

Ordinary Council Meeting (Supplementary Business Paper)

Tuesday 24 May 2022

Seating Plan for Council meetings



Statement of ethical obligations

Obligations	
Oath [Affirmation] of Office by Councillors	I swear [solemnly and sincerely declare and affirm] that I will undertake the duties of the office of councillor in the best interests of the people of Randwick City and the Randwick City Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.
Code of Conduct conflict of interests	
Pecuniary interests	<p>A Councillor who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council at which the matter is being considered, must disclose the nature of the interest to the meeting.</p> <p>The Councillor must not be present at, or in sight of, the meeting:</p> <ol style="list-style-type: none"> a) at any time during which the matter is being considered or discussed, or b) at any time during which the council is voting on any question in relation to the matter.
Non-pecuniary conflict of interests	A Councillor who has a non-pecuniary conflict of interest in a matter, must disclose the relevant private interest in relation to the matter fully and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter.
Significant non-pecuniary interests	A Councillor who has a significant non-pecuniary conflict of interest in relation to a matter under consideration at a council meeting, must manage the conflict of interest as if they had a pecuniary interest in the matter.
Non-significant non-pecuniary interests	A Councillor who determines that they have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest must also explain why conflict of interest is not significant and does not require further action in the circumstances.



Notice is hereby given that an Ordinary Council meeting of Randwick City Council will be held in the Prince Henry Centre, 2 Coast Hospital Road, Little Bay on Tuesday, 24 May 2022 at 7pm

Mayoral Minutes

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Therese Manns
GENERAL MANAGER

Mayoral Minute No. MM17/22

Subject: Extension of moratorium on seniors housing in heritage conservation areas

Motion:

That Council officers prepare a letter to the Minister for Planning & Housing and a submission to the Department of Planning and Environment requesting that the State Planning Policy covering seniors housing developments maintain an exclusion for this type of development within heritage conservation areas in perpetuity for the Randwick LGA.

Background:

On 26 November 2021, *State Environmental Planning Policy (Housing) 2021* (the Housing SEPP) came into effect in NSW. The Housing SEPP aims to incentivise housing typologies such as boarding houses, co-living housing and housing for seniors and people with a disability. The Housing SEPP consolidated five existing housing-related SEPPs, including *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004* (Seniors SEPP).

Clause 4A of the now repealed Seniors SEPP placed a moratorium on the development of housing for seniors and people with a disability within heritage conservation areas (HCAs) until **1 July 2022**. The new Housing SEPP carried over this moratorium under Schedule 7A Savings and transitional provisions, maintaining the 1 July 2022 repeal date. The purpose of the exclusion was to provide council's time to complete their local housing strategies and demonstrate suitable housing to meet the needs of its aging population. Council's Housing Strategy has now been approved and it recognises the need for planning controls to provide for diversity of housing types and new dwellings to be adaptable to meet the expected increase in older persons within the LGA.

The draft Housing SEPP was publicly exhibited in July/August 2021 and Council's submission to the draft Housing SEPP was reported to Council at the 24 August 2021 Ordinary Meeting. The submission raised the repeal of the moratorium as an issue of concern and committed to seeking a full exclusion of seniors housing within HCAs on a permanent basis. The Housing SEPP came into force on 26 November 2021.

Council's planning policies aim to encourage high quality development, while respecting, managing and preserving our built heritage through planning controls for HCAs. This balanced approach ensures development is appropriate in its context and character and protects our valued heritage precincts.

HCAs within Randwick City are generally characterised by fine-grain development located on small scale allotments. Given the minimum 1,000sqm site requirement for seniors housing, opportunities for seniors housing within HCAs would be limited, as sites of this size are the exception in HCAs. Consolidation of allotments within HCAs to meet the minimum site requirement would not be supported, as this would result in the loss of historical subdivision patterns and the demolition of buildings where retention is essential for collective significance and maintenance of character. The SEPP also incentivises developments on lots greater than 1500m², providing 25% bonus floor space and height, further encouraging lot consolidation.

Excluding seniors housing from HCAs would still enable this form of development to be carried out in residential, business, special purpose and private recreation zones which equates to 65% of all land within the LGA. As such given available land zonings and the recent incentives for seniors housing, it is not considered that the exclusion of seniors housing development from HCAs will hinder the delivery of this diverse housing type within the LGA.

It is on this basis that I recommend Council staff prepare a Minister for Planning & Housing and submission to the Department of Planning and Environment seeking a full exclusion of seniors housing within HCAs on a permanent basis.

I note that similar submissions are also being pursued by other councils including Woollahra, Inner West, Georges River and Hornsby Councils.

Source of funding:

No financial impact. The submission will be prepared by Council Strategic Planning staff.

Attachment/s:

Nil

Responsible officer: The Mayor, Cr Dylan Parker

File Reference: F2020/00476

Mayoral Minute No. MM18/22

Subject: Opposition to extended construction hours on weekends

Motion:

That Council, jointly with Woollahra, Waverley and Bayside Councils, writes to the NSW Premier, the Hon Dominic Perrottet MP and the Minister for Planning, the Hon Anthony Roberts MP to express:

- a) Council's concerns over the potential extension of construction hours on weekends on a permanent basis, without adequate consultation with the community;
- b) Council's opposition to extending weekend construction hours permanently across the Local Government Area; and
- c) Council's preference for weekend construction hours to remain as per Council's standard conditions, with no construction allowed on Sundays and public holidays, outside of any special arrangements that may be required to be in place from time to time, as approved through appropriate channels.

Background:

On 4 May 2022, an article appeared in the Sydney Morning Herald (SMH) reporting that the NSW Planning Minister, The Hon. Anthony Roberts MP has told a gathering of developers that the NSW government was exploring options to permanently extend construction hours as part of its commitment to build more homes.

The article went on to say that the NSW government was looking at aligning permissible construction hours across all development types to facilitate extended construction hours on a permanent basis and that the changes could involve more intense construction on weekends at greenfield sites where there are no neighbours, with greater restrictions on built-up suburban areas.

While it is appreciated that the initial extension of the construction hours during the pandemic was to allow workers to abide by social distancing requirements, the possibility of extending construction hours permanently is concerning. As such, this matter was discussed on 18 May 2022 at a meeting of the Mayors and General Managers of Randwick, Woollahra, Waverley and Bayside Councils.

It is proposed to jointly approach the NSW government to express our concerns and opposition to extending weekend construction hours permanently.

It is proposed to seek the status quo for weekend construction hours as per Council's standard conditions, with no construction allowed on Sundays and public holidays, outside of any special arrangements that may be required to be in place from time to time, as approved through appropriate channels. If there is a request to Council to vary our conditions, this requires a modification application (s4.55 or s4.56) which would require a justification, notification and assessment, as is the current practice.

Further, it is proposed to seek widespread community engagement to take place prior to making any decision to allow extended weekend construction hours.

There is no doubt that the pandemic has been difficult for many businesses and residents. However, our residents deserve some respite from the ongoing development and construction in the local area.

Source of funding:

There is no financial implication to Council in relation to this matter.

Attachment/s:

Nil

Responsible officer: The Mayor, Cr Dylan Parker

File Reference: F2022/06574

MM18/22

Director City Services Report No. CS23/22

Subject: Maroubra Junction Oasis - Urban Renewal Project - Revised Scope

Executive Summary


- Randwick City Council has been successful in receiving \$1 million grant funding from My High Street Grant program from NSW State Government towards the urban renewal project known as Maroubra Oasis at Maroubra Junction.
- Community consultation for the preliminary concept design was held between November 2021 and January 2022. Insights from the community about the use and aspirations for the plaza area were received.
- Business owners and key stakeholders were supportive of the proposal. Generally, the community were also supportive with some concerns for pedestrian safety and use of the area in the future to accommodate light rail.
- Following Council's decision to proceed with Stage 1 only which was to be entirely funded through the grant program, Council Officers were required to review the concept to deliver the best value and project outcome for the community.
- Due to the change in design, key project current and future risks relating to scope and time have been identified.
- Council Officers are currently working with the grant body DPIE in order to mitigate and resolve these issues.
- Council should note that should this amended proposal not be accepted by DPIE and Council imminently than Council is at risk of losing the grant funding for the project.

Recommendation

That Council:

- a) Acknowledge the project milestone risk(s) associated with the Maroubra Oasis Urban Renewal project and seek Department Planning and Environment commitment for extension to allow the project to proceed;
- b) Note the ongoing dialogue with the Department of Planning and Environment and Council Officers in resolving the identified Project Risks; and
- c) Endorses the revised Maroubra Oasis Final Concept Plan to proceed to design documentation and construction.

Attachment/s:

1.  Maroubra Oasis - Revised Concept Plan

Purpose

This report provides an update in relation to the Maroubra Oasis Urban Renewal project, including project risks and a recommendation to alter the design concept. The report seeks the endorsement of Council for the change in landscape and civil design to provide the best project outcome for the community.

Discussion

Background

Council resolved on 8 December 2020 to set out the process required to nominate a site for DPIE's "My High Street Grant" program. It was resolved:

"That:

- a) Council resolves to apply for grant funding up to \$1 million through the DPIE My High Street Grant Program.*
- b) Council delegates to the Mayor and one Councillor from each political party and independent group the authority to decide on the town centre to be nominated for grant funding given the timing for decisions will be when Council is in recess.*
- c) The ward Councillors be consulted prior to a decision being made on the town centre to be nominated for grant funding."*

Following the required process, the site nominated to be included in the grant application was the median island along Anzac Parade between Maroubra Road and Boyce Road. To be upgraded into a vibrant area for community use.

Following this resolution, a conceptual staged (Stage 1 and 2) design was developed and both stages presented to Council for endorsement including a request for additional funding to complete stage 2.

At its ordinary meeting on the 22 February 2022, Council then resolved:

"That Council endorse the Maroubra Oasis Final Concept Plan to proceed to design development and documentation of the Stage 1 works for tender."

Following the Council decision to proceed with Stage 1 alone with no firm commitment to Stage 2, Council officers were concerned that the connectivity of Stage 1 with the adjacent area, will create amenity concerns. To mitigate this risk, staff revisited the concept and scope of works in order to ensure the project was consistent with grant objectives and provided maximum benefit to the community.

This report outlines the current and future risks for Council consideration as a result of the change in concept, with a Council decision on the concept change imperative to maintain conformance with the grant timelines.

Grant Program Objectives

The High Street Program objectives that must be applied to the Maroubra Junction Oasis Urban Renewal Project were clearly specified within the grant requirements and include:

1. Improve/increased number of uses over and night period
2. Improve people's safety and comfort
3. Improve local accessibility and connections
4. Improve business capacity for increased functionality

It was also suggested that example projects could include space for dining outdoors, wider footpaths, tree planting, traffic calming, lighting, or public art.

In Council's grant application to DPIE the project vision was clearly defined:

“The Maroubra Junction Central Oasis will transform an underutilised, urban-oasis to a highly energized, active public green space that brings two halves of a divided Town Centre together”

Community Consultation

Community consultation was undertaken over 53 days from Friday 26 November 2021 to Monday 17 January 2022 to obtain feedback and insights from the community about the use and aspirations for the plaza.

The community’s preferred uses for the reserve are:

- Farmers markets - Temporary markets stalls during weekend which can occupy the space and extend into the adjacent car park
- A green space - An extended green space for reflection and relaxation.
- A place for entertainment - Raised central green for performance such as speeches, music, or poetry
- An exhibition space - Opportunity for temporary art installations

Concept Plans

a. Original Staged Approach

In response to community feedback, stated objectives and preliminary concept plan, design development was undertaken resulting in a concept design for a two staged concept.

However, at its ordinary meeting on the 22 February 2022, Council resolved:

“That Council endorse the Maroubra Oasis Final Concept Plan to proceed to design development and documentation of the Stage 1 works for tender.”

Cognisant of Council’s decision to proceed with Stage 1 only which was to be entirely funded through the grant program, Council officers were concerned that the connectivity of Stage 1 with the adjacent area, will create amenity concerns. To mitigate this risk, staff revisited the concept and scope of works in order to ensure the project was consistent with grant objectives and provided maximum benefit to the community.

Figure 1 shows the concept as previously recommended to Council for both Stage 1 and 2 of the Oasis projects in February 2022 to a project value of \$2,150,000.

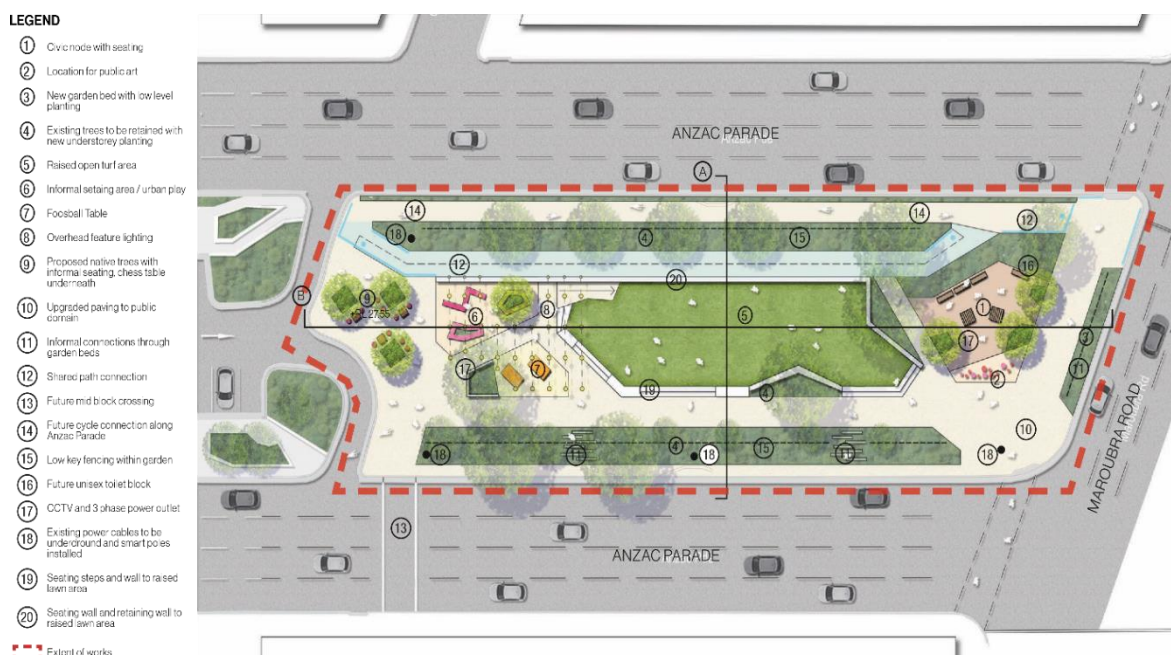


Figure 1

b. Revised Concept

Figure 2 shows the revised concept which is now recommended to Council to be entirely funded from the State Government Grant to a project value of \$1,000,000.

CS23/22

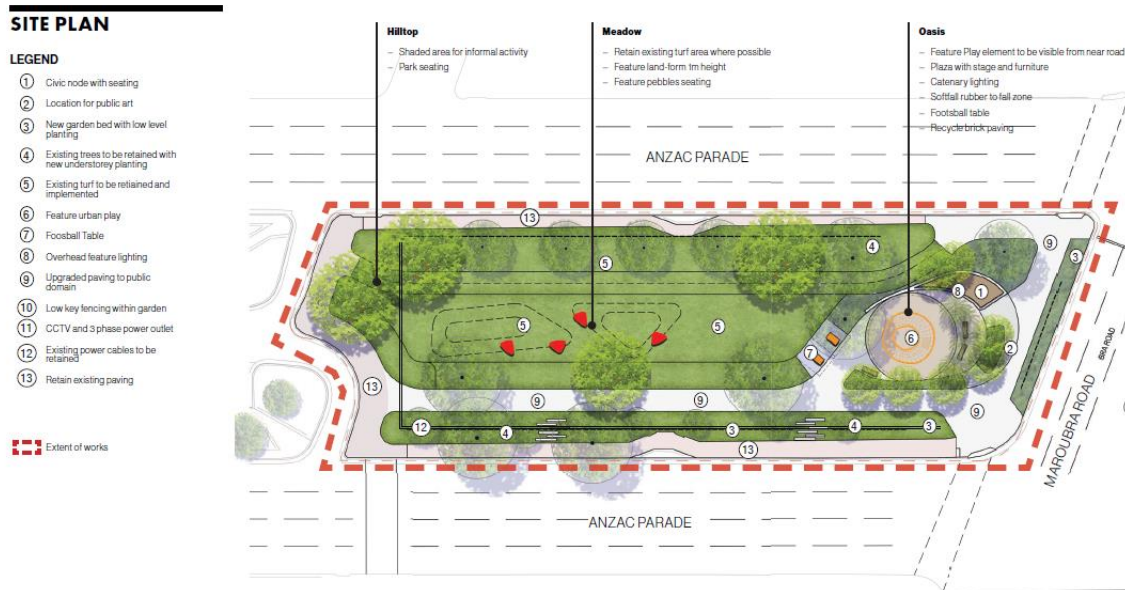


Figure 2

Key Risks

Given the change in scope, several project risks have now been realised.

- **Project Scope Endorsement**

Council officers have re-submitted the revised scope to the grant body DPIE for consideration.

Based upon the changes to scope, there is a possible risk that the grant body does not accept the revised scope of works. Should this occur, DPIE may recall the grant.

As a mitigation strategy, Council Officers have facilitated several sessions with the grant administrators to describe the new logic in the new concept to respond to the grant program objectives.

As can be seen in figure 2 (see also attachment 1) in comparison to Figure 1, Council officers have redesigned the originally suggested hardscaped areas with increased soft landscaping and green passive recreation elements whilst still remaining consistent with the project vision and grant program objectives.

- **Project Timeline**

Since the February Council resolution, the concept redesign has placed the project behind the required grant milestones in the funding agreement. Again, there is the potential risk that the grant body does not accept the revised scope of works due to the timeline being compromised.

DPIE have sought clarification based on the concept redesign if council can produce any of the following documentation by mid-June 2022:

- Tender briefing signoff / request to tender documentation.
- The issuing of an RFT or evidence of a live tender open for submissions.

Following Council's decision in February 2022, Council Officers were not able to meet all of these requirements. However, through ongoing dialogue with DPIE as mitigation strategy, Council Officers have advised the following is achievable:

- Work Schedules and Milestones
 - We have received confirmation from our design consultants that they can complete the documentation of the new concept plan by the middle of June 2022.
- Appointment of Contractor
 - Based on our current tender planning and tender processes, appointment of a contractor is estimated to be in October 2022. Construction is likely to commence in late October or early November.
- Construction Completion
 - Completion of the project is estimated to be March 2023. This estimate includes current lead times for materials and products of 12 - 16 weeks and a short shut down through January by the contractor. We also have assumed that work will continue throughout December and that disruption to the car park will be minimised.

Should the amended project timeline not be accepted and an extension given, Council will not be able to meet the conditions of the grant and will lose the grant funding.

- **Future Project risks**

Council should also note the future risks that have been identified that may impede project delivery should the project endorsement be provided by Council and DPIE. Outside of weather delay, the construction industry if facing both a supply and skills shortage.

The revised concept has attempted to mitigate where practical the industry supply issues with increased greenscape and turfing in lieu of the previously suggested hardscaping and paving. Still the risk remains for infrastructure associated with the landscaped elements including (but not limited to) the play equipment piece and catenary lighting. Early procurement following the time imperative Council and DPIE decision is required to mitigate the impact of this potential delay.

In order to mitigate the skills shortage risk, Council officers have revised the concept design considerate of a construction methodology that makes use of local suppliers that are accessible in existing procurement panels. Significant elements of the project will still require external public tender as discussed earlier in the report however following a Council and DPIE decision, and completion of detailed design, the project may be apportioned to allow commencement of landscaped elements ensuring compliance with the grant funding agreement.

Regardless Council should still acknowledge the future risks that may compromise the ability to complete the works within the required time frames.

Strategic alignment

The relationship with the City Plan is as follows:

Outcome/Direction	Delivery Program actions
Outcome	4. Excellence in urban design and development.
Direction	4b. New and existing development is managed by a robust framework.
Outcome	6. A liveable city.
Direction	6a. Our public infrastructure and assets are planned, managed and funded to meet the community expectations and defined levels of service.

Resourcing Strategy implications

There are no resourcing implications applicable to the recommendation in this report. The revised concept is fully funded through a State Government Grant.

Council should still be aware that should DPIE not accept the redesign or extend the grant timeframes, the grant funding may be recalled, and the project will no longer be realised in the 2022-23 Operational Plan and Budget – Capital Works Program.

Policy and legislative requirements

Local Government Act 1993

Conclusion

The Maroubra Oasis Urban Renewal project was initiated through a new stimulus fund with little time for development of concept. Such projects often come with increased risk.

To provide the best outcome for our community in the space available the concept design for the Maroubra Oasis upgrade has been revised. The revised scope remains consistent with grant program objectives, community and key stakeholders' feedback and will transform this under-utilised plaza area.

The plaza will provide a vibrant facility and support Randwick's cultural activities as space will be available to perform, relax and entertain.

Due to the change in design, key project risks relating to scope and time have been realised. Council Officers are currently working with the grant body DPIE in order to mitigate and resolve these issues. Council should note that should this proposal not be accepted by DPIE than Council is at risk of losing the grant funding for the area.

It is recommended that the revised concept design be endorsed by Council to proceed to full design documentation and construction of the works.

Responsible officer: Todd Clarke, Director City Services

File Reference: F2021/00237

GROUPGSA



**MAROUBRA JUNCTION
OASIS
YOUR HIGH STREET GRANT**

Maroubra Oasis | GroupGSA | April 2022

