



MINUTES OF ORDINARY COUNCIL MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 26 MARCH 2019 AT 6:10PM

Present:

The Mayor, Councillor K Neilson (Chairperson) (North Ward)

Councillor D Said (Deputy Mayor) (South Ward)

North Ward	- Councillor L Shurey
South Ward	- Councillors C Da Rocha & N D'Souza
East Ward	- Councillors T Bowen (arrived 6.43pm) & B Roberts
West Ward	- Councillors A Luxford, H Stavrinou & P Veitch
Central Ward	- Councillors A Andrews, D Parker & T Seng

Officers Present:

General Manager	Ms T Manns
Director City Services	Mr J Frangoplos
Director City Planning	Mr K Kyriacou
Acting Director Corporate Services	Mr G Byrne
Senior Administrative Coordinator	Ms J Hartshorn
Communications Manager	Mr J Hay
Manager Corporate Performance	Ms A Warner
Executive Manager	Mr L Fitzgerald
Manager Infrastructure Services	Mr T Clarke

Prayer & Acknowledgement of Local Indigenous People

The Council Prayer was read by Cr Stavrinou. The Acknowledgement of Local Indigenous People was read by Cr Luxford.

Apologies/Granting of Leave of Absences

Apologies were received from Crs Hamilton and Matson.

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

Note: Council observed one minute's silence to show its respect for the 50 innocent lives lost in the recent Christchurch shootings and to advocate for peace and unity in all communities and to show its respect for His Eminence Archbishop Stylianos Harkianakis and acknowledge his service to the Greek Australian community (see MM17/19 and MM18/19).

Confirmation of the Minutes

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL HELD ON TUESDAY 26 FEBRUARY 2019

56/19 **RESOLUTION: (Stavrinos/ Shurey)** that the Minutes of the Ordinary Council held on Tuesday 26 February 2019 (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 Shurey declared a pecuniary interest in Item CS7/19 as her husband works with architects that prepared the plans for this matter. Cr Shurey indicated that she would not take part in the debate or the voting on the matter.
- b) Cr Parker declared a significant non pecuniary interest in Item CP4/19 as it relates to a personal interaction. Cr Parker indicated that he would not take part in the debate or the voting on the matter.
- c) Cr Andrews declared a non-significant non pecuniary interest in Item CP4/19 as he is aware of objectors and various residents associated with the matter.

(PROCEDURAL MOTION): (Andrews/Stavrinos) that Item CP4/19 be brought forward for immediate consideration and that the matter be deferred to allow notification of affected residents. **LOST.**

Note: Having previously declared an interest, Cr Parker left the chamber and took no part in the debate or voting on Item CP4/19.

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:

CP4/19 PLANNING PROPOSAL - NEW HERITAGE CONSERVATION AREA - 37-41 DUDLEY ST, 142A-152 BROOK ST AND 5 EDGE CUMBE AVE WITHIN RANDWICK LEP 2012 AND NEW LOCAL HERITAGE ITEMS - 39 AND 41 DUDLEY ST AND 148 BROOK ST, COOGEE

For Mr Mark O'Connor

The Mayor, Cr K Neilson, indicated that the Items for which there were speakers (being Item CP4/19 only) would be brought forward for immediate consideration.

Mayoral Minutes

MM11/19 Mayoral Minute - Financial support - Windgap Foundation - Annual Ball (F2019/00001)

57/19 **RESOLUTION: (Mayor, Cr Neilson)** that Council purchase tickets, for a table of 10 at a total cost of \$2,400, to the 2019 Windgap Foundation Annual Fundraising Ball and that this be funded from the 2018-19 Contingency Fund.

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

MM12/19 Mayoral Minute - Australian Blind Football (Soccer) - Request for financial assistance (F2008/00457)

58/19 **RESOLUTION: (Mayor, Cr Neilson)** that Council donate \$500 to the Australia Blind Football (Soccer) to assist our local resident attending the nation camp in Melbourne on 13-14 April 2019, to be funded from the 2018-19 Contingency Fund.

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

MM13/19 Mayoral Minute - Waiver of fees - Maroubra Swim Clubs - use of Des Renford Leisure Centre (F2006/00108)

59/19 **RESOLUTION: (Mayor, Cr Neilson) that:**

- a) Council approves the waiver of fees to the value of \$3,690 from the 2018-19 Council Contingency Fund to cover the hire fees for the Des Renford Leisure Centre to assist in raising funds for the Maroubra Swim Club.
- b) the organiser undertake to prominently acknowledge and promote Council's contribution to Club members.

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

MM14/19 Mayoral Minute - April Council Meeting - Change of date (F2004/06565)

60/19 **RESOLUTION: (Mayor, Cr Neilson) that the April Ordinary Meeting of Council be moved to Tuesday 30 April 2019 and public notification of this change be undertaken.**

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

MM15/19 Mayoral Minute - Possible Partnership Opportunities TAFE Randwick (F2006/00304)

61/19 **RESOLUTION: (Mayor, Cr Neilson) that the Mayor and General Manager meet with the head of TAFE Randwick campus to discuss partnership opportunities to increase local participation in vocational education.**

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

MM16/19 Mayoral Minute - Our Lady of the Rosary Parish Kensington - Request for assistance (F2004/07430)

62/19 **RESOLUTION: (Mayor, Cr Neilson) that Council supply 275 Buxus microphylla 'Janonica' 140mm plants and 65m² of Couch variety turf to Our Lady of the Rosary Parish Kensington to the value of \$2,850.00. The funds are to be allocated from the 2018-19 Contingency Fund.**

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

MM17/19 Mayoral Minute - Vale Archbishop Stylianos Harkianakis (F2005/00266)

63/19 **RESOLUTION: (Mayor, Cr Neilson) that Council observe a minute's silence to show its respect for His Eminence Archbishop Stylianos Harkianakis and acknowledge his service to the Greek Australian community.**

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

MM18/19 Mayoral Minute - Christchurch tragedy (F2005/00266)

64/19 **RESOLUTION: (Mayor, Cr Neilson) that Council observe a minute's silence to show its respect for the 50 innocent lives lost in the recent Christchurch shootings and to advocate for peace and unity in all communities.**

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

Urgent Business

Nil.

General Manager's Reports**GM3/19 General Manager's Report - Social Media Policy (F2011/00415)**

65/19 **RESOLUTION: (Parker/Shurey)** that this matter be deferred to the next Council meeting to allow more time for Councillors to consider the implications of the policy.

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

Director City Planning Reports**CP4/19 Director City Planning Report - Planning proposal - new Heritage Conservation Area - 37-41 Dudley St, 142A-152 Brook St and 5 Edgecumbe Ave within Randwick LEP 2012 and new Local Heritage Items - 39 and 41 Dudley St and 148 Brook St, Coogee (F2016/00475)**

Note: A Rescission Motion in relation to this Item was submitted by Councillors Andrews, Roberts and Stavrinou in accordance with Council's Code of Meeting Practice and will be considered at an Extraordinary Council meeting to be held on 2 April 2019.

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

66/19 **RESOLUTION: (Shurey/Veitch)** that:

- a) Each of the properties at 39 and 41 Dudley Street, Coogee and 148 Brook Street, Coogee is an item of local heritage significance;
- b) Each item, referred to in (a) above, is to be placed on the heritage schedule (Schedule 5) of the Randwick Local Environmental Plan 2012 and to be subject to the provisions of Clause 5.10 Heritage Conservation pursuant to Randwick Local Environmental Plan 2012;
- c) The Planning Proposal be forwarded to the Department of Planning and Environment as delegate to the Minister for Planning requesting 'Gateway Determination' under Section 3.34 of the Environmental Planning and Assessment Act 1979 to amend schedule 5 of the Randwick Local Environmental Plan 2012 to include the following sites as heritage items:
 - 39 Dudley Street, Coogee (Lot B DP 301192)
 - 41 Dudley Street, Coogee (Lot C DP 301192)
 - 148 Brook Street, Coogee (Lot B DP 305284)

and, to amend Schedule 5 to include a new Heritage Conservation Area (HCA) 'Edgecumbe Estate' which would encompass the following properties:

- 37 Dudley Street, Coogee (Lot A DP 301192)
 - 39 Dudley Street, Coogee (Lot B DP 301192)
 - 41 Dudley Street, Coogee (Lot C DP 301192)
 - 142A Brook Street, Coogee (SP 13844)
 - 144 Brook Street, Coogee (Lot 1 DP 536759)
 - 146 and 146 A Brook Street, Coogee (Lot 2 DP 388326)
 - 148 Brook Street, Coogee (Lot B DP 305284)
 - 150 Brook Street, Coogee (Lot A DP 305284)
 - 152 Brook Street, Coogee (Lot 1, DP 195960)
 - 5 Edgecumbe Avenue, Coogee (SP 12306)
- d) Following 'Gateway Determination' exhibit the Planning Proposal in accordance with the conditions of the Gateway Determination and bring back a report to Council detailing the results of the community consultation for final consideration by Council;
 - e) Authorise the Director, City Planning to make typographical, grammatical or formatting changes to the documentation.

AMENDMENT: (Roberts/Stavrinos) that this matter be deferred to allow affected owners to be notified. **LOST.**

Councillors Stavrinis and Roberts 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 Roberts	Councillor Neilson
Councillor Seng	Councillor Said
Councillor Stavrinis	Councillor Shurey
	Councillor Veitch
Total (5)	Total (6)

Cr Bowen arrived at the meeting at this point (6.43pm).

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

Councillors Shurey and Veitch called for a **DIVISION.**

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

FOR	AGAINST
Councillor Bowen	Councillor Andrews
Councillor Da Rocha	Councillor Roberts
Councillor D'Souza	Councillor Seng
Councillor Luxford	Councillor Stavrinis
Councillor Neilson	
Councillor Said	
Councillor Shurey	
Councillor Veitch	
Total (8)	Total (4)

Cr Parker returned to the meeting at this point (6.46pm).

CP5/19 Director City Planning Report - Parking Fine Reforms (F2013/00140)

67/19 **RESOLUTION: (Da Rocha/Stavrinos)** that Council do not opt into the reduced parking fine arrangements at this point and that the matter be reviewed, if necessary, at a future date.

MOTION: (Roberts/Said) that Council opt into the reduced parking fine arrangements at this point and that the matter be reviewed, if necessary, at a future date. **LOST.**

Councillors Roberts and Said called for a **DIVISION.**

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

FOR	AGAINST
Councillor Roberts	Councillor Andrews
Councillor Said	Councillor Bowen
	Councillor Da Rocha
	Councillor D'Souza
	Councillor Luxford
	Councillor Neilson
	Councillor Parker
	Councillor Seng
	Councillor Shurey
	Councillor Stavrinis

Total (2)**Councillor Veitch
Total (11)**

Cr Roberts left the meeting at this point (7.21pm)

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

Cr Roberts returned to the meeting at this point (7.22pm).

CP6/19 Director City Planning Report - Report for Variation to Development Standard under SEPP No.1 and Clause 4.6 - 08 Feb to 12 Mar 2019 (F2008/00122)

68/19 **RESOLUTION: (Stavrinos/Parker)** that the report be received and noted.

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

CP7/19 Director City Planning Report - Cultural and Community Grant Program - Recommended Allocations - March 2019 (F2009/00182)

69/19 **RESOLUTION: (Veitch/Shurey)** that:

- a) Council approves the allocation of Cultural and Community Program funds totalling \$49,808.00 to be allocated to the recommended grant applicants as listed in Attachment One.
- b) A review be undertaken of all financial assistance provided by Council.
- c) There be no reduction in financial assistance for community, cultural or sporting groups as a result of this review.

MOTION: (Veitch/Shurey) CARRIED – SEE RESOLUTION.

CP8/19 Director City Planning Report - ClimateWatch initiative proposed by the EarthWatch Institute at 2 Randwick locations (F2010/00241)

70/19 **RESOLUTION: (Stavrinos/Parker)** that Council approves participation with the EarthWatch Institute on its development of 2 ClimateWatch trails in Randwick at a cost of \$15,000 (year 1) and \$5,000 (year 2), with funds payable from the Biodiversity budget of the environmental levy program.

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

CP9/19 Director City Planning Report - Service NSW 'Easy to do Business' Program (F2009/00243)

71/19 **RESOLUTION: (Stavrinos/Parker)** that Council enter into a MoU with Service NSW to participate in the Easy to do Business initiative.

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

Director City Services Reports

CS7/19 Director City Services Report - Upcoming project - Coogee Surf Life Saving Club (PROJ/10564/2010/4)

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

72/19 **RESOLUTION: (Said/Bowen)** that \$720,000 be allocated in the 2020 - 21 Capital Works Budget towards the Coogee Surf Life Saving Club upgrade works as approved under DA/897/2016.

AMENDMENT: (Veitch/-) that this Item be deferred to allow for a Councillors' briefing on the matter. **LAPSED** for the want of a seconder.

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

Cr Shurey returned to the meeting at this point (7.49pm).

CS8/19 Director City Services Report - Kensington Centennial Park Floodplain Management Committee (PROJ/10059/2014)

73/19 **RESOLUTION: (Stavrinov/Parker)** that:

- a) Council adopts the Kensington Centennial Park Floodplain Risk Management Study and Plan.
- b) Options outlined in the plan be implemented in accordance with priorities and available funding.

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

CS9/19 Director City Services Report - Eurimbla Avenue, Randwick – Land Dedication for Public Road (F2017/00300)

74/19 **RESOLUTION: (Stavrinov/Parker)** that a notice be published in the NSW Government Gazette detailing the dedication of land as a public road as per the Plan of Eurimbla Avenue.

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

Director Corporate Services Reports

CO9/19 Director Corporate Services Report - Investment Report - February 2019 (F2015/06527)

75/19 **RESOLUTION: (Stavrinov/Parker)** that the Investment Report for February 2019 be received and noted.

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

CO10/19 Director Corporate Services Report - Contingency Fund - status as at 28 February 2019 (F2017/07396)

76/19 **RESOLUTION: (Stavrinov/Parker)** that the status of the contingency funds allocations for 2018-19, be noted.

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

CO11/19 Director Corporate Services Report - Proposed Pensioner Discount on Environment Levy (F2008/00460)

77/19 **RESOLUTION: (Stavrinov/Parker)** that:

- a) the additional pensioner rebate of \$75 be increased by \$25 to \$100 per annum for eligible pensioners.
- b) the additional \$25 pensioner rebate be funded from the Environment Levy.

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

CO12/19 Director Corporate Services Report - Monthly Financial Report as at 28

February 2019 (F2018/00380)

78/19 **RESOLUTION: (Stavrinis/Parker)** that Council acknowledges that the Responsible Accounting Officer has advised that the projected financial position of Council is satisfactory.

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

Petitions

Nil.

Motion Pursuant to Notice

NM13/19 Motion Pursuant to Notice - Notice of Motion from Cr Andrews - Public clocks (F2004/07512)

79/19 **RESOLUTION: (Andrews/Seng)** that Council, at the request of the Maroubra Precinct, install at a prominent location a public clock at both Maroubra Beach and Maroubra Junction.

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

NM14/19 Motion Pursuant to Notice - Notice of Motion from Cr Stavrinis - Footpath widening and lighting improvements to create alfresco dining areas in town centres (F2018/01301)

80/19 **RESOLUTION: (Stavrinis/Said)** that Council bring back a report with costings, identifying areas within our Town Centres where footpaths can be widened and lighting improved for the purposes of supporting initiatives currently being devised by the Night Time Economy Committee.

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

NM15/19 Motion Pursuant to Notice - Notice of Motion from Cr Bowen - Review of Light Rail Development Agreement between RCC and NSW Government (F2013/00263)

81/19 **RESOLUTION: (Bowen/Luxford)** that noting the Light Rail Development Agreement entered into between Council and Transport for NSW in September 2014 has resulted in a financial contribution of tens of millions of dollars by the Council to the light rail project in circumstances where the project has been altered and comprehensively delayed, and in order to protect council's financial exposure to the light rail project, council immediately retain Senior Counsel to review the Light Rail Development agreement and seek advice as to:

1. Council's remedies pursuant to the agreement and at law generally, including any remedy of damages;
2. Whether the agreement remains binding given alterations and delays to the light rail project and in terms of the agreement generally

and the advice be reported back to Council.

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

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

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

FOR	AGAINST
Councillor Bowen	Councillor Andrews
Councillor Luxford	Councillor Da Rocha
Councillor Neilson	Councillor D'Souza
Councillor Parker	Councillor Roberts
Councillor Said	Councillor Seng

Councillor Shurey
Councillor Veitch
Total (7)

Councillor Stavrinou
Total (6)

Note: Crs Luxford and Stavrinou presented an award to Council (which they had accepted on Council's behalf) from the Greek Orthodox Community of NSW thanking Council for its contribution to the Greek Festival of Sydney.

Confidential reports (closed session)

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

Closed Session

CO13/19 Confidential - Council Approval for Payment of Legal Expenses - Order for Councillors to Appear at Waverley Court (F2018/00631)

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.

82/19

RESOLUTION: (Andrews/Shurey) that:

- a) Marsdens Law Group hereby accepts instructions from each Councillor subpoenaed in this matter to act on their behalf; and
- b) Marsdens Law Group receive Council instructions to represent each Councillor in their personal capacity and be advised that Council will pay all legal costs for Marsdens Law Group acting on their behalf in this particular matter.

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

Open Session

That the meeting move back into open session.

Notice of Rescission Motions

A Rescission Motion in relation to Item CP4/19 was submitted by Councillors Andrews, Roberts and Stavrinou in accordance with Council's Code of Meeting Practice and will be considered at an Extraordinary Council meeting to be held on 2 April 2019.

There being no further business, Her Worship the Mayor, Cr K Neilson, declared the meeting closed at 8.47pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 30 April 2019.

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CHAIRPERSON