



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, 25 SEPTEMBER 2018 AT 6:02PM

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 | - Councillors M Matson & B Roberts (arrived 6.09pm) |
| West Ward | - Councillors H Stavrinou & P Veitch |
| Central Ward | - Councillors A Andrews (arrived 6.20pm), D Parker & T Seng |

Officers Present:

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoples
Director City Planning	Mr K Kyriacou
Director Governance & Financial Services	Mr J Smith
Senior Administrative Coordinator	Ms J Hartshorn
Manager Technical Services	Mr J Ingegneri
Communications Manager	Mr J Hay
Manager Corporate Improvement	Ms A Warner
Executive Manager	Mr L Fitzgerald

Prayer & Acknowledgement of Local Indigenous People

The Acknowledgement of Country was read by Cr Matson. The Council Prayer was read by Cr Veitch.

Apologies/Granting of Leave of Absences

An apology was received from Cr Bowen.

RESOLVED: (Neilson/Matson) that the apology received from Cr Bowen 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 AUGUST 2018

257/18

RESOLUTION: (Matson/Da Rocha) that the Minutes of the Ordinary Council Meeting held on Tuesday 28 August 2018 (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) Cr Matson declared a significant non pecuniary interest in Item CP47/18 as a member of the SECPP. Cr Matson indicated that he would not take part in the debate or the vote on the matter.
- b) Cr Matson declared a non-significant non pecuniary interest in Item CP49/18 as he knows the speaker as a former Randwick Councillor.
- c) Cr Stavrinou declared a significant non pecuniary interest in Items CO53/18 and CO54/18 as his wife works for a tenderer. Cr Stavrinou indicated that he would not take part in the debate or the vote on these matters.
- f) Cr Stavrinou declared a non-significant non pecuniary interest in Item CP49/18 as the speaker (a former Randwick Councillor) is known to him.
- g) Cr Parker declared a non-significant non pecuniary interest in Item CP50/18 as the speaker is known to him through the Labor Party.
- h) Cr Parker declared a non-significant non pecuniary interest in Item NM74/18 as the speaker is known to him through the Labor Party.

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:

MM64/18 REQUEST FOR LEGAL ADVICE REGARDING PREMATURE WORKS
UNDERTAKEN BY TPG FOR A PROPOSED MOBILE PHONE INFRASTRUCTURE
IN DUNDAS STREET

For Mr Tony Hall (representing Dundas St residents)

CP49/18 RANDWICK CITY COUNCIL COMPLIANCE AND ENFORCEMENT POLICY

For Ms Margery Whitehead

CP50/18 MEMORANDUM OF UNDERSTANDING WITH DEPARTMENT OF EDUCATION
FOR RANDWICK BOYS AND GIRLS HIGH SCHOOLS SITES

Against Mrs Mandy Gibbens (representing Randwick Girls HS P&C)

CS47/18 ATHLETICS AUSTRALIA - CONQUER COOGEE EVENT

Against Ms Rona Wade (representing Coogee Precinct)

For Mr James Matthews (representing Athletics Australia)

NM72/18 NOTICE OF MOTION FROM CR VEITCH – CSELB BREACHES OF CONSENT
CONDITIONS – REFERRAL TO THE MINISTER AND SECRETARY FOR
PLANNING, THE EPA AND NSW OMBUDSMAN

For Mr Glen Kotopoulos

NM73/18 NOTICE OF MOTION FROM CR VEITCH – POW HOSPITAL REDEVELOPMENT STAGE 1 (SSD 9113) CONSTRUCTION MANAGEMENT PLANS

For Ms Margaret Hope

NM74/18 NOTICE OF MOTION FROM CR NEILSON – DEVELOPING IMPROVED STRATEGIES FOR PROTECTING NATIVE FAUNA IN THE CITY OF RANDWICK

For Ms Zoe Reynolds

The Meeting was adjourned at 7.15pm and was resumed at 7.39pm.

The Mayor, Cr Shurey, advised that the matters that were the subject of addresses to Council by members of the public would be brought forward for immediate consideration.

Mayoral Minutes

MM55/18 Mayoral Minute - Surf Life Saving and Pool Rescue Coaching Clinic - Use of Des Renford Leisure Centre Pool (F2004/07412)

258/18 **RESOLUTION: (Mayor, Cr Shurey) that:**

- a) Council vote \$6,102 from the 2018-19 Contingency Fund to cover the hire fees for the Des Renford Leisure Centre;
- b) coaches associated with the program receive free entry to DRLC whilst the program is operating;
- c) mutually agreeable times are arranged with DRLC and the organiser for the program to operate; and
- d) the organiser undertake to appropriately and prominently acknowledge and promote Council's contribution to Club members.

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

MM56/18 Mayoral Minute - Support for Campaign for Permanent Indigenous Flag on Sydney Harbour Bridge (F2006/00253)

259/18 **RESOLUTION: (Mayor, Cr Shurey) that Council lend its support to the campaign to fly the Aboriginal flag permanently on top of the Sydney Harbour Bridge by writing to local State and Federal MPs and to share the link through Council's website and social media to encourage digital signatures.**

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 Roberts
Councillor Matson	Councillor Seng
Councillor Neilson	Councillor Stavrinou
Councillor Parker	
Councillor Said	
Councillor Shurey	
Councillor Veitch	
Total (9)	Total (5)

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

MM57/18 Mayoral Minute - Support for the Humour Foundation Clown Doctors Program (F2018/06574)

260/18 **RESOLUTION: (Mayor, Cr Shurey)** that Council donate \$1,000 funding (from the 2018-19 Contingency Fund) to the Humour Foundation Clown Doctors Program to assist with their great work delivering hope and joy to sick children and their parents.

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

MM58/18 Mayoral Minute - Waiver of Fees - Maroubra Diggers Junior Swimming Club for two Swimming Carnivals at Des Renford Leisure Centre (F2010/00214)

261/18 **RESOLUTION: (Mayor, Cr Shurey)** that:

- a) Council vote \$1,268.00 from the 2018-19 Contingency Fund to cover the hire fees into the Des Renford Leisure Centre.
- b) The organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event.
- c) That normal facility spectator fees apply for all non-competitors.

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

MM59/18 Mayoral Minute - Christmas Eve 2018 - Proposal for Staff Leave (F2004/06565)

262/18 **RESOLUTION: (Mayor, Cr Shurey)** that Randwick Council staff be given a day's leave on Monday 24 December 2018.

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

MM60/18 Mayoral Minute - Seeking Council's support for Oz Harvest's Fight Food Waste community education campaign (F2010/00241)

263/18 **RESOLUTION: (Mayor, Cr Shurey)** that Council agrees to support and participate in Oz Harvest's Fight Food Waste campaign through the incorporation of the campaign's key messages and associated web links, where appropriate, across our print and social media platforms.

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

MM61/18 Mayoral Minute - Seeking Council support to participate in ClimateWatch (a citizen science project) with the not-for-profit Earthwatch Institute (F2010/00241)

A Rescission Motion in relation to this matter was submitted by Councillors Andrews, Seng and Stavrinou in accordance with Council's Code of Meeting Practice and will be considered at the Ordinary Council meeting to be held on 16 October 2018.

264/18 **RESOLUTION: (Mayor, Cr Shurey)** that:

- a) Council supports this citizen-science monitoring project with the Earthwatch Institute and works with them to establish two applicable trails, one along the coastal walkway and one around the Randwick Environment Park
- b) Council approve an amount of \$15,000 (excluding GST) in year 1 and \$5,000 (excluding GST) in year 2 for this project with Earthwatch, from the Biodiversity budget of the environmental levy program; and
- c) annual reporting be provided to Council on the progress of this initiative, relevant and useful sightings and additional information capable of informing Council on the involvement of the Randwick community and the application of ClimateWatch to our local flora and fauna.

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

Cr Roberts left the meeting at this point (9.32pm).

MM62/18 Mayoral Minute - Seeking Council approval to work with UNSW and partnering organisations on a trial project for implementation of the United Nations Sustainable Development Goals (SDGs) (F2010/00241)

265/18 **RESOLUTION: (Mayor, Cr Shurey) that:**

- a) Council agrees to support submission of an expression of interest to become a pilot city for this UN project aimed at highlighting the relevance of the sustainable development goals at the local government level and working with the UNSW and other partnering organisations on a trial project; and
- b) If successful, a project plan be prepared outlining timelines, specific project goals and objectives and its relevance to Randwick Council and its residents.

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

MM63/18 Mayoral Minute - Current awards recognition of Council's sustainability efforts and commitment (F2010/00241)

266/18 **RESOLUTION: (Mayor, Cr Shurey) that** Council communicates the success and recognition of our sustainability achievements in being finalists for the NSW Government's Green Globes Awards and for the prestigious Banksia Environmental Foundation awards for local, State and Commonwealth Government agencies across Australia and including the Solar My Schools initiative being conducted as part of our 3-Council regional environmental collaboration.

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

Cr Roberts returned to the meeting at this point (9.34pm).

MM64/18 Mayoral Minute - Request for legal advice regarding premature works undertaken by TPG for a proposed mobile phone infrastructure in Dundas Street (F2018/00121)

267/18 **RESOLUTION: (Mayor, Cr Shurey) that:**

- a) Council obtain legal advice as to whether the premature works undertaken by TPG of mobile phone infrastructure in Dundas Street, Coogee would prevent the installation of the telecommunication facility.
- b) Lodge a complaint with the Australian Telecommunications and Media Authority

pursuant to the Industry Code C564:2011 Mobile Phone Base Station Deployment (the Code) that TPG has not complied with the procedural consultation requirements set out in the Code because the installation of various low input facilities has occurred prior to the conclusion of the consultation process required under the Code.

- c) Request that TPG respond to Council's correspondence setting out its objections, and upon receipt of that response from TPG, if Council remains dissatisfied, Council ask TPG, in writing, to refer its objection (in Council's correspondence) to the Telecommunications Ombudsman pursuant to Clause 4.36 of the Telecommunications Code of Practice 2018

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

**MM65/18 Mayoral Minute - Kingsford Noodle Markets - Change of location
(F2018/06574)**

MOTION: (Mayor, Cr Shurey) that, in the event of the Meeks Street Plaza site being unavailable to host the Noodle Markets due to the presence of the ACCIONA works depot, the Noodle Markets be held at the Kensington Park Oval.
WITHDRAWN.

Urgent Business

Nil.

General Manager's Reports

Nil.

Director City Planning Reports

**CP42/18 Director City Planning Report - SECPP - 164-174 Barker Street,
Randwick (DA/664/2016/A)**

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

- 268/18 **RESOLUTION: (Andrews/Hamilton)** that the assessment report for the Joint Regional Planning Panel in relation to DA/664/2016/A (164-174 Barker St, Randwick) be endorsed by Council.

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

Cr Matson returned to the meeting at this point (9.53pm).

**CP43/18 Director City Planning Report - Prince of Wales Hospital
Redevelopment Stage 1 (SSD 9113) DA - Randwick City Council
submission (F2018/00420)**

- 269/18 **RESOLUTION: (Veitch/Stavrinou)** that Council endorse the attached draft submission to forward to the Department of Planning and Environment for consideration.

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

**CP44/18 Director City Planning Report - Short-term Holiday Letting
(F2006/00158)**

- 270/18 **RESOLUTION: (Andrews/Hamilton)** that:

- a) the report Short-term Holiday Letting be received and noted.
- b) the Councillors be advised of any further developments regarding the short-term holiday letting provisions.

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

CP45/18 Director City Planning Report - Smart City Strategy (F2017/00299)

271/18

RESOLUTION: (Andrews/Hamilton) that Council endorse the Draft Smart City Strategy for public exhibition.

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

Cr Da Rocha left the meeting at this point (9.50pm).

CP46/18 Director City Planning Report - Marine Park Proposal (F2005/00036)

MOTION: (Roberts/Matson) that Council endorse the draft submission on the Marine Park proposal (Attachment 5). **LOST.**

Cr Da Rocha returned to the meeting at this point (10.02pm).

CP48/18 Director City Planning Report - Cultural and Community Grant Program - Recommended Allocations - September 2018 (F2009/00182)

272/18

RESOLUTION: (Veitch/Neilson) that Council approves the allocation of Cultural and Community Program funds totalling \$55,926.25 to be allocated to the recommended grant applicants as listed in Attachment One.

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

Cr D'Souza left the meeting at this point (7.53pm).

CP49/18 Director City Planning Report - Randwick City Council Compliance and Enforcement Policy (F2004/06770)

273/18

RESOLUTION: (Matson/Veitch) that the Randwick City Council *Compliance and Enforcement Policy* be adopted.

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

Cr D'Souza returned to the meeting at this point (7.54pm).

CP50/18 Director City Planning Report - Memorandum of Understanding with Department of Education for Randwick Boys and Girls High Schools Sites (F2018/00416)

274/18

RESOLUTION: (Luxford/Matson) that this Motion be rejected and relevant Council officers attend a meeting with the Principals and P&C representatives of Randwick Boys and Girls High Schools to which representatives of the Department of Education be invited.

AMENDMENT: (Roberts/Hamilton) that Council agree to enter into an MoU with the Department of Education for a period of one year to enable investigations on agreed joint use projects on the Randwick Boys and Girls High Schools sites that deliver community benefits, provided that representatives from the P&Cs and

Principals from both Randwick Boys and Girls High Schools are included in any discussions. **LOST.**

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

Director City Services Reports

CS42/18 Director City Services Report - Supporting "Sense of Community" Street Parties (F2009/00454)

275/18

RESOLUTION: (Andrews/Hamilton) that Council:

1. support "Sense of Community" street parties in 2018 by arranging, on behalf of residents:
 - a) traffic control plans
 - b) the preparation of traffic management plans and road occupancy licences for submission to the RMS (if necessary), and
 - c) all traffic control measures associated with street parties including all signage and equipment as well as labour on the day of the event.
2. vote \$15,000 to cover the costs associated with the 2018 street party applications with funds being allocated from the Community Donations budget.

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

CS43/18 Director City Services Report - Birds Gully and Bunnerong Road Flood Study (F2016/00369)

276/18

RESOLUTION: (Andrews/Hamilton) that Council adopts the 2018 Birds Gully and Bunnerong Road Flood Study.

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

CS44/18 Director City Services Report - Cycleways and Bicycle Facilities Advisory Committee - August 2018 (F2018/00158)

277/18

RESOLUTION: (Andrews/Hamilton) that the s detailed within the Minutes of the Cycleways and Bicycle Facilities Advisory Committee meeting, held on 15 August 2018, be endorsed.

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

CS45/18 Director City Services Report - Randwick City Council Sports Committee - August 2018 (F2005/00446)

278/18

RESOLUTION: (Andrews/Hamilton) that the Minutes of the Randwick City Council Sports Committee Meeting held on 15 August 2018 be received and noted.

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

CS46/18 Director City Services Report - Newmarket Randwick - Proposed naming of park and new streets (DA/88/2016)

279/18

RESOLUTION: (Stavrinos/Andrews) that:

- a) Council endorse the proposed names for the public park and new public roads as

part of the Newmarket Randwick Development.

- b) The proposed street names be submitted to the Geographical Names Board for approval.
- c) The administration costs associated with the approval be borne by the developer.

MOTION: (Veitch/Matson) that Council seeks guidance on this matter from the Randwick & District Historical Society. **LOST.**

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

The meeting was adjourned at 10.09pm and was resumed at 10.12pm.

CS47/18 Director City Services Report - Athletics Australia - Conquer Coogee Event (F2018/00096)

280/18

RESOLUTION: (Parker/Andrews) that:

- a) The event receive "in principle" approval for a three year trial period;
- b) Council vote \$16,248.00 to cover the in-kind fees and traffic management fees for the 2019 event to be charged to the 2018-19 Contingency Fund;
- c) Council support the event by providing marketing support via Council's communication channels;
- d) The event organiser provide feedback on the number of registered participants;
- e) The organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the activity; and
- f) The Mayor or the Mayor's representative be given the opportunity to address the activity on behalf of Council.

AMENDMENT: (Matson/Neilson) that this matter be deferred to allow Council to conduct its own effective and reliable letter box consultation of both the affected streets and the immediately neighbouring streets expected to suffer from potential traffic and other ramifications. **LOST.**

A **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 Shurey	Councillor Hamilton
Councillor Veitch	Councillor Parker
	Councillor Roberts
	Councillor Said
	Councillor Seng
	Councillor Stavrinos
Total (5)	Total (9)

AMENDMENT: (Neilson/Matson) that:

- a) The event receive "in principle" approval for a three year trial period;
- b) Council vote \$16,248.00 to cover the in-kind fees and traffic management fees

for the 2019 event to be charged to the 2018-19 Contingency Fund;

- c) Council support the event by providing marketing support via Council's communication channels;
- d) The event organiser report back to Council on aspects of the events, including, the number of participants, Council's contribution, actual costs, actual impacts, safety of participants, access for emergency vehicles and any adverse publicity from the event;
- e) The organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the activity;
- f) The Mayor or the Mayor's representative be given the opportunity to address the activity on behalf of Council; and
- g) All aspects of the event are to be alcohol free, including sponsorship. **LOST.**

A **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 Shurey	Councillor Hamilton
Councillor Veitch	Councillor Parker
	Councillor Roberts
	Councillor Said
	Councillor Seng
	Councillor Stavrinou
Total (5)	Total (9)

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

Director Corporate Services Reports

CO49/18 Director Corporate Services Report - Investment Report - August 2018 (F2015/06527)

281/18 **RESOLUTION: (Andrews/Hamilton)** that the Investment Report for August 2018 be received and noted.

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

CO50/18 Director Corporate Services Report - Contingency Fund - status as at 31 August 2018 (F2017/07396)

282/18 **RESOLUTION: (Andrews/Hamilton)** that the status of the contingency funds allocations for 2018-19, be noted.

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

CO51/18 Director Corporate Services Report - Delegation to act on Council's behalf - Surf Life Saving Randwick Offshore Rescue Boat (F2004/06895)

283/18 **RESOLUTION: (Andrews/Hamilton)** that Council approve the following delegation under section 377 of the Local Government Act 1993:

AU260 – Authorisation – Surf Rescue 30

The District Administrator and Treasurer of Surf Rescue 30 is delegated authority to act on Council's behalf for matters pertaining to survey management of the Offshore Rescue Boat (City of Randwick III).

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

CO52/18 Director Corporate Services Report - Monthly Financial Report as at 31 August 2018 (F2018/00380)

284/18

RESOLUTION: (Andrews/Hamilton) that Council acknowledges that the Responsible Accounting Officer has advised that the projected financial position of Council is satisfactory.

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

Petitions

Nil.

Motion Pursuant to Notice**NM68/18 Motion Pursuant to Notice - Notice of Motion from Cr Seng - Recognition of Departing General Manager (Deferred) (F2004/06240)**

This motion was **WITHDRAWN** at the meeting at the General Manager's request.

NM69/18 Motion Pursuant to Notice - Notice of Motion from Cr Matson - Re-siting of 40k signs on eastern side of Avoca Street south of Barker intersection (F2004/07249)

285/18

RESOLUTION: (Matson/Said) that Council requests the State Transit Authority to review the effectiveness of the signage and street markings controlling speeds by south bound traffic at the bus stop adjacent to 275 Avoca Street Randwick and opposite Randwick Girls High. The review is specifically requested to:

- a) Assess the option of placing an additional 40k zone sign on the north side of the stop that is more visible to drivers when the current sign on the south side of the stop is blocked by a parked bus; and
- b) Assess the option of more prominent street marking on the road surface highlighting the 40k zone in the approach to the bus stop.

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

NM70/18 Motion Pursuant to Notice - Notice of Motion from Crs Luxford & Stavrinis - Maroubra Beach Hop Charity Car Show (F2009/08302)

286/18

RESOLUTION: (Luxford/Stavrinis) that Council:

- a) acknowledge the success of the Maroubra Beach Hop Charity Car Show held on Sunday, 16 September 2018; and
- b) assist the organisers of the event so that the Car Show can be held on an annual basis.

MOTION: (Luxford/Stavrinos) CARRIED - SEE RESOLUTION.**NM71/18 Motion Pursuant to Notice - Notice of Motion from Cr Stavrinos - Smart Speed Bumps (F2004/06183)**

287/18

RESOLUTION: (Stavrinos/Andrews) that Council bring back a report investigating the possibility of implementing "Smart Speed Bumps" that use radar to track a cars speed creating a dip in the road to combat dangerous driving.

MOTION: (Stavrinos/Andrews) CARRIED - SEE RESOLUTION.**NM72/18 Motion Pursuant to Notice - Notice of Motion from Cr Veitch – CSELR breaches of consent conditions – Referral to the Minister and Secretary for Planning, the EPA and NSW Ombudsman (F2015/00095)**

288/18

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

1. Acknowledges that many residents within the Randwick LGA have experienced adverse impacts from the construction of the CSELR, which has affected their health, wellbeing, property, and amenity.
2. Notes that the conditions in the Infrastructure Approval (http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6042) require the Proponent to;
 - prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
 - set standards and performance measures for acceptable environmental performance;
 - require regular monitoring and reporting; and
 - provide for the ongoing environmental management of the SSI.
3. Notes that residents, businesses and councillors have since 2016 made representations and complaints to Randwick City Council, TfNSW and the Department of Planning and Environment regarding the violations of the CSELR Infrastructure Approval listed below, with repeated complaints regarding;
 - a. OOHW construction noise exceeding mandated levels (B6, 7,8,10)
 - b. Notification of OOHW construction not provided within mandated 48 hour time frame (B4(e))
 - c. OOHW construction occurring on more than two consecutive nights, and with less than two consecutive nights respite (B89b(v))
 - d. Workers trespassing, urinating, using bins and water on private property (A11)
 - e. Access to private property blocked without required notification (B25)
 - f. Fire exits blocked (Environmental Planning and Assessment Regulation 2000 Part 9, Div. 7, 185)
 - g. Structural damage to property (B14, 15, 84)
 - h. Impact on Aboriginal artefacts (B56, 57, 63)
 - i. Removal of trees and vegetation (B45, 47)
 - j. Business and economic Impacts (Economic Impact Assessment)
 - k. Impact of flooding events (B65)
 - l. Impacts of Light spill (B36m (i,ii))
 - m. Impact on Visual Amenity (B45, B36c)
4. Notes that in addition to the above, conditions relating to the Light Rail Stabling Yard including: retention of the trees on the western boundary; specific measures to minimise noise, light spill and vibration have not had the anticipated effect

(B36 b, c, d, e, , f, g, i, j, l, m)i,ii,n) i, iii, iv) and construction and initial operational noise have had an adverse impact on residents on Doncaster Ave who live next to the Stabling Yard. Notes that they will continue to suffer adverse impacts once the CSELR commences full operation.

5. Request that the Minister for Planning and Environment mandate the provision of reasonable and feasible noise mitigation in the form of air-conditioning and double glazing to affected residents in accordance with B5(l), B10, B(13) and B89b(xv), as well as blinds for Doncaster Ave residents affected by light pollution from the stabling yard (B36m (I,ii). Notes that significant budget provisions have been made for alternative accommodation, which could cover the costs of the noise mitigation referred to.
6. Request that the Secretary for Planning and Environment provide a report to council regarding the Aboriginal artefacts found during CSELR construction, as per B57 of the Approval.
7. Request that the Minister for Planning and Environment, the Minister for Transport, the Environmental Representative and a representative from the Environmental Protection Authority attend a meeting with RCC, residents and business owners to discuss their concerns.
8. Request that the Secretary for Planning and Environment provide RCC with a report detailing all complaints received regarding the CSELR within the Randwick LGA as per B92 of the Approval.
9. Request that the Secretary for Planning and Environment provide RCC with a report detailing the compliance reviews as per B89b(xvi) and B94 of the Approval.
10. Refer the breaches and complaints (including supporting resident submissions) regarding the CSELR Infrastructure Approval listed above to the Minister and Secretary for Planning, the Environmental Protection Authority and the NSW Ombudsman.

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

NM73/18 Motion Pursuant to Notice - Notice of Motion from Cr Veitch – POW Hospital Redevelopment Stage 1 (SSD 9113) construction management plans (F2018/00420)

289/18

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

1. Acknowledges that construction noise and vibration created by major infrastructure projects can have a profound impact on the physical and psychological health of residents who live in close proximity to these developments. Residents living near the subject site of Eurimbla Ave, Magill and Botany Streets will be significantly affected by demolition, construction and operational noise created by the POW Hospital Redevelopment Stage 1.
2. Notes that many residents close to the POW Hospital development live in close proximity to the CSELR construction zone, and have been affected by noise since the beginning of 2016. In addition, many residents in this area work as nurses, doctors and in other employment roles at the POW Hospital that involve shift work.
3. Arrange for public community information sessions with representatives from RCC, Health Infrastructure, POW Hospital and local residents to be held prior to a) the demolition of the subject site dwellings on Eurimbla Ave, Magill and Botany Streets and b) the commencement of Stage 1 construction.

4. Propose the following conditions of consent to the Minister for Planning regarding SSD 9113
- That the Applicant establish a community reference group to facilitate effective ongoing communication with local residents and other stakeholders affected by the demolition and construction works.
 - That the Applicant establish appropriate mechanisms with the CESLR to minimise the occurrence of concurrent construction work for the benefit of residents living within overlapping noise catchment zones.
 - That the Applicant consider alternative locations for the loading bay and car park access to protect the amenity of residents on Magill St.
 - That the Applicant offer at-receiver noise mitigation in the form of double glazing and air-conditioning to all residents affected by high levels of construction and operational noise.
 - That the Applicant liaise with residents from Eurimbla Ave, Magill and Botany Streets whose homes have been compulsorily acquired for the development, to discuss options for the creation of a memorial garden or plaque on the site.
 - That the Applicant retain existing trees where possible for the benefit of local residents, patients, visitors and hospital staff.

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

**NM74/18 Motion Pursuant to Notice - Notice of Motion from Cr Neilson –
Developing improved strategies for protecting native fauna in the
city of Randwick (F2004/08272)**

290/18

RESOLUTION: (Neilson/Veitch) that:

- 1) Council, in the interest of protecting native habitat and fauna, set up a committee or working group to look into issues such as:
 - keeping cats inside and confined, especially at night
 - higher registration fees
 - ways of curbing feral cats and foxes.
 - applying the same penalties to owners for allowing their cats to run free or defecate in public places or neighbouring properties as already apply to dogs.
 - a study of the state of play with native fauna in our area
 - promoting WIRES so more people join in helping rescue and rehabilitate native fauna injured by dogs, cats and cars.
- 2) Council promote a more vigorous education campaign to protect native fauna.
- 3) such a strategy might include setting up a committee or holding a workshop with, for example, Prof Mike Archer UNSW invited to participate.

AMENDMENT: (Stavrinos/Andrews) that:

- 1) Council, in the interest of protecting native habitat and fauna, set up a committee or working group to look into issues such as:
 - ways of curbing feral cats and foxes.
 - a study of the state of play with native fauna in our area
 - promoting WIRES so more people join in helping rescue and rehabilitate native fauna injured by dogs, cats and cars.
- 2) Council promote a more vigorous education campaign to protect native fauna.

- 3) such a strategy might include setting up a committee or holding a workshop with, for example, Prof Mike Archer UNSW invited to participate. **LOST.**

A **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 Matson
Councillor Hamilton	Councillor Neilson
Councillor Luxford	Councillor Parker
Councillor Roberts	Councillor Said
Councillor Seng	Councillor Shurey (+ casting vote)
Councillor Stavrinou	Councillor Veitch
Total (7)	Total (8)

MOTION: (Neilson/Veitch) 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 Matson	Councillor Luxford
Councillor Neilson	Councillor Roberts
Councillor Parker	Councillor Seng
Councillor Said	Councillor Stavrinou
Councillor Shurey	
Councillor Veitch	
Total (8)	Total (6)

Confidential reports (closed session)

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

Closed Session

CP51/18 Confidential - 2018 Sports Awards (F2018/00440)

This matter is considered to be confidential under Section 10A(2) (a) Of the Local Government Act, as it deals with personnel matters concerning particular individuals (other than Councillors). (This matter is considered to be confidential under Section 10A(2) (a) of the Local Government Act, as it deals with personnel matters concerning particular individual. (Award winners to be kept confidential until the awards presentation ceremony on 25 October 2018)

291/18

RESOLUTION: (Andrews/Stavrinou) that:

- The Council endorse the judging panel's recommendations for the 2018 Randwick City Junior Sports Awards; the 2018 Bradley Matthews Memorial Award for Sporting Excellence; and the 2018 Randwick City Hall of Sporting Champions;
- The announcement and presentation of the winners of the Randwick City Junior Sports Awards, the Bradley Matthews Memorial Award for Sporting Excellence and the Randwick City Hall of Sporting Champions be presented under Council's Seal at a Civic Reception to be held on Thursday 25 October 2018;

- c) The remaining nominees for all three Sports Awards are presented with Certificates of Commendation under the Seal of Council;
- d) The perpetual Trophy for the Bradley Matthews Memorial Award is updated to reflect the 2018 winner;
- e) The Randwick City Hall of Champions Board located at Bowen Library is updated to reflect the 2018 inductee, after the announcement;
- f) That the details of the 2018 Sports Awards remain confidential until formally announced at the presentation evening.

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

CS48/18 Confidential - Eurimbla Avenue, Randwick - Proposed Acquisition (F2017/00300)

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.

292/18

RESOLUTION: (Andrews/Stavrinou) that:

- a) the offer of \$500,000, exclusive of GST by Health Infrastructure as compensation for the acquisition of Eurimbla Avenue and Lot 52 of DP7745 (Drainage Reserve) be accepted.
- b) the General Manager be authorised to enter into a Section 30 agreement under the Land Acquisition (Just Terms Compensation) Act 1991 on behalf of Randwick Council for this acquisition.
- c) the Section 30 agreement ensure that acquisition is not completed prior to vacation of the properties within the project site.

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

CO53/18 Confidential - Tender for Colocation and Communication Services - T2019-07 (F2018/00334)

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.

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

293/18

RESOLUTION: (Hamilton/Said) that:

- a) under Regulation 178(1)(a) of the Local Government (General) Regulation 2005, and subject to contractual negotiations being finalised to the reasonable satisfaction of the General Manager, NTT COM ICT Solutions (Australia) P/L be accepted as the successful tenderer(s) for T2019-07 for the provision of colocation facility services at Pymont and Alexandria, and provision of fibre optic communication services between those locations and back to Council's facilities at the proposed rates over the term of the agreement;

- b) under Section 377(1) of the Local Government Act 1993 and delegation RT013, the General Manager is authorised to enter into a contract on behalf of Council for a period of five (5) years with two (2) optional one (1) year extension(s); and
- c) unsuccessful tenderers are notified.

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

CO54/18 Confidential - Tender for Server Infrastructure and Associated Maintenance Services - T2019-08 (F2018/00335)

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.

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

294/18

RESOLUTION: (Hamilton/Da Rocha) that:

- a) under Regulation 178(1)(a) of the Local Government (General) Regulation 2005, and subject to contractual negotiations being finalised to the reasonable satisfaction of the General Manager, Harbour IT P/L be accepted as the successful tenderer(s) for T2019-08 for the provision of server infrastructure and associated maintenance services at the proposed rates over the term of the agreement;
- b) under Section 377(1) of the Local Government Act 1993 and delegation RT013, the General Manager is authorised to enter into a contract on behalf of Council for a period of five (5) years with two (2) optional one (1) year extension(s); and
- c) unsuccessful tenderers are notified.

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

Cr Stavrinis returned to the meeting at this point (10.42pm).

GM22/18 Confidential - Director Appointment (F2005/00524)

This matter is considered to be confidential under Section 10A(2) (a) Of the Local Government Act, as it deals with personnel matters concerning particular individuals (other than Councillors).

295/18

RESOLUTION: (Stavrinis/Da Rocha) that Council note the General Manager's intention to offer a five year senior staff employment contract to Mr Jorde Frangoples as Director City Services.

MOTION: (Stavrinis/Da Rocha) CARRIED - SEE RESOLUTION.

MM65/18 Recruitment of General Manager (F2018/00338)

This matter is considered to be confidential under Section 10A(2) (a) Of the Local Government Act, as it deals with personnel matters concerning particular individuals (other than Councillors).

296/18

RESOLUTION: (Hamilton/Da Rocha) that Council appoint Therese Manns as General Manager under the Office of Local Government General Manager Standard Contract (Local Government Act 1993, Section 338), for a period of five years. The initial remuneration package offered is agreed at \$410,000 per annum.

MOTION: (Hamilton/Da Rocha) CARRIED - SEE RESOLUTION.

Open Session

That the meeting move back into open session.

Notice of Rescission Motions

NR5/18 Notice of Rescission Motion - Notice of Rescission Motion submitted by Crs Roberts, Hamilton and Stavrinis - Mayoral Minute - Coogee Beach BBQ - Wattle Day 2018 - National Day of Action - Waiver of Fee (F2018/00096)

This Rescission Motion was **WITHDRAWN** at the meeting.

A **RESCISSION MOTION** in relation to MM61/18 (Mayoral Minute - Seeking Council support to participate in ClimateWatch (a citizen science project) with the not-for-profit Earthwatch Institute) was submitted by Councillors Andrews, Seng and Stavrinis in accordance with Council's Code of Meeting Practice and will be considered at the Ordinary Council meeting to be held on 16 October 2018.

There being no further business, Her Worship the Mayor, Cr L Shurey, declared the meeting closed at 10.46pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 16 October 2018.

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CHAIRPERSON