



**MINUTES OF ORDINARY COUNCIL MEETING
HELD ON TUESDAY, 28 FEBRUARY 2023 AT 7.06PM**

Present:

The Mayor, Councillor D Parker (Central Ward)

- | | |
|--------------|---|
| Central Ward | - Councillors D Rosenfeld & K Chapple |
| East Ward | - Councillors J McCafferty, M Olive & M Wilson |
| North Ward | - Councillors C Hamilton; K Neilson & R Pandolfini (Deputy Mayor) |
| South Ward | - Councillors B Burst, N D'Souza & D Said |
| West Ward | - Councillors A Hay, A Luxford & P Veitch |

Officers Present:

Acting General Manager	Mr K Kyriacou
Director City Services	Mr T Clarke
Acting Director City Planning	Mr R Wereszczynski
Director Corporate Services	Mr D MacNiven
Manager Customer & Compliance	Mr D Kelly
Communications Manager	Mr J Hay

One minute silence was observed for the recent passing of former Randwick Alderman, Ms Maurita Berg and community representative, Mr Wally Benington.

Welcome to Country & Prayer

The Welcome to Country was given by La Perouse Elder, Lloyd Walker. The Council Prayer was read by Cr Hamilton.

Apologies/Granting of Leave of Absences

Nil.

Confirmation of the Minutes

Confirmation of the Minutes of the Ordinary Council meeting held on Tuesday 13 December 2022

RESOLUTION: (Luxford/Rosenfeld) that the Minutes of the Ordinary Council meeting held on Tuesday 13 December 2022 and Extraordinary Council meeting held on 8th February 2023(copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of those meetings.

Declarations of Pecuniary and Non-Pecuniary Interests

- a) Cr Chapple declared a non-significant non pecuniary interest in Item NM10/23 as she knows the speaker on the matter.
- b) Cr Veitch declared a non-significant non pecuniary interest in Items NM7/23 and NM9/23 as she knows the speakers on these matters.
- c) Cr Hamilton declared a non-significant non pecuniary interest in Item NM9/23 as she knows the speaker on the matter.
- d) The Mayor declared a non-significant non pecuniary interest in Item NM8/23 as his employer had carriage of this legislation in parliament but he was not involved in the matter.

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:

- CS1/23 RANDWICK PETERSHAM CRICKET REQUEST FOR ADDITIONAL FUNDING
- For** Mike Whitney
- For** Jeremy Jastrzab
- NM10/23 NOTICE OF MOTION FROM CR CHAPPLE - IMPROVING DRAINAGE OPTIONS ON ANZAC PARADE BETWEEN LAWSON ST & HILLARY PDE
- For** Christy Norwood
- GM3/23 SYDNEY FILM FESTIVAL SPONSORSHIP 2023 - 2025
- For** Georgia Shepherd
- NM7/23 NOTICE OF MOTION FROM CR VEITCH - PEDESTRIAN SAFETY CONCERNS ON THE CORNER OF STURT/AVOCA/BUNDOCK STREETS
- For** Diane Nazaroff
- NM8/23 NOTICE OF MOTION FROM CR VEITCH - PROTECTING THE RIGHT TO PEACEFUL NON-VIOLENT PROTEST IN NSW AND ARREST OF UNSW STUDENT
- For** Cherish Kuehlmann
- NM9/23 NOTICE OF MOTION FROM CR PANDOLFINI - AUSTRALIA DAY 2024 CITIZENSHIP CEREMONY & STAFF ARRANGEMENTS
- For** Aunty Barbara Simms-Keely
- NM1/23 NOTICE OF MOTION FROM CR D'SOUZA – INVESTIGATE ESTABLISHING A TRUTH AND RECONCILIATION GROUP
- For** Aunty Barbara Simms-Keely

Procedural Motion (Veitch/Pandolfini) that Council consider the items that were addressed by the speakers first. **LOST.**

The meeting was adjourned at 8.27pm and was resumed at 8.37pm.

Mayoral Minutes

MM2/23 Mayoral Minute - Financial Assistance and Donations - January to February 2023 (F2022/06574)

RESOLUTION: (Mayor, Cr Parker) that Council:

- a) contribute \$2,500, to be funded from the 2022-23 Contingency Fund, to assist with the organising of the Asia Pacific Swimming Championships being held at the Des Renford Leisure Centre from 12-18 March 2023;
- b) donate plants from Council's Nursery, to the value of \$300 to be funded from the 2022-23 Contingency Fund, to St John's Anglican Church, Maroubra to upgrade and beautify the Church grounds;
- c) note the waiving of fees, totalling \$1,160 to be funded from the 2022-23 Contingency Fund, for the Coogee United Football Club charity event held on 22 January 2023 at the Heffron Synthetic Field;
- d) approve the purchase tickets for a table of 10 at the Windgap Gala Ball being held on 20 May 2023, at a total cost of \$2,400 to be funded from the 2022-23 Contingency Fund, for interested Councillors to attend in support of the cause;
- e) contribute \$750, to be funded from the 2022-23 Contingency Fund, to the Malabar Boat Owners & Sea Rescue Club Inc to go towards the proposed monument and plaque celebrating their service to the community for over 70 years;
- f) donate plants from Council's Nursery, to the value of \$500 to be funded from the 2022-23 Contingency Fund, to Sydney Children's Hospital, Randwick to revamp and beautify their small outdoor area;
- g) contribute \$7,500, to be funded from the 2022-23 Contingency Fund, to Surfing NSW for sponsorship of the Maroubra Pro surfing event being held at Maroubra Beach from 3-5 March 2023;
- h) donate \$750, to be funded from the 2022-23 Contingency Fund, towards the fundraising art exhibition being held on 3 March 2023 in support of the Soroptimist Randwick and Eastern Suburbs projects and causes; and
- i) note the contribution of \$350, funded from the 2022-2023 Contingency Fund, towards the single one-off Community Event Public Liability Insurance for the Yarra Bay Family Fun Day being held on 4 March 2023.

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

MM3/23 Mayoral Minute - Greek Epiphany Festival 2023 - Waiving of Fees (F2023/06574)

RESOLUTION: (Mayor, Cr Parker) that Council:

- a) note the waiving of fees, totalling \$17,588.49 to be funded from the 2022-23 Contingency Fund, associated with the Greek Epiphany Festival held on Sunday, 8 January 2023; and
- b) approve an additional allocation in the 2023-24 and future years Community donations budget to allow the waiving of fees associated with the holding of the Greek Epiphany Festival at Bicentennial Park, Yarra Bay on an annual and ongoing basis.

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

MM4/23 Mayoral Minute - Funding for Trove, Australian National Database (F2023/06574)

RESOLUTION: (Mayor, Cr Parker) that Council:

- a) make representation to the local Federal Member, the Hon Matt Thistlethwaite MP, in relation to the need for a sustainable federal funding model for the continuation of free access to the Trove national database and upgrade of the digital archive systems of Trove;
- b) write to the Federal Minister for the Arts, the Hon Tony Burke and the Shadow Minister for the Arts, the Hon Paul Fletcher calling for sustainable funding to ensure the continuation of free access to the Trove national database and upgrade of the digital archive systems of Trove; and
- c) endorse the actions of the NSW Public Libraries Association in lobbying for additional sustainable funds for the continuation of free access to the Trove national database and upgrade of the digital archive systems of Trove.

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

MM5/23 Mayoral Minute - Recognising Greek Independence Day 2023 (F2023/06574)

RESOLUTION: (Mayor, Cr Parker) that Council celebrate 202 years of Greek Independence on 25 March 2023 by:

- a) flying the Greek flag at Randwick Town Hall and other appropriate locations across Randwick City;
- b) producing content for Council's social media channels and e-news to mark the occasion;
- c) writing to prominent leaders in the Greek community including the Archbishop and local clergy, and the Consul General of Greece acknowledging the contribution made by the large Greek community in Randwick City;
- d) waiving the fees associated with the Greek Festival of Sydney event being held at the Prince Henry Centre on 5 March 2023, totalling \$1,680 to be funded from the 2022-23 Contingency Fund; and
- e) Adding the flying of the Greek flag and production of content for Council's social media channels and e-news to annual programming to mark the occasion in future years on an ongoing basis.

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

AMENDMENT: (Olive/Pandolfini) that Council:

- (a) fly the Harmony Day flag on 21st March 2023 to celebrate multicultural Australia;
- (b) produce content for Council's social media channels and e-news to mark Harmony Day;
- (c) write to prominent leaders in the Greek community including the Archbishop and local clergy, and the Consul General of Greece acknowledging the contribution made by the large Greek community in Randwick City; and
- (d) waive the fees associated with the Greek Festival of Sydney event being held at the Prince Henry Centre on 5 March 2023, totalling \$1,680.00 to be funded from the 2022-23 Contingency Fund. **LOST.**

MM6/23 Mayoral Minute - Renewed Concerns Regarding Meriton's Proposal for Little Bay Cove Development (F2022/06574)

RESOLUTION: (Mayor, Cr Parker) that Council:

- a) note Meriton's application for the Little Bay Cove site under the NSW State Government's fast-track Rezoning Program to be considered against eligibility and assessment criteria;
- b) note the inappropriate confidentiality requirements, before Council can be provided details about the application or be able to provide technical comments, including comments on the merits of fast-tracking the proposal;
- c) resolve to oppose the Rezoning Pathways Program that further strips Councils of planning powers and community involvement;
- d) oppose Meriton's application for the Little Bay Cove site being included in the NSW State Government's fast-track Rezoning Program; and
- e) reaffirms its commitment to the changes contained in the Randwick Comprehensive Planning Proposal 2022, that contained identical controls to the previous masterplan at Little Bay.

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

MM7/23 Mayoral Minute - Vale Maurita Berg (F2023/06574)

RESOLUTION: (Mayor, Cr Parker) that Council send its condolences to the family and hold a minute silence in remembrance of former Randwick City Councillor, Ms Maurita Berg.

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

RESOLVED: (Procedural Motion) (Rosenfeld/Hamilton) that all further addresses by Council be limited to two minutes.

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

FOR	AGAINST
Councillor Hamilton	Councillor Pandolfini
Councillor Hay	Councillor Neilson
Councillor Luxford	Councillor Veitch
Councillor Rosenfeld	Councillor Chapple
Councillor McCafferty	Councillor Olive
Councillor Wilson	Councillor D'Souza
Councillor Said	
Councillor Burst	
Councillor Parker	
Total (9)	Total (6)

Urgent Business

UB1/23 Cr Philippa Veitch - 15 Magill Street, Randwick

RESOLUTION: (Veitch/Luxford) that Council:

- a) thank staff for meeting with the residents of 15 Magill Street Randwick earlier this week; and
- b) make representations to Health Infrastructure and delay the slated installation this Friday of a boom gate outside number 15 Magill Street to allow further discussions with the residents of that property who still have concerns about the impact of the boom gate on their amenity.

Petitions

- (a) Cr Hay tabled a petition from residents in West Kensington expressing their concerns with the proposed development of around one thousand dwellings at 18-130 Epsom Road and 905 South Dowling Street, Zetland.

General Manager's Reports

GM1/23 General Manager's Report - Quarterly Progress Report - October to December 2022 (F2022/03001)

10/23

RESOLUTION: (Said/Luxford): that the information contained in the attached December 2022 Quarterly Progress Report for the 2022-23 Operational Plan be received and noted.

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

GM2/23 General Manager's Report - Outcome of Public Exhibition of Street Banner Policy (F2019/00660)

11/23

RESOLUTION: (Luxford/Hay) that Council:

- a) adopt the Street Banner Policy;
- b) authorise the General Manager to make any changes that involve updating the banner map and banner size specifications should they need to change over time; and
- d) include in the policy 10 new banner pole sites in the Kingsford Town Centre located at Meeks Street Plaza and the Rainbow Street intersection.

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

GM3/23 General Manager's Report - Sydney Film Festival Sponsorship 2023 - 2025 (F2021/00308)

12/23

RESOLUTION: (Said/Luxford): that Council enter into a sponsorship agreement with the Sydney Film Festival for the 2023, 2024 and 2025 seasons as outlined in the Sponsorship Proposal to the value of \$10,000 each year.

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

Director City Planning Reports

CP1/23 Director City Planning Report - Service NSW Partnership Agreement for Small Businesses (F2022/00367)

13/23

RESOLUTION: (Olive/Said) that Council authorises the General Manager to enter into the Partnership Agreement with Service NSW, as attached to the report and to execute any related documentation.

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

Director City Services Reports

CS1/23 Director City Services Report - Randwick Petersham Cricket Request for Additional Funding (F2005/00446)

14/23

RESOLUTION: (D'Souza/Said) that Council:

- (a) approves the allocation of an additional \$30,000.00 (total of \$110,000.00) per year for maintenance payments to Randwick Petersham Cricket Club in the 2023/24 operational plan and budget; and

- (b) write to Cricket NSW requesting they do what they can to support women's cricket and in particular the development of women's cricket in the Randwick Petersham cricket club area.

MOTION: (D'Souza/Said) CARRIED - SEE RESOLUTION.

CS2/23 Director City Services Report - Assessment of Potential Airborne Asbestos (Asbestos Issue) Heffron Park (F2008/00197)

15/23 **RESOLUTION: (Said/Luxford):** that Council:

- a) received and note this report; and
b) approve the annual air monitoring to be undertaken in 2023.

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

CS3/23 Director City Services Report - Community Sporting Groups Usage of Sports Fields (F2019/00686)

16/23 **RESOLUTION: (Said/Luxford)** that Council:

1. update the DRAFT 2023-24 *Operational Plan and Budget – Fees and Charges* to include ground hire charges for non-local schools and school carnivals outside of standard school usage hours;
2. note the current sporting season time periods:
 - 2.1. Winter – March to August,
 - 2.2. Summer – September to February;
3. endorse the required renovation/changeover period of 4 weeks between each season as follows:
 - 3.1. Winter – 12 February to 12 March 2023 (exception for Cricket 26 February 2023 to 12 March 2023 (low impact sport)),
 - 3.2. Summer - 28th August 2023 to 29th September 2023;
4. note the preliminary results of the sports field audit report; and
5. ensure additional inspections are carried out by Council rangers to enforce this position.

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

CS4/23 Director City Services Report - Cycleways & Bicycle Facilities Advisory Committee - November 2022 (F2018/00158)

17/23 **RESOLUTION: (Chapple/Olive)** that the minutes of the Cycleways and Bicycle Facilities Advisory Committee Meeting held on 16 November 2022, be received, and noted.

MOTION: (Chapple/Olive) CARRIED UNANIMOUSLY - SEE RESOLUTION.

Director Corporate Services Reports

CO1/23 Director Corporate Services Report - Councillor and Staff Interaction and Access to Information Policy (F2004/06110)

18/23 **RESOLUTION: (Hamilton/Burst)** that Councillor and Staff Interaction and Access to Information Policy (February 2023) be adopted, subject to:

- (a) Add the bold wording:
Page 3 Preface;
First paragraph, last sentence "...and ultimately the Council's performance will suffer, **meaning the whole community could be impacted.**"

- (b) Remove the bold wording:
Page 3 Access to information: the key to the relationship;
Second paragraph, second sentence "...Councillors should not be seeking to **interrogate the minutiae of the Council's operations or to** direct or influence staff in the performance of their duties."

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

CO2/23 Director Corporate Services Report - Appointment of Electoral Commission to Administer September 2024 Council Elections (F2023/00124)

RESOLUTION: (Said/Luxford) that Randwick City Council ("the Council") resolves:

- 19/23
- a) pursuant to s. 296(2) and (3) of the Local Government Act 1993 (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council;
- b) pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council; and
- c) pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

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

CO3/23 Director Corporate Services Report - 2023 National General Assembly of Local Government (F2014/00272)

RESOLUTION: (Said/Luxford) that:

- 20/23
- a) Council endorses the attendance of interested Councillors at the 2023 National General Assembly in Canberra;
- b) any Councillors interested in attending the 2023 National General Assembly of Local Government advise the General Manager as soon as possible for registration purposes; and
- c) any motions for the 2023 National General Assembly be submitted to the March 2023 Council meeting for endorsement by Council and to enable submission to the ALGA on 29 March 2023.

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

CO4/23 Director Corporate Services Report - Audit, Risk & Improvement Committee - Annual Performance Report 2022 (F2020/00105)

RESOLUTION: (Said/Luxford) that the Audit, Risk & Improvement Committees' annual performance report be received and noted.

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

CO5/23 Director Corporate Services Report - Identity Management Policy (F2020/00564)

RESOLUTION: (Olive/Chapple) that this matter be deferred for a Councillor briefing to allow for further consideration by Councillors.

MOTION: (Hamilton/Burst) that Council:

- 22/23
- a. repeal the current Information Security Policy (2015); and

- b. adopt the Identity Management Policy and User and Access Control Guideline and Security Management Guideline as attached.

AMENDMENT: (Olive/Chapple) CARRIED AND BECAME THE MOTION.

MOTION: (Olive/Chapple) CARRIED - SEE RESOLUTION.

CO6/23 Director Corporate Services Report - Rating Options and Other Responses for Airbnb and Short-Term Letting (F2022/00403)

RESOLUTION: (Chapple/Veitch) that Council write to the Minister for Planning and Homes advocating for the introduction of a bed tax or other scheme to be remitted to councils to address the impacts of short term rental accommodation on local communities.

MOTION: (Hay/Hamilton) that Council:

- (a) receive and note the report on short term letting; and
- (b) acknowledges that a bed tax would be counterproductive to Randwick's Council's goals of increasing tourism, providing affordable refuge to people visiting the Randwick Hospitals and students attending UNSW. Randwick City Council therefore does not support a bed tax.
LOST.

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

FOR	AGAINST
Councillor Hamilton	Councillor Pandolfini
Councillor Hay	Councillor Neilson
Councillor Rosenfeld	Councillor Veitch
Councillor McCafferty	Councillor Luxford
Councillor Said	Councillor Chapple
Councillor Burst	Councillor Olive
Councillor D'Souza	Councillor Wilson
	Councillor Parker
Total (7)	Total (8)

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

CO7/23 Director Corporate Services Report - Investment Report - November 2022 (F2016/06527)

RESOLUTION: (Hamilton/Rosenfeld) that the Investment Report for November 2022 be received and noted.

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

CO8/23 Director Corporate Services Report - Investment Report - December 2022 (F2016/06527)

RESOLUTION: (Said/Luxford) that the Investment Report for December 2022 be received and noted.

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

CO9/23 Director Corporate Services Report - Investment Report - January 2023 (F2016/06527)

26/23 **RESOLUTION: (Said/Luxford)** that the Investment Report for January 2023 be received and noted.

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

CO10/23 Director Corporate Services Report - Quarterly Budget Review - December 2022 (F2021/00364)

27/23 **RESOLUTION: (Said/Luxford)** that Council:

- a) receives and notes the report of December 2022 Quarterly Budget Review Statements (QBRs); and
- b) adopts the proposed December 2022 budget variations shown in the QBRs attachment to this report.

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

CO11/23 Director Corporate Services Report - Monthly Financial Report as at 30 November 2022 (F2021/00364)

28/23 **RESOLUTION: (Said/Luxford)** that the Monthly Financial Report as at 30 November 2022 be received and noted.

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

CO12/23 Director Corporate Services Report - Monthly Financial Report as at 31 December 2022 (F2021/00364)

29/23 **RESOLUTION: (Said/Luxford)** that the Monthly Financial Report as at 31 December 2022 be received and noted.

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

The meeting was adjourned at 10.12pm and was resumed at 10.25pm.

CO13/23 Director Corporate Services Report - Monthly Financial Report as at 31 January 2023 (F2021/00364)

30/23 **RESOLUTION: (Said/Luxford)** that the Monthly Financial Report as at 31 January 2023 be received and noted.

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

Motions Pursuant to Notice

NM1/23 Motion Pursuant to Notice - Notice of Motion from Cr D'Souza - Investigate Establishing a Truth & Reconciliation Group (F2004/06272)

31/23 **RESOLUTION: (D'Souza/Burst)** that Council investigate establishing a "Truth and Reconciliation Group" to discuss the challenges and difficulties faced by our indigenous people in the past and to reconcile the wrongs of the past.

MOTION: (D'Souza/Burst) CARRIED - SEE RESOLUTION.

NM2/23 Motion Pursuant to Notice - Notice of Motion from Cr D'Souza - Safety Issues at Intersection of Military Road and Bunnerong Road, Matraville (F2004/07225)

32/23 **RESOLUTION: (D'Souza/Burst)** that Council investigate how the intersection of Military Road and Bunnerong Road, Matraville can be made safer for both pedestrians and vehicles.

MOTION: (D'Souza/Burst) CARRIED - SEE RESOLUTION.

NM3/23 Motion Pursuant to Notice - Notice of Motion from Cr Rosenfeld - Celebrate Israel Independence Day 75th Anniversary (F2012/00347)

33/23

RESOLUTION: (Rosenfeld/D'Souza) that Council celebrate the Israel Independence Day 75th Anniversary on 26th April 2023 by:

- a) flying the Israeli flag at Randwick Town Hall on 26th April 2023;
- b) producing content for Council's social media channels and e-news to mark this occasion;
- c) writing to the Jewish Board of Deputies and prominent leaders in the Jewish community acknowledging the contribution made by the Jewish community in Randwick City; and
- d) flying the Harmony Day flag on March 21, 2023 to celebrate multicultural Australia.

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

FOR	AGAINST
Councillor Hamilton	Councillor Pandolfini
Councillor Hay	Councillor Veitch
Councillor Luxford	Councillor Chapple
Councillor Rosenfeld	Councillor Olive
Councillor McCafferty	
Councillor Wilson	
Councillor Said	
Councillor Burst	
Councillor D'Souza	
Councillor Parker	
Total (10)	Total (4)

MOTION: (Rosenfeld/D'Souza) CARRIED - SEE RESOLUTION.

AMENDMENT: (Olive/Pandolfini) that Council:

- (a) fly the Harmony Day flag on March 21, 2023 to celebrate multicultural Australia;
- (b) produce content for Council's social media channels and e-news to mark Harmony Day; and
- (c) write to the Jewish Board of Deputies and prominent leaders in the Jewish community acknowledging the contribution made by the Jewish community in Randwick City. **LOST.**

NM4/23 Motion Pursuant to Notice - Notice of Motion from Cr Rosenfeld - Parking at Broadarrow Reserve (F2005/00834)

34/23

RESOLUTION: (Rosenfeld/D'Souza) that:

- a) Council request a report on having Broadarrow Reserve being used for parking more frequently between November and March;
- b) the report is to cover the use of the reserve for parking on public holidays in the period where there are high numbers of people expected to visit Maroubra Beach due to the favourable weather forecast;
- c) the report is also to cover the use of the reserve for parking on weekends in the period where there are high numbers of people expected to visit Maroubra Beach due to the favourable weather forecast; and
- f) this report is to involve consultation with the community.

MOTION: (Rosenfeld/D'Souza) CARRIED - SEE RESOLUTION.

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

FOR	AGAINST
Councillor Hamilton	Councillor Pandolfini
Councillor Hay	Councillor Neilson
Councillor Luxford	Councillor Veitch
Councillor Rosenfeld	Councillor Chapple
Councillor McCafferty	Councillor Olive
Councillor Wilson	Councillor Parker
Councillor Said	
Councillor Burst	
Councillor D'Souza	
Total (9)	Total (6)

NM5/23 Motion Pursuant to Notice - Notice of Motion from Cr Olive - Community Surveys Made Available to Councillors on the Hub (F2012/00347)

35/23

RESOLUTION: (Olive/Chapple) that the text of community surveys sent to residents by Randwick City Council be made available to Councillors on the Hub.

MOTION: (Olive/Chapple) CARRIED - SEE RESOLUTION.

NM6/23 Motion Pursuant to Notice - Notice of Motion from Cr Burst - Proposing a Wheelchair Access Mat at Frenchmans Bay (F2012/00584)

36/23

RESOLUTION: (Burst/Rosenfeld) that Council investigate a wheelchair access mat/path to run out to the water's edge at Frenchmans Bay, La Perouse.

MOTION: (Burst/Rosenfeld) CARRIED - SEE RESOLUTION.

NM7/23 Motion Pursuant to Notice - Notice of Motion from Cr Veitch - Pedestrian Safety Concerns on the Corner of Sturt/Avoca/Bundock Streets (F2006/00101)

37/23

RESOLUTION: (Veitch/Luxford) that Council:

- a) acknowledge repeated requests by parents to address pedestrian safety concerns on the corner of Sturt and Avoca St since 2017, which is crossed by students attending Rainbow Street Public, Randwick Boys High and Randwick Girls High, as well as Maroubra Junction Public, the French School, Marcellin, Brigidine and Mount Sinai;
- b) notes the existing warrant for a signalised crossing at the intersections of Sturt, Avoca and Bundock streets as part of the South Coogee to Kingsford cycling improvements plan and write to the NSW state government to fund and commence construction of this crossing in the 2023-24 financial year;
- c) arrange for council officers to meet with members of the Rainbow Street Public School, Randwick Boys and Girls High school executives and P&Cs and Safe Streets to School Randwick to discuss further practical steps to address pedestrian safety on the nearby corners of Sturt/Avoca Streets and also Bundock/Avoca Streets;
- d) recommend that the proposals be considered by the Traffic Committee; and
- e) request that the responsible council officers detail measures that may be taken to include recommended works in the 2023-24 budget in the event construction of a signalised crossing is not able to commence in the 2023-24 financial year.

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

NM8/23 Motion Pursuant to Notice - Notice of Motion from Cr Veitch - Protecting the Right to Peaceful Non-Violent Protest in NSW and Arrest of UNSW Student (F2012/00347)

MOTION: (Cr Veitch/Neilson) that Council:

1. acknowledges that the right to protest is fundamental in a democratic society;
 2. condemns the recent arrest of UNSW student and SRC Education officer Cherish Kuehlmann for taking part in a student protest outside the Reserve Bank on Friday 17 February against the cost of living and housing crises;
 3. notes that in 2018 the NSW State Government acted to shut down peaceful protests against CSG and coal mining through its The Inclosed Lands, Crimes and Law Enforcement Legislation Amendment (Interference) Bill 2016;
 4. notes further that in 2022 the NSW Parliament passed legislation to prevent 'illegal protesting' on major roads, bridges, tunnels, public transport and infrastructure facilities. The new legislation amended section 144G the Roads Act 1993 which criminalises causing serious disruption by entering, remaining on or trespassing on prescribed major bridges and tunnels, to now include all "main roads". Offences carry a maximum penalty of \$22,000 or two years in gaol, or both;
 5. acknowledges that prohibiting individuals from taking part in any gathering, meeting or assembly may unduly trespass upon the rights of individuals to peacefully assemble for a common purpose and express their views;
 6. acknowledges that these laws will apply to those people who may wish to hold a meeting, assembly or peaceful protest in many of the public parks, spaces and roads in the Randwick LGA, or apply to local residents, workers or students attending rallies in other parts of Sydney or NSW; and
 7. write to the NSW State Government:
 - a) to oppose Clause 13 (1) item 4 Crown Land Management Regulations 2018, and;
 - b) to oppose the Roads Amendment (Major Facilities) Regulation 2022, published on the NSW Legislation website on 5 April 2022, for the reasons detailed above;
 - c) to express support for the right of peaceful gathering, meeting and assembly in NSW.
- LOST.**

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

FOR	AGAINST
Councillor Pandolfini	Councillor Hamilton
Councillor Neilson	Councillor Hay
Councillor Veitch	Councillor Luxford
Councillor Chapple	Councillor Rosenfeld
Councillor Olive	Councillor McCafferty
Councillor Wilson	Councillor Burst
Councillor Said	Councillor D'Souza
	Councillor Parker
Total (7)	Total (8)

NM9/23 Motion Pursuant to Notice - Notice of Motion from Cr Pandolfini - Australia Day 2024 Citizenship Ceremony & Staff Arrangements (F2004/07076)

RESOLUTION: (Said/Burst) that this matter be deferred for future discussions and a briefing with Councillors and the incoming General Manager.

MOTION: (Cr Pandolfini/D'Souza) that Council:

- a) from January 2024 onwards, no longer hold Citizenship Ceremonies on 26th January;
- b) from January 2024 onwards, hold a Citizenship Ceremony/s on one of the three days before or after 26 January (in line with the recently updated Australian Citizenship Ceremonies Code 2022), with the specific date of the Ceremony/s to be determined by the Mayor of the day in consultation with the General Manager;
- c) receive a report on allowing staff the choice of working on 26th January and selecting an alternate for a public holiday; and
- d) engage & consult with Bidjigal and Gadigal elders and community on all 26th January plans by Randwick council and offered the time and space for truth telling.

AMENDMENT: (Said/Burst) CARRIED AND BECAME THE MOTION.

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

NM10/23 Motion Pursuant to Notice - Notice of Motion from Cr Chapple - Improving Drainage Options on Anzac Parade between Lawson Street & Hillary Parade (F2019/00865)

RESOLUTION: (Chapple/D'Souza) that:

- (a) Council officers urgently bring back a report with solutions to improve drainage options for Anzac Parade between Lawson Street and Hillary Parade in consultation with local residents who have experienced significant flooding to properties in recent weeks; and
- (b) Council also urgently engage in a detailed investigation/design regarding drainage on Lenthall Street Kensington, immediately east of Southern Cross Drive. As Southern Cross Drive is the LGA boundary with the City of Sydney, we work collaboratively with them to establish the best course of action.

MOTION: (Chapple/D'Souza) CARRIED - SEE RESOLUTION.

Procedural Motion (Burst/Hay) that the meeting be extended by thirty minutes.

NM11/23 Motion Pursuant to Notice - Notice of Motion from Cr Chapple - Webcasting of Council Meetings (F2004/06570)

MOTION: (Cr Chapple/D'Souza) that Council officers bring back a report into:

1. delivering a live webcast with video of Council Meetings to be viewed on YouTube or a similar platform;
2. that consideration in the report also include the feasibility of keeping these videos available for viewing going forward; and
3. that engagement with young people and diverse communities in particular be considered in the report. **LOST.**

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

FOR	AGAINST
Councillor Pandolfini	Councillor Hamilton
Councillor Neilson	Councillor Hay
Councillor Veitch	Councillor Luxford
Councillor Chapple	Councillor Rosenfeld
Councillor Olive	Councillor McCafferty

Councillor Said
Councillor D'Souza

Councillor Wilson
Councillor Burst
Councillor Parker

Total (7)

Total (8)

NM12/23 Motion Pursuant to Notice - Notice of Motion from Cr Chapple - Rent Bidding (F2012/00347)

RESOLUTION: (Chapple/D'Souza) that Council includes in Council publications, materials and social media an explanation to recent changes to the law banning rent bidding to inform renters in our area of their rights.

MOTION: (Chapple/D'Souza) CARRIED - SEE RESOLUTION.

NM13/23 Motion Pursuant to Notice - Notice of Motion from Cr Pandolfini - Restricting Advertising on Council Owned Sites for Companies Involved in the Extraction/Sale of Fossil Fuels (F2009/00291)

MOTION: (Cr Pandolfini/Neilson) that in recognition of the health and climate impacts of fossil fuels, Council:

- a) will not accept sponsorships from companies involved in the extraction or sale of fossil fuels; and
- b) provides a report into options to restrict advertising from companies whose main business is the extraction or sale of coal, oil and gas across council owned sites. Staff are encouraged to look at numerous councils around Australia who are currently implementing a similar process.
LOST.

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

FOR

Councillor Pandolfini
Councillor Neilson
Councillor Veitch
Councillor Chapple
Councillor Olive
Councillor Said

Total (6)

AGAINST

Councillor Hamilton
Councillor Hay
Councillor Luxford
Councillor Rosenfeld
Councillor McCafferty
Councillor Wilson
Councillor Burst
Councillor D'Souza
Councillor Parker

Total (9)

NM14/23 Motion Pursuant to Notice - Notice of Motion from Cr Pandolfini - Proposing an Annual Art Exhibition during the Sydney Mardi Gras Festival (F2012/00347)

RESOLUTION: (Pandolfini/Veitch) that:

- a) Council facilitate an annual art exhibition during Sydney's annual Mardi Gras festival (around February or March) each year starting in 2024 responding to the Mardi Gras festival theme;
- b) the exhibition could be held in an appropriate Randwick City Council venue like the Randwick Town Hall or other cultural venues in the works, and be on for the duration of the official Sydney Mardi Gras festival;

- c) members of the LGBTQIA+ community, especially First Nations members, in Randwick should be consulted and included in the exhibition planning, mounting of work and any adjoining events; and
- d) the Arts & Cultural Steering Committee should be consulted on the exhibition planning.

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

NM15/23 Motion Pursuant to Notice - Notice of Motion from Cr Veitch - Motion for the 2023 NGA - Preventing Greenwashing & Promoting Ethical & Climate Positive Investments in Local Government Super Funds (F2012/00347)

RESOLUTION: (Veitch/Olive) that Council endorses the following motion to be submitted to the 2023 National General Assembly of Local Government:

This National General Assembly of Local Government calls on the Australian Government to:

1. actively encourage local government super funds to divest from companies engaging in the extraction of fossil fuels, native forest logging, gambling, weapons manufacturers, and tobacco;
2. take immediate action to ensure the integrity and accountability of carbon offset programs, while supporting and funding councils to directly reduce operational and community emissions through the roll out of local renewable energy infrastructure and other greenhouse gas reducing initiatives;
3. ban the practice of 'greenwashing' in local government super funds, ensuring that local government super funds that invest in companies engaging in the extraction of fossil fuels, native forest logging, gambling, weapons manufacturers, and tobacco are not able to promote their funds as being environmentally friendly or ethical investors.

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

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

FOR	AGAINST
Councillor Pandolfini	Councillor Hamilton
Councillor Neilson	Councillor Hay
Councillor Veitch	Councillor Luxford
Councillor Chapple	Councillor Rosenfeld
Councillor Olive	Councillor McCafferty
Councillor Wilson	Councillor Burst
Councillor Said	
Councillor D'Souza	
Councillor Parker	
Total (9)	Total (6)

Procedural Motion (Burst/D'Souza) that the meeting be extended to 12.30am.

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

FOR	AGAINST
Councillor Hamilton	Councillor Luxford
Councillor Pandolfini	Councillor Rosenfeld
Councillor Neilson	
Councillor Veitch	
Councillor Hay	
Councillor Chapple	
Councillor Olive	
Councillor McCafferty	
Councillor Wilson	
Councillor Said	

Councillor Burst
Councillor D'Souza
Councillor Parker

Total (13)

Total (2)

Questions with Notice

QN1/23 Question with Notice - Question with Notice from Cr Olive - Randwick Barracks Proposed Development (F2022/00760)

Question:

- a) does the Randwick Barracks site contain groundwater with dangerous levels of PFAS (per- and polyfluoroalkyl substances)?
- b) does the bore at Latham Park contain groundwater with dangerous levels of PFAS?
- c) does Council use the bore water from Latham Park for its purposes? If so, what does it use this water for?

Response from Acting Director City Planning (Roman Wereszczynski):

Response to part a)

Defence Housing Australia engaged SLR Consulting to undertake a detailed site contamination investigation on the Defence site, prior to proposed redevelopment of part of the Defence land.

In summary, the SLR report provides details of a number of contaminants on the site which would require remediation works to be undertaken to ensure that the land is suitable for its intended residential use.

The report also identified various contaminants, including asbestos, heavy metals, hydrocarbons and PFAS compounds, to varying concentrations.

The SLR report states that the site can be made suitable for a residential land use subject to:

- The management of materials containing asbestos (fibrous asbestos and asbestos fines) associated with historical activities on site.
- The management of elevated concentrations of petroleum hydrocarbons, bezo(a)pyrene, metals and other contaminants in the soil.
- Further monitoring of the groundwater quality and properties on site, including PFAS (Perfluoroalkyl and Polyfluoroalkyl Substances)
- Preparation of a Hazardous Building Material assessment of remaining buildings where they require demolition.
- Preparation of a Remedial Action Plan (RAP) to detail the remediation strategies and subsequent validation of site remediation work.

In relation to PFAS compounds, the SLR investigation identified that PFAS levels in the groundwater exceeded the relevant criteria for drinking water in 10 samples and exceeded the criteria for freshwater in 24 samples.

SLR advise that PFAS was generally not detected in soils sampled onsite and as the site is primarily vacant SLR considered that the site is unlikely to be the primary source, or an ongoing source of PFAS impact to groundwater.

Council engaged Douglas Partners to carry out a peer review of the SLR detailed site investigation report and Douglas Partners advise that the SLR investigation appears to be quite comprehensive and is generally compliant with the published guidelines, including those made and endorsed by the NSW EPA under the Contaminated Land Management Act, 1997.

However, in relation to groundwater quality, Douglas Partners recommended that further testing of groundwater should be conducted by SLR, which will be used to assess any risk posed to the site and surrounding sites (such as the Randwick Environmental Park), as the risk posed by groundwater is not explicitly discussed in the draft DSI.

Council officers have forwarded a copy of the Douglas Partners report to Defence for consideration of the conclusions and recommendations in the report, including groundwater monitoring and management of asbestos on the site.

Therefore, further groundwater monitoring would need to be carried out to fully assess any potential impacts arising from the levels of PFAS compounds in the groundwater on the subject site or off-site, including Council's Randwick Environmental Park and other locations.

Response to part b)

Based on the SLR report commissioned by Defence, the results of background bore water sampling taken from the bore within Latham Park identified that the PFAS level was 0.015 µg/L (microgram per litre).

The level of PFAS is well below the relevant criteria under the Australian Drinking water guidelines and Recreation Water guidelines, which is 0.07 µg/l and 0.7 µg/l respectively.

However, it is the PFAS level in the bore water is above the criteria for Freshwater which is 0.00023 µg/l.

PFAS is typically found in groundwater in urban areas and the SLR report indicated that the PFAS levels reported are likely to represent broader regional impacts from multiple sources.

However, the Douglas Partner Peer review states that further testing of groundwater within the Defence site was recommended by the SLR report to appropriately evaluate the risks (if any) to the site and surrounding sites (such as the Randwick Environmental Park).

Council officers have also arranged for further sampling to be conducted to assess the levels of contaminants (including PFAS) in the bore water within Latham Park, which will be assessed by Council's environmental consultants to ensure that the bore water is suitable for its intended uses.

Response to part c)

The bore water in Latham Park is only used for irrigation purposes in the park and sports fields and at limited times. Council officers have arranged for further sampling and analysis to be carried, which will be reviewed by Council's environmental consultant to ensure that any use of the bore water is suitable for its intended purposes.

QN2/23 Question with Notice - Question with Notice from Cr Olive - Council's Bushland/Bushcare Unit (F2012/00347)

Question:

- a) How many staff are employed in Council's Bushland/Bushcare unit?
- b) Has this employment number changed in a long time?
- c) What is the budget for Council's Bushland/Bushcare unit?
- d) Has this unit's budget remained relatively stable for a while in real terms? In nominal terms?
- e) Has the Council's Bushland/Bushcare unit increased its responsibilities over the same period?

Response from Director City Services (Todd Clarke):

Response to part a)

At present there are 3 staff within the unit. (1 x Supervisor, 1 x Bushland Officer, 1 x Bushcare Officer.)

Response to part b)

Team size has remained the same since 2013.

Response to part c)

(non-capital related items)

Staff \$236,692

Materials and Contracts \$671,827

Response to part d)

2017/18		2018/19		2019/20		2020/21		2021/22		2022/23	
Original Budget	Actual Spend										
847,953	892,759	\$866,270	868,394	987,142	\$862,028	\$873,148	982,545	\$893,648	1,060,698	908,789	574,125

Response to part e)

Within this time, from 2013 to the present, there has been an increase in the quantity and complexity of bushland sites managed and maintained by the team. However, there has also been an increase in the number of Bushcare groups and Bushland contractors operating within these sites.

QN3/23 Question with Notice - Question with Notice from Cr Chapple - Status of Shark Net Removal (F2021/00225)

Question:

Recognising previous motions of this Council (especially on 27/4/21) regarding the removal of shark nets as an ineffective deterrent when is it currently anticipated that there will be enough evidence to remove the nets from beaches in the Randwick LGA?

- does Council receive regular data about the animals caught and killed in shark nets in our area?
- what is the ongoing cost of maintaining nets and who pays for this?
- what steps has Council taken to speed up the process given the high level of community concern about animals including dolphins, seals and turtles killed in the nets?

Response from Director City Services (Todd Clarke):

Response to part a)

NSW DPI prepares and publishes the Shark Meshing (Bather Protection) Program Annual Performance Report. This report includes total shark meshing program entanglements per season reported broken down by area and species.

The Randwick Council data is pooled together with Waverley Council and Sutherland Shire Council in an area classified as Sydney South.

Response to part b)

NSW DPI have advised the total Shark Meshing Program contractors cost at ~\$1.8 million per annum in 2021/22. This cost is covered by the NSW Government.

Response to part c)

At its ordinary meeting of 27 April 2021 Council resolved:

“(Matson/Hamilton) that:

- a) Council undertakes a trial of SMART Drumlines, drones and VR4G Shark Listening Stations in consultation with DPI along the RCC coastline;
- b) Council retains the shark meshing at Maroubra and Coogee Beaches until there is data confirming the effectiveness of SMART Drumlines, drones and VR4G Shark Listening Stations along RCC's coastline; and
- c) any proposed changes to RCC's/DPI's current strategy should only be considered after significant community consultation and engagement with the local community."

In February of 2023, NSW DPI have conducted an annual survey which seeks to measure the sentiments around shark mitigation approaches currently used in NSW. Once the results of this community survey are announced, the results will be tabled to Council for further consideration of an appropriate strategy.

Confidential Reports

The meeting moved into closed session in order to consider the following confidential items.

CO14/23 Confidential - Tender for the Supply of High-Pressure Cleaning Services - Tender No SSROC T2022-09 (F2022/00296)

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.

RESOLUTION: (Luxford/Rosenfeld) that:

- a) under Regulation 178(1)(a) of the Local Government (General) Regulation 2021, and subject to contractual negotiations being finalised to the reasonable satisfaction of the General Manager, that All Sweeper Hire Pty Ltd, Fast Facilities Services Pty Ltd, S. Michael Cleanings Services Pty Ltd t/a Squeeky Group, Storm International Pty Ltd and Urban Maintenance Systems Pty Ltd be accepted as the successful tenderers for SSROC T2022-09 for the Supply of High-Pressure Cleaning Services, at their proposed rates over the term of the agreement; and
- b) under Section 377(1) of the Local Government Act 1993 the General Manager is authorised to enter into a preferred supplier agreement with these tenderers for a period of 3 years, with 2 optional 1-year extensions.

MOTION: (Luxford/Rosenfeld) – CARRIED UNANIMOUSLY.

Procedural Motion (Burst/D'Souza) that the meeting be extended for fifteen minutes.

CS5/23 Confidential - Heffron Centre - HCV#17 - Remediation Variation Claim (F2019/10812)

This matter is considered to be confidential under Section 10A(2) (c) Of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Note A rescission motion was submitted on this matter by Crs Veitch, Chapple, Pandolfini and Olive in accordance with Council's Code of Meeting Practice and will be dealt with at an extraordinary Council meeting on Tuesday 7 March 2023.

RESOLUTION: (Hamilton/Rosenfeld) that:

- (a) Council receive and note this report; and
- (b) Councillors receive a briefing on this matter.

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

FOR	AGAINST
Councillor Hamilton	Councillor Pandolfini
Councillor Neilson	Councillor Veitch
Councillor Hay	Councillor Chapple
Councillor Luxford	Councillor Olive
Councillor Rosenfeld	
Councillor McCafferty	
Councillor Wilson	
Councillor Said	
Councillor Burst	
Councillor D'Souza	
Councillor Parker	
Total (11)	Total (4)

AMENDMENT: (Veitch/Olive) that:

- (a) that this matter be deferred to a Councillor briefing and the members of the Heffron Project Group be made available to respond to questions; and
- (b) all variations to agreed expenses be subject to approval of the elected council body. **LOST.**

The meeting moved back into open session.

Notice of Rescission Motions

A rescission motion was submitted on item CS5/23 - "Confidential - Heffron Centre - HCV#17 - Remediation Variation Claim matter" by Crs Veitch, Chapple, Pandolfini and Olive in accordance with Council's Code of Meeting Practice and will be dealt with at an extraordinary Council meeting on Tuesday 7 March 2023.

There being no further business, His Worship the Mayor, Cr D Parker, declared the meeting closed at 12.39am.

The minutes of this meeting were confirmed at the Ordinary Meeting of Randwick City Council held on Tuesday, 28 March 2023.

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CHAIRPERSON