Councillor Matson	
Councillor Neilson	
Councillor Parker	
Councillor Seng	
Councillor Shurey	
Councillor Stavrinos	
Councillor Veitch	

Total (10)**Total (3)****CP67/17 Director City Planning Report - Independent Hearing and Assessment Panel (F2004/08303)**

189/17

RESOLUTION: (Matson/Neilson) that:

- a) the five Councillors to serve on the interview panel with the General Manager, for choosing the community representatives and alternates on the IHAP panel and advise NSW Planning & Environment accordingly, be two Labor Councillors, one Greens Councillor, one Liberal Councillor and independent Cr Da Rocha, with the three parties to inform the General Manager of their choices;
- b) Randwick Council does not support IHAPs;
- c) Council seek an extension of time for implementation of the IHAP to allow greater clarification amongst the community and Councillors in relation to the finer details of the report.

MOTION: (Matson/Parker) that:

- a) Council seek expressions of interest for IHAP community representatives;
- b) the five Councillors to serve on the interview panel with the General Manager, for choosing the community representatives and alternates on the IHAP panel and advise NSW Planning & Environment accordingly, be two Labor Councillors, one Greens Councillor, one Liberal Councillor, with the three parties to inform the General Manager of their choices;
- c) after the Department of Planning has finalised their 'pool of experts', bring back a report with recommendations for the Chairperson (if not appointed by the Minister), expert members and alternates; and
- d) after section 117 directions have been issued by the Minister, bring back a report outlining:
 - the confirmed list of applications to be determined by the panel;
 - the amended delegations required to implement the legislative reform; the code of conduct;
 - the detailed operating procedures of the Panel.
- e) Council seek an extension of time for implementation of the IHAP to allow greater clarification amongst the community and Councillors on what is actually meant by the finer details of the report.

AMENDMENT: (Andrews/D'Souza) that there be five Councillors on the interview panel with the General Manager, for choosing the community representatives and alternates on the IHAP panel and advise NSW Planning & Environment accordingly, including one independent Councillor as selected by the independent Councillors, who will inform the General Manager of their choice. **WITHDRAWN.**

AMENDMENT: (Hamilton/Stavrinos) that:

- a) there be four Councillors on the interview panel with the General Manager, for choosing the community representatives and alternates on the IHAP panel and advise NSW Planning & Environment accordingly, including two Labor, one Green and one Independent Councillor as selected by the independent Councillors and the Parties, who will inform the General Manager of their choice.

- b) the Liberal Councillors choose not to participate in the panel because they do not support the establishment of IHAPs. **WITHDRAWN.**

AMENDMENT: (Matson/Neilson) that:

- a) Randwick Council does not support IHAPs;
- b) the five Councillors to serve on the interview panel with the General Manager, for choosing the community representatives and alternates on the IHAP panel and advise NSW Planning & Environment accordingly, be two Labor Councillors, one Greens Councillor, one Liberal Councillor and one Independent Councillor, being Cr Da Rocha, with the three parties to inform the General Manager of their choices;
- c) Council seek an extension of time for implementation of the IHAP to allow greater clarification amongst the community and Councillors on what is actually meant by the finer details of the report.

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

Councillors Matson and Neilson called for a **DIVISION.**

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

FOR	AGAINST
Councillor Luxford	Councillor Andrews
Councillor Matson	Councillor Da Rocha
Councillor Neilson	Councillor D'Souza
Councillor Parker	Councillor Hamilton
Councillor Said	Councillor Seng
Councillor Shurey	Councillor Stavrinis
Councillor Veitch	
Total (7)	Total (6)

AMENDMENT: (Seng/Stavrinis) that:

- a) the Liberal Councillors be left out of the interview panel as the Liberal Councillors do not support the establishment of IHAPs for Randwick City Council.
- b) Cr Andrews and Cr D'Souza do not support the establishment of IHAPs for Randwick City Council. **LOST.**

Councillors Seng and Stavrinis called for a **DIVISION.**

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

FOR	AGAINST
Councillor Andrews	Councillor Luxford
Councillor Da Rocha	Councillor Matson
Councillor D'Souza	Councillor Neilson
Councillor Hamilton	Councillor Parker
Councillor Seng	Councillor Said
Councillor Stavrinis	Councillor Shurey
	Councillor Veitch
Total (6)	Total (7)

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

Councillors Matson and Neilson called for a **DIVISION**.

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

FOR	AGAINST
Councillor Luxford	Councillor Andrews
Councillor Matson	Councillor Da Rocha
Councillor Neilson	Councillor D'Souza
Councillor Parker	Councillor Hamilton
Councillor Said	Councillor Seng
Councillor Shurey	Councillor Stavrinis
Councillor Veitch	
Total (7)	Total (6)

CP68/17 Director City Planning Report - Cultural and Community Grants Program - Recommended Allocations - September 2017 (F2009/00182)

190/17

RESOLUTION: (Andrews/Stavrinis) that Council approves the allocation of Cultural and Community Program funds totalling \$56,780.89 to be allocated to the recommended grant applicants as listed in Attachment One.

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

General Manager's Reports

Nil.

Director City Services Reports

Nil.

Director Governance & Financial Services Reports

GF38/17 Director Governance & Financial Services Report - Local Government NSW Conference 2017 and Cancellation of December Committee Meetings (F2004/06645)

191/17

RESOLUTION: (Matson/Stavrinis) that:

- a) Councillors interested in attending the 2017 Conference of Local Government NSW advise the General Manager as soon as possible;
- b) the seven voting delegates to the Local Government NSW Conference 2017 be independent Cr Da Rocha, three Labor Councillors, one Greens Councillor and two Liberal Councillors with the three parties to inform the General Manager of their choices. Alternate delegates if required at any time will be appointed by the General Manager upon request; and
- c) the December Committee meetings scheduled for Tuesday 5 December 2017 be cancelled as they clash with the conference dates.

AMENDMENT: (Seng/D'Souza) that:

- a) Councillors interested in attending the 2017 Conference of Local Government NSW advise the General Manager as soon as possible;
- b) the seven voting delegates to the Local Government NSW Conference 2017 be one independent Councillor, three Labor Councillors, one Greens Councillor and

two Liberal Councillors with the independents and the three parties to inform the General Manager of their choices. Alternate delegates if required at any time will be appointed by the General Manager upon request; and

- c) the December Committee meetings scheduled for Tuesday 5 December 2017 be cancelled as they clash with the conference dates. **WITHDRAWN.**

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

GF39/17 Director Governance & Financial Services Report - Monthly Financial Report as at 31 August 2017 (F2017/00404)

192/17

RESOLUTION: (Andrews/Stavrinos) that the Administration and Finance Committee acknowledges that the Responsible Accounting Officer has advised that the projected financial position of Council is satisfactory.

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

GF40/17 Director Governance & Financial Services Report - Investment Report - September 2017 (F2015/06527)

193/17

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

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

Petitions

Nil.

Motion Pursuant to Notice

NM62/17 Motion Pursuant to Notice - Notice of Motion from Cr D'Souza - Eligibility for Local Government Elections (F2017/00165)

This motion was withdrawn by Cr D'Souza at the meeting.

NM63/17 Motion Pursuant to Notice - Notice of Motion from Cr Veitch - Additional support for residents affected by domestic and family violence (F2013/00153)

194/17

RESOLUTION: (Veitch/Andrews) that Randwick City Council:

- a) Acknowledges that domestic and family violence is a serious issue and notes that:
- In NSW during 2016-17 there were well over 28,000 recorded domestic violence incidents;
 - In Randwick City, the police recorded a total of 373 incidents;
 - Domestic violence referrals to local support service provider The Deli Women and Children's Centre have risen by 400-500% since 2014, and that funding from government agencies has not been adjusted to properly manage the additional requests for support services;
- b) Notes that a whole-of-government approach is critical to addressing complex social issues such as domestic and family violence, and that Randwick City Council can, and should, play a more substantial role in helping our residents to recover from trauma and to re-establish their family lives; and

- c) Will bring back a report to a Council meeting as soon as practicable detailing the level of support that Council currently provides and the additional support that Council can provide for its residents affected by domestic and family violence.

AMENDMENT: (Stavrinos/D'Souza) that Randwick City Council:

- a) Acknowledges that domestic and family violence is a serious issue and notes that:
- In NSW during 2016-17 there were well over 28,000 recorded domestic violence incidents;
 - In Randwick City, the police recorded a total of 373 incidents;
 - Domestic violence referrals to local support service provider The Deli Women and Children's Centre have risen by 400-500% since 2014, and that funding from government agencies has not been adjusted to properly manage the additional requests for support services;
- b) Notes that a whole-of-government approach is critical to addressing complex social issues such as domestic and family violence, and that Randwick City Council consider playing a more substantial role in helping our residents to recover from trauma and to re-establish their family lives; and
- c) Will bring back a report to a Council meeting as soon as practicable regarding the additional support that Council can provide for its residents affected by domestic and family violence. **WITHDRAWN.**

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

NM64/17 Motion Pursuant to Notice - Notice of Motion from Cr Matson - Consultation on best use for community purposes of vacant Council land at Neptune Street Coogee (F2010/00421)

195/17

RESOLUTION: (Matson/Stavrinos) that, following consultation with the Coogee Precinct Committee, a report is brought back to a Council meeting on options for establishing an outdoor gym and for replanting native bush on the unused Council land bordered by Dundas Street, Neptune Street and Wolseley Road at Coogee.

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

NM65/17 Motion Pursuant to Notice - Notice of Motion from Cr Matson - NSW State Government aspirational objective for achieving net-zero emissions by 2050 (F2005/00230)

196/17

RESOLUTION: (Matson/Veitch) that Council submit a late motion to the Local Government NSW conference stating in principle support for the NSW State Government's aspirational objective for achieving net-zero emissions by 2050 (as stated in its Climate Change Fund Draft Strategic Plan 2017 to 2022) but urges consideration for bringing the target year forward to 2030 and seeks the opportunity to work with the Government on such an amended goal.

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

NM66/17 Motion Pursuant to Notice - Notice of Motion from Cr Matson - Pending roll out of low-impact recycling equipment in NSW (F2004/08242)

197/17

RESOLUTION: (Matson/Hamilton) that Council notes that the NSW container deposit scheme will start on 1 December 2017 under amendments to the Exempt and Complying Development codes SEPP empowering either a private certifier or a local Council to grant approval for the installation of low-impact recycling equipment such as vending machines. Accordingly an urgent report will be brought back on how best Randwick City Council can seek to beneficially control the rollout of recycling equipment

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

Confidential reports (closed session)

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

Closed Session

GF41/17 Confidential - Tender for Council Street Banners T2018-09 (F2015/00551)

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.

198/17

RESOLUTION: (Andrews/Hamilton) that:

- a) under Regulation 178(1)(a) of the Local Government (General) Regulation 2005, Admart Exhibitions & Events Pty Ltd be accepted for Category A Supply of Banners, and Universal Signage Solutions Pty Ltd be accepted for Category B Installation of Banners, at their tendered rates;
- b) the General Manager, or delegated representative, be authorised to enter into contract on behalf of Council for a period of two (2) years, with three (3) optional one (1) year extensions; and
- d) unsuccessful tenderers are notified.

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

CS9/17 Confidential - Tender for Heffron Park Tennis Centre Package A - External Works - T2018-11 (F2017/00325)

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.

199/17

RESOLUTION: (Neilson/Veitch) that:

1. under Regulation 178(1)(a) of the Local Government (General) Regulation 2005, and subject to contractual negotiations being finalized to the reasonable satisfaction of the General Manager, Statewide Civil Pty Ltd be accepted as the successful tenderer for T2018-11 Heffron Park Tennis Centre -Package A- External Works for a lump sum of \$3,824,780.37 excluding GST;
2. the General Manager, or delegated representative, be authorised to enter into a contract on behalf of Council; and

3. unsuccessful tenderers are notified.

MOTION: (Neilson/Veitch) CARRIED UNANIMOUSLY - SEE RESOLUTION.

CS10/17 Confidential - Tender for Heffron Park Netball Facility Upgrade Project - T2018-10 (F2017/00324)

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.

200/17

RESOLUTION: (Andrews/Stavrinos) that:

- a) under Regulation 178(1)(a) of the Local Government (General) Regulation 2005, and subject to contractual negotiations being finalized to the reasonable satisfaction of the General Manager, Sullivans Constructions (Aust) Pty Ltd be accepted as the successful tenderer for T2018-10 Heffron Park Netball Facility Upgrade for a lump sum of \$1,192,977.00 excluding GST;
- b) the General Manager, or delegated representative, be authorised to enter into a contract on behalf of Council; and
- c) unsuccessful tenderers are notified.

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

CS11/17 Confidential - Quotation for the Supply and Delivery of 2 Footpath Sweepers - No. Q2018-04 (F2017/00321)

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.

201/17

RESOLUTION: (Matson/Andrews) that Council:

- a) notes the acceptance, under Regulation 178(1)(a) of the Local Government (General) Regulation 2005, of the quotation from Hako Australia Pty Ltd for two (2) Footpath Sweepers with five (5) year fixed price servicing to the value of \$383,430.00 (ex GST) in accordance with the terms and conditions set out under Local Government Procurement contract LGP NPN1.15 Specialised Trucks & Bodies.
- b) notifies all unsuccessful organisations who submitted quotations.

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

CP69/17 Confidential - 90-92 Marine Parade, Maroubra (DA/816/2016) (DA/816/2016)

This matter is considered to be confidential under Section 10A(2) (g) Of the Local Government Act, as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

202/17

RESOLUTION: (Matson/Hamilton) that Council enter into consent orders in

relation to the Class 1 appeal against Council's refusal of the development application seeking approval demolition of the existing structures and construction of a four storey residential flat building containing 4 dwellings, basement car parking for 8 vehicles, swimming pool at ground level and associated at No. 90-92 Marine Parade, Maroubra

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

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

FOR	AGAINST
Councillor Da Rocha	Councillor Andrews
Councillor D'Souza	
Councillor Hamilton	
Councillor Luxford	
Councillor Matson	
Councillor Neilson	
Councillor Parker	
Councillor Said	
Councillor Seng	
Councillor Shurey	
Councillor Stavrinou	
Councillor Veitch	
Total (12)	Total (1)

GM18/17 Confidential - Randwick City Council v Minister for Local Government (NSWLEC: 2017/178835) (F2017/00227)

This matter is considered to be confidential under Section 10A(2) (g) Of the Local Government Act, as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

203/17

RESOLUTION: (Neilson/Matson) that Council delegates authority to the General Manager to instruct legal Counsel to seek a costs order in the matter of Randwick City Council v Minister for Local Government (NSWLEC: 2017/178835).

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

Open Session

That the meeting move back into open session.

Notice of Rescission Motions

NR8/17 Notice of Rescission Motion - Notice of Rescission Motion from Councillors Andrews, Stavrinou and Hamilton - Australian Marriage Law Postal Survey (F2009/00524)

MOTION: (Andrews/Stavrinou) that the resolution passed at the Ordinary Council meeting held on Tuesday 10 October 2017 reading as follows:

"That the General Manager be delegated to undertake the immediate issuing of a public statement via print advertisements, the Mayoral Column, email systems, Council social media platforms and web sites indicating that Randwick City Council supports a "yes" vote in relation to the Australian Marriage Law Postal Survey."

BE AND IS HEREBY RESCINDED. LOST.

Councillors Andrews and Matson called for a **DIVISION**.

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

FOR	AGAINST
Councillor Andrews	Councillor Da Rocha
Councillor D'Souza	Councillor Luxford
Councillor Hamilton	Councillor Matson
Councillor Seng	Councillor Neilson
Councillor Stavrinou	Councillor Parker
	Councillor Said
	Councillor Shurey
	Councillor Veitch
Total (5)	Total (8)

There being no further business, Her Worship the Mayor, Cr L Shurey, declared the meeting closed at 9.07pm.

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

.....
CHAIRPERSON