

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

**MINUTES OF EXTRAORDINARY COUNCIL MEETING OF THE
COUNCIL OF THE CITY OF RANDWICK HELD ON
TUESDAY, 9 MAY 2017 AT 6:11PM**

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, S Nash & H Stavrinou
Central Ward	- Councillors A Andrews, T Seng & G Stevenson

Officers Present:

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoplos
Director City Planning	Ms S Truuvert
Director Governance & Financial Services	Mr J Smith
Senior Administrative Coordinator	Ms J Hartshorn
Manager Development Assessment	Mr K Kyriacou
Communications Manager	Mr J Hay
Executive Manager	Mr L Fitzgerald
Manager Performance Improvement	Ms A Warner

The meeting was adjourned at 6.11pm and was resumed at 7.24pm.

Prayer & Acknowledgement of Local Indigenous People

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

Apologies/Granting of Leave of Absences

Nil.

Declarations of Pecuniary and Non-Pecuniary Interests

Nil.

Confidential reports (closed session)

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

Closed Session

GM6/17 Confidential - Consideration of Legal Advice on Court of Appeal Decision - Ku Ring Gai Council v Gary West (F2016/04003)

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.

77/17

RESOLUTION: (Matson/Bowen) that:

1. Randwick City Council immediately commence proceedings against the NSW Government to challenge the merger proposal for Randwick, Waverley and Woollahra Councils on the grounds identified in the opinion of Mr Davidson, SC, dated 8 May 2017 and any other appropriate grounds identified.
2. Such proceedings include an application for an urgent injunction to be heard by close of business 11 May 2017 to restrain the NSW State Government from proceeding with any amalgamation proposal for Randwick City Council until such time as the substantive proceedings are concluded.
3. The two sets of legal advice from Marsdens Law Group (procured by Council) and the advice from Mr Ian Davidson, SC, (procured by Cr Bowen and other undisclosed Councillors) be made publicly available to establish and enhance the credibility and due diligence of what Council is trying to achieve.
4. A Councillors' briefing be held next Tuesday, 16 May 2017, and Mr Ian Davidson, SC, be invited to attend.

Cr Bowen tabled legal advice from Senior Counsel, Mr Ian Davidson, dated 8 May 2017, 'Possible challenge to merger proposal for Randwick City Council'.

RESOLVED: (Procedural Motion): (Matson/Andrews) that the meeting be adjourned for 20minutes to allow Councillors time to read the advice from Senior Counsel.

The meeting was adjourned at 8.04pm and was resumed at 8.29pm.

AMENDMENT: (Nash/Roberts) that, subject to advice being obtained and prior to commencement of proceedings, all Councillors who support the commencement of proceedings be invited to sign an agreement indemnifying the Council and its residents and ratepayers from all legal fees to be paid by the Council in respect of the proceedings. **LOST.**

Councillors Nash and Smith 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 Belleli
Councillor Nash	Councillor Bowen
Councillor Roberts	Councillor D'Souza

Councillor Seng
Councillor Smith
Councillor Stavrinou

Total (6)

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

Total (9)

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

Councillors Bowen and Nash called for a **DIVISION**.

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

FOR

Councillor Andrews
Councillor Belleli
Councillor Bowen
Councillor D'Souza
Councillor Garcia
Councillor Matson
Councillor Moore
Councillor Neilson
Councillor Shurey
Councillor Stevenson

Total (10)

AGAINST

Councillor Nash
Councillor Roberts
Councillor Seng
Councillor Smith
Councillor Stavrinou

Total (5)

Open Session

That the meeting move back into open session.

Rescission Motion

Nil.

There being no further business, His Worship the Mayor, Cr D' Souza, declared the meeting closed at 9.00pm.

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