



**MINUTES OF ORDINARY COUNCIL MEETING
HELD ON TUESDAY, 22 NOVEMBER 2022 AT 7.08PM**

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
Manager Strategic Planning	Ms S Agagiotis

Acknowledgement of Local Indigenous People & Prayer

The Acknowledgement of Local Indigenous People was read by Cr Pandolfini and the Council Prayer was read by Cr Said.

Apologies/Granting of Leave of Absences

Nil.

Requests to attend meeting by Audio-Visual Link

A request to attend the meeting by audio-visual link was received from Crs Chapple and Olive.

RESOLVED: (Hay/D'Souza) that the request from Crs Chapple and Olive to attend this meeting by audio-visual link be approved. Cr Chapple due to work commitments outside of Sydney and Cr Olive due to illness.

Confirmation of the Minutes

Confirmation of the Minutes of the Ordinary Council meeting held on 18 October 2022 and Extraordinary Council meeting held on 21 October 2022

RESOLUTION: (Luxford/Rosenfeld) that the Minutes of the following meetings:

- Ordinary Council meeting held on Tuesday 18 October 2022; and
- Extraordinary Council meeting held on Friday 21 October 2022

(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 Neilson declared a non-significant non pecuniary interest in Item CP66/22 as she owns a property in a heritage conservation area but there are no changes proposed in this area.
- b) Cr Neilson declared a significant non-significant non pecuniary interest in Item CP71/2 as she is the patron of the Randwick Art Society. Cr Neilson will be taking no part in the debate or voting on this matter.
- c) The Mayor, Cr Parker declared a non-significant non pecuniary interest in Item CS56/22 as, while he does not believe under the Code he has an actual conflict as the nature of the interest is neither particularly close nor particularly strong so as to prevent the perception of a conflict, he will as a precaution be absenting himself from the debate. The brother-in-law of his former housemate and current friend is the lessee within the Coogee Beach Amenities block.
- d) The Mayor, Cr Parker declared a non-significant non pecuniary interest in Item CS61/22 as he has attended social functions held by the South Maroubra surf club and have been in receipt of merchandise and hospitality of token value. The Mayor will be voting on the matter.
- e) The Mayor, Cr Parker declared a non-significant non pecuniary interest in Item CS62/22 as he is a volunteer patrolling and occasionally competing member of Maroubra Surf Lifesaving Club. He does not hold any office, actively participate in the management/administration of the organisation, nor does he engage in other activities to any significant extent which could be considered as giving rise to a particularly strong affiliation. The Mayor will be voting on the matter.
- f) Cr Rosenfeld declared a pecuniary interest in Item CP75/22 as he owns a unit in close proximity to the address in question. Cr Rosenfeld will be taking no part in the debate or voting on this matter.
- g) Cr Chapple declared a non-significant non pecuniary interest in Item 69/22 as her daughter is a student at one of the schools chosen for the trial.
- h) Cr Chapple declared a non-significant non pecuniary interest in Item CS61/22 as she is a member of the club and her daughter does nippers there.
- i) Cr Veitch declared a non-significant non pecuniary interest in Item CS61/22 as she is a member of the South Maroubra Surf Club. Cr Veitch will be taking no part in the debate or voting on this matter.
- j) Cr Hay declared a non-significant non pecuniary interest in Item CP66/22 as his mother owns a property in a heritage conservation area but there are no changes proposed in this area.
- k) Cr Luxford declared a non-significant non pecuniary interest in Item CS62/22 as her children are members of Maroubra Surf Club and she was involved with the club for many years. She also knows the speaker on this matter.
- l) Cr Wilson declared a non-significant non pecuniary interest in Item NM105/22 as she worked for the United Services Union in 2001, 2010 and part of 2011. She is also a member of the union.
- m) Cr Said declared a non-significant non pecuniary interest in Items CS60/22, CS61/22 and CS62/22 as he knows the speakers on all of these matters.
- n) Cr Luxford declared a non-significant non pecuniary interest in Item CS60/22 as she knows the speaker on the matter.
- o) Cr Burst declared a non-significant non pecuniary interest in Items CS60/22 and CS61/22 as he knows the speakers on both matters.
- p) Cr D'Souza declared a non-significant non pecuniary interest in Items as CS60/22 and CS61/22 as he knows the speakers on both matters.
- q) The Mayor, Cr Parker declared a non-significant non pecuniary interest in Item NM104/22 as his employer had carriage of this legislation as Shadow Attorney General, however the Mayor had no involvement in that 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:

CS60/22 STATE EMERGENCY SERVICES (SES) – REQUEST FOR INVESTIGATION INTO NEW RANDWICK UNIT FACILITY AND HEADQUARTERS

For Peter Stouk (representing Randwick SES)

CS61/22 SOUTH MAROUBRA SURF CLUB - REFURBISHMENT AND ACCESSIBILITY UPDATE - DEVELOPMENT APPLICATION

For Uri Teitler (representing South Maroubra Surf Club)

CS62/22 PROJECT MANAGEMENT SERVICES FOR MAROUBRA SLSC REDEVELOPMENT - TENDER NO T2022-25

For John Georgas (representing Maroubra SLSC)

CS65/22 DUNNINGHAM RESERVE - APPLICATION TO TRADE - REVIEW OF DETERMINATION

Against Jessie Lane

Mayoral Minutes

MM45/22 Mayoral Minute - Financial Assistance and Donations - November to December 2022 (F2022/06574)

RESOLUTION: (Mayor, Cr Parker) that Council:

- a) donate plants from Council's Nursery to the value of \$500, to be funded from the 2022-23 Contingency Fund, to Coogee Community Gardens for the native plants garden beds project;
- b) note the contribution of \$700, funded from the 2022-23 Contingency Fund, towards road closure signage and traffic control for the Saint George Coptic Orthodox Church Community Fete that was held on 12 November 2022;
- c) waive the fees associated with the 87th Annual National AIF Carnival being held at the Des Renford Leisure Centre on 18 March 2023 totalling \$1,175 and contribute \$500 to assist with the hiring of gazebos for the event, to be funded from the 2022-23 Contingency Fund;
- d) waive the fees associated with the Coogee Surf Life Saving Club Coogee Island Challenge being held on 2 April 2023 totalling \$4,017, to be funded from the 2022-23 Contingency Fund;
- e) waive the fees associated with the Coogee Surf Life Saving Club Run Swim event being held on 7 May 2023 totalling \$4,017, to be funded from the 2022-23 Contingency Fund;
- f) waive the fees associated with the South Maroubra Surf Club's Ocean Swim being held on 23 April 2023 totalling \$683, to be funded from the 2022-23 Contingency Fund;
- g) contribute \$6,526.92 towards the St Andrew's Catholic Church Annual Pere Receveur Mass being held at La Perouse on 19 February 2023, to be funded from the 2022-23 Contingency Fund; and
- h) Donate plants from Council's Nursery to the value of \$500, to be funded from the 2022-23 Contingency Fund, to the Parents and Friends Association of Our Lady of the Rosary Catholic Primary School, Kensington for the Christmas Fair being held on 26 November 2022.

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

MM46/22 Mayoral Minute - Diverse and Affordable Housing (F2022/06574)

RESOLUTION: (Mayor, Cr Parker) that Council:

- a) endorse the General Manager to review Council landholdings to identify a site where Council can partner with a community housing provider for the delivery of affordable housing;
- b) bring a report back to Council that investigates a regional approach to affordable housing delivery with Waverley and Woollahra councils, that combines funding, land allocations and state and Commonwealth grants; and
- c) work with Resilient Sydney to jointly advocate to the Federal and State Governments to establish effective evidence based policies and programs for the delivery of affordable housing.

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

MM47/22 Mayoral Minute - Survival Day Event - 26 January 2023 (F2022/06574)

RESOLUTION: (Mayor, Cr Parker) that Council:

- a) in consultation with the La Perouse Local Aboriginal Land Council and other First Nations people, host a Survival Day Concert at La Perouse Museum on 26 January 2023, with \$14,000.00 to be funded from the 2022-23 Contingency Fund;
- b) resolve to host a Survival Day Concert at La Perouse Museum on 26 January every year going forward; and
- c) consult the LALC and other first nations people in our local community if they'd like to consider "Aboriginal Sovereignty Day" as a naming option.

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

MM48/22 Mayoral Minute - Vale Dr Fred Orr (F2022/06574)

RESOLUTION: (Mayor, Cr Parker) that Council hold a minute silence in remembrance and donate \$500.00 to WIRES in memory of the late Dr Fred Orr.

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

MM49/22 Mayoral Minute - Land Negotiation Program (F2022/06574)

MOTION: (Mayor, Cr Parker) that Council:

- a) reaffirms Randwick Council's strong commitment towards ongoing justice and reconciliation for First Nations Peoples and recognises the ongoing importance that land ownership plays in this;
- b) notes the decision of Randwick Council on 18 October 2022 to "endorse the nominated crown land parcels proposed to be transferred to Council ownership as listed in the attached schedule" as part of the NSW Government Land Negotiation Program facilitating the transfer of Crown Land through a negotiated process to the La Perouse Aboriginal Land Council and Randwick Council;
- c) notes that the decision-making surrounding this process has been held in secret as a State requirement for participation in the Program.

- d) calls upon the Minister to, at the earliest possible moment or at a minimum with reasonable notice, make public to the community and potential native title claimants the proposed draft agreement prior to any final decision being made;
- e) calls upon the Minister to ensure that the various Land Management Agreements and Aboriginal Land Agreements contain strengthened tenancy protections for any potentially impacted charities, community organisations, associations, community service providers, not-for-profit aged care providers, not-for-profit early childcare centres, Returned Services Leagues and community sporting and other recreational associations in the longer term past the existing lease and licence period; and
- f) calls upon the Minister to ensure that the various Land Management Agreements and Aboriginal Land Agreements contain sufficient heritage protections where relevant.

RESOLVED: (Procedural Motion): (Neilson/Hay) that the remaining discussion on this matter be deferred to the confidential session at the end of this meeting.

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 Luxford
Councillor Rosenfeld	Councillor Chapple
Councillor McCafferty	Councillor Olive
Councillor Wilson	Councillor Parker
Councillor Said	
Councillor Burst	
Councillor D'Souza	
Total (9)	Total (6)

See page 23 of these minutes for action taken on this matter.

MM50/22 Mayoral Minute - Additional Financial Assistance and Donations - November to December 2022 (F2022/06574)

RESOLUTION: (Mayor, Cr Parker) that Council:

- a) waive the fees associated with the Carols By The Sea being held by St Nicholas Anglican Church at Grant Reserve on 3 December 2022 totalling \$2,552.00, to be funded from the 2022-23 Contingency Fund; and
- b) contribute \$500.00 towards the 70s & 80s Dinner Dance being held at the Prince Henry Centre in May 2023 to raise funds for Cancer Council NSW, to be funded from the 2022-23 Contingency Fund.

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

Urgent Business

Nil.

General Manager's Reports

GM26/22 General Manager's Report - 2021-22 Annual Report (F2022/03005)

RESOLUTION: (Hay/Hamilton) that:

- a) the Randwick City Council 2021-22 Annual Report (including the 2021-22 audited Financial Statements) be endorsed by Council;
- b) the General Manager be authorised to make any minor administrative changes to the Annual Report if required; and
- c) a copy of the Annual Report be posted on Council's website and subsequent advice made to the Minister for Local Government as to the specific URL.

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

GM27/22 General Manager's Report - Quarterly Progress Report - July to September 2022 (F2022/03001)

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

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

GM28/22 General Manager's Report - Community Engagement Strategy - Outcome of Public Exhibition (F2022/00271)

Note: A rescission motion on this matter was submitted by Crs Said, Burst and Rosenfeld in accordance with Council's Code of Meeting Practice and will be considered at the next available Council meeting.

RESOLUTION: (Veitch/Luxford) that Council resolve to adopt the attached Community Engagement Strategy, subject to:

- (a) on page 33 of the Community Engagement Strategy document:

Change the following Level 1 notifications to Level 2 notifications:

- Property boundary adjustment
- Tree works not affecting other properties
- Any other development which in the opinion of a senior council planning officer is of minimal environmental impact or ancillary in nature; and is not likely to result in any adverse impacts on the broader community or adjoining/ neighbouring

- (b) on page 33 at the bottom of page:

Remove "A development may be exempt from requiring site notices, if in the opinion of a Senior Council Planning Officer, the proposal will not result in adverse impacts on the broader community."

- (c) on page 34 – Section 5.5.2 Amended Applications (Re-Notification)

At top of page, end of first paragraph amend to say:

"For amendments prior to determination of an application, Council **will** renotify."

Adjust table 3. Public notification requirements for modification applications as follows:

Section 4.55 (1) application – notify.

Section 4.55 (1A) application – notify.

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

GM29/22 General Manager's Report - Street Banner Policy 2022 and Campaigns Update (F2019/00660)

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

- a) note the information about street banners flown in 2022;
- b) endorse the attached draft Street Banner Policy for public exhibition and the outcomes of the exhibition be reported back to Council; and
- c) ensure that further investigations continue into locations for street banners in Kensington.

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

AMENDMENT: (Pandolfini/Veitch)

Update the guidelines to clarify the exclusions for street banners including advertising for:

- Gambling
- Companies who extract fossil fuels
- Alcohol or tobacco

Additionally confirm for 2023 the inclusion in the banner street program of Mardi Gras, IWD, NAIDOC and Reconciliation week. **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 D'Souza	Councillor Wilson
	Councillor Said
	Councillor Burst
	Councillor Parker
Total (6)	Total (9)

Note: The meeting was adjourned at 8.47pm and was resumed at 9.03pm.

Director City Planning Reports

CP63/22 Director City Planning Report - Randwick Comprehensive Development Control Plan Review - Overview (F2022/00332)

RESOLUTION: (Said/McCafferty) that Council receive and note this report.

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

CP64/22 Director City Planning Report - Randwick Comprehensive Development Control Plan Review - Part C1 Low Density Residential (F2022/00332)

RESOLUTION: (Said/McCafferty) that Council endorse:

- a) the draft Part C1 Low Density Residential DCP for public exhibition;
- b) minor editing, formatting and clarification of clauses and diagrams in the draft Part C1 Low Density Residential DCP prior to public exhibition; and

- c) the draft Part C1 Low Density Residential DCP as an interim policy, commencing on the date of the gazettal of the Comprehensive LEP, pending its final adoption by Council.

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

CP65/22 Director City Planning Report - Randwick Comprehensive Development Control Plan Review - Part E7 Housing Investigation Areas (F2022/00332)

RESOLUTION: (Rosenfeld/Hamilton) that Council endorse:

- a) the Draft DCP Part E7 Housing Investigation Area provisions contained in Attachment 1 for public exhibition located within the areas of West Randwick (part), High Street Randwick (formally known as Arthur Street HIA), Magill Street Randwick and Kingsford South;
- b) minor editing, formatting and clarification of clauses and diagrams in the Draft Part E7 Housing Investigation Areas prior to public exhibition; and
- c) the Draft Part E7 Housing Investigation Area DCP provisions as an interim policy commencing on the date of gazettal of the Comprehensive LEP, pending its final adoption after public exhibition.

MOTION: (Veitch/Luxford)

In Appendix Attachment on page 60 - Housing Mix, amend point b to read:

- b) At least 30% of the total number of dwellings (to the nearest whole number of dwellings) within a development are to be one or two bedroom dwellings, or both.

On page 74 in Table 2. - Deep Soil etc.

West Randwick + Kingsford South HIA - increase deep soil permeable area to 20%.

On page 79-80 under Car Parking Provision

- c) Development must provide two electric vehicle charging points per five car parking spaces and demonstrate appropriate electrical infrastructure and capacity for the remaining Lot Owners (Eligible Lot Owner) to install a vehicle charging point at a later date.

- d) Development must install appropriate electrical infrastructure and capacity to allow at least 40% of Lot Owners (Eligible Lot Owner) to charge an electric vehicle at any one time in their own car space.

- e) ii) Provide at least 22kw or 32A three phase charging per port.

On page 80 in Table 4 - HIA Car parking provision rate

Increase parking spaces to the TfNSW minimum. **LOST.**

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

FOR

Councillor Pandolfini
Councillor Veitch
Councillor Hay
Councillor Luxford
Councillor Chapple
Councillor Olive

AGAINST

Councillor Hamilton
Councillor Neilson
Councillor Rosenfeld
Councillor McCafferty
Councillor Wilson
Councillor Said
Councillor Burst
Councillor D'Souza

Councillor Parker

Total (6)**Total (9)****MOTION: (Rosenfeld/Hamilton) CARRIED - SEE RESOLUTION.**

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

FOR

Councillor Hamilton
Councillor Pandolfini
Councillor Neilson
Councillor Veitch
Councillor Chapple
Councillor Rosenfeld
Councillor Olive
Councillor McCafferty
Councillor Wilson
Councillor Said
Councillor Burst
Councillor D'Souza
Councillor Parker

Total (13)**AGAINST**

Councillor Hay
Councillor Luxford

Total (2)

CP66/22 Director City Planning Report - Randwick Comprehensive Development Control Plan Review - Part E2 Education and Health Specialised Centre and Part B2 Heritage - Housekeeping Changes (F2022/00332)

RESOLUTION: (Hamilton/Rosenfeld) that Council endorse:

- a) the amendments to draft Part B2 - Heritage and draft Part E2 - *Education and Health Specialised Centre* for public exhibition as follows:
 - i) Part B2 – addition of new Edgecumbe Estate Heritage Conservation Area and extension of existing Moira Crescent Heritage Conservation Area;
 - ii) Part E2 – boundary adjustment of Block 1 due to Health Translation Hub and Sydney Children's Stage 1 State Significant Development (SSD) approvals and removal of Block 2 due to overlap with proposed Part E7 *High Street Housing Investigation Area* (formerly known as Arthur Street HIA);
- b) minor editing, formatting and clarification of clauses and diagrams in the draft Part E2 - Education and Health Specialised Centre and Draft Part B2 Heritage prior to public exhibition; and
- c) the draft Part E2 - Education and Health Specialised Centre and draft Part B2 - Heritage as an interim policy commencing on the date of gazettal of the Comprehensive LEP, pending its final adoption after public exhibition.

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

CP67/22 Director City Planning Report - Greater Sydney Commission Six Cities Region Discussion Paper (F2021/00375)

RESOLUTION: (Hay/Hamilton) that Council note this report and endorse the draft submission on the Greater Cities Commission Six Cities Region Discussion Paper.

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

CP68/22 Director City Planning Report - Variation to Development Standards under Clause 4.6 - 8 July to 26 October 2022 (F2008/00122)

318/22

RESOLUTION: (Hamilton/Rosenfeld) that the report be received and noted.**MOTION: (Hamilton/Rosenfeld) CARRIED - SEE RESOLUTION.****CP69/22 Director City Planning Report - FOGO Trial in Schools (F2019/00906)**

319/22

RESOLUTION: (Hay/Hamilton) that Council notes the trial commencement of FOGO roll-out to 5 local schools.**MOTION: (Hay/Hamilton) CARRIED - SEE RESOLUTION.****CP70/22 Director City Planning Report - South East Block Party Partnership Proposal (F2014/00593)**

320/22

RESOLUTION: (Said/Pandolfini) that:

- a) Council enters into a funding agreement with Weave Youth and Community Services for the delivery of the South East Block Party annually, for an initial period of 3 years and be subject to a review at that time;
- b) Council contributes \$40,000.00 annually for an initial (3) year period to Weave Youth and Community Services in support of the South East Block Party;
- c) Weave undertake to appropriately and prominently acknowledge and promote Council's contribution to the South East Block Party;
- d) the Mayor or the Mayor's representative be given the opportunity to address the event on behalf of Council;
- e) Council approves \$80,000.00 which is currently held in restricted reserves as Community Creative funding be re-allocated to year 1 and 2 (2023-2024) of this agreement;
- f) Council approve year 3 (2025) of this agreement be funded through a new allocation in the Community Development donations budget;
- g) after every event, Council officers bring back an impact report; and
- h) if successful, approach neighbouring Councils to assist with future growth of the concept.

MOTION: (Said/Pandolfini) CARRIED - SEE RESOLUTION.**RESOLVED: Procedural Motion: (Rosenfeld/Hay)** that, for the business remaining to be dealt with, debate be limited to two speakers for and two speakers against each motion.**CP71/22 Director City Planning Report - Community Investment Program October 2022 (F2020/00336)**

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

321/22

RESOLUTION: (Hay/Hamilton) that Council:

- a) approve the Community Connect funds allocation of \$40,628.17 (\$30,429.17 in cash; \$10,199 in-kind, inclusive of one Rapid Response) to the recommended projects;

- b) approve the Community Creative funds allocation of \$53,297.50 (\$45,940 in cash, \$7,357.50 in-kind) to the recommended projects; and
- c) note the status of the Mayor's Contingency Fund allocations for 2022-23 as of October 2022.

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

CP72/22 Director City Planning Report – Women's Art Prize 2023 (F2022/00003)

RESOLUTION: (Luxford/Pandolfini) that:

- a) Council approves the expansion of the Women's Art Prize categories to include Youth, Local, Open, Councillors Choice and People's Choice Awards in 2023;
- b) Council approves increasing the Women's Art Prize pool from \$2,700 to \$5,450 in 2023;
- c) Council approves increasing the overall Community Development's *Women Art Prize* budget by \$9310 in 2023 to increase promotion, visual capture, prize pool and judging capacity;
- d) consideration be given to moving this event to Randwick Town Hall as soon as the infrastructure to support an art exhibition is available;
- e) opportunities to further grow this event are identified in future years;
- f) the women's art prize be advertised well in advance of International Women's Day to give fair opportunity to all who wish to participate; and
- g) that promotion of the art prize also commences as soon as practicable particularly amongst local schools so that they have time to encourage their students to take part and perhaps to use their school holiday time.

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

CP73/22 Director City Planning Report - Investigation into New CCTV Technology being Trialled by Bayside Council for Phillip Bay and La Perouse (F2021/00408)

RESOLUTION: (Rosenfeld/Said) that Council proceed with:

- a) the implementation of smart CCTV technology in the La Perouse area and funding for the project be included in the proposed 2023-24 Capital Works and Public Safety Operational Budget, as outlined in this report;
- b) a trial of LPRx technology to assist in addressing parking offences and associated vehicle-related anti-social behaviours at the La Perouse loop, as outlined in this report; and
- c) pending a successful trial of (b) above, a further trial of LPRx technology at Maroubra Beach and Maroubra Junction to address parking offences.

MOTION: (Rosenfeld/Said) 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 Said
Councillor Burst
Councillor D'Souza
Councillor Parker

Total (10)

Total (5)

**CP74/22 Director City Planning Report - Fees and Charges - Space to Create - Level 3
Lionel Bowen Library (F2004/08383)**

RESOLUTION: (Hay/Hamilton) that the nominal weekly fee/bond for 'Space to Create', the arts and cultural residencies on level 3 of the Lionel Bowen Library, be adopted.

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

Director City Services Reports

**CS56/22 Director City Services Report - Coogee Beach Amenities - Outcomes of
Community Consultation (PROJ/10199/2021/4)**

Note: Having previously declared an interest in this item, the Mayor left the meeting. Deputy Mayor Pandolfini assumed the Chair for the debate and voting on this matter.

RESOLUTION: (Olive/Veitch) that Council:

- (a) undertake a feasibility costing of refurbishment of the Coogee Beach Amenities; and
- (b) proceed to the design stage for refurbishment of the Coogee Beach Amenities, conditional on (a) being less than \$8,900,000 (excluding GST and cost of escalation).

MOTION: (Olive/Veitch) 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 Said
Councillor McCafferty	Councillor Burst
Councillor Wilson	
Councillor D'Souza	

Total (8)

Total (6)

AMENDMENT: (Neilson/D'Souza) that:

- a) Council endorse the project scope and possible demolition of the existing buildings with a directive to integrate/reuse/recycle as much of the building fabric as possible into the new structure;
- b) the new building should not exceed the current footprint;
- c) Council endorse the project proceeding to the engagement of a lead design and sub consultant team and the development of a concept design, taking into consideration community consultation outcomes; and

- d) a concept design and updated costing be reported back to Council for approval prior to another stage of community consultation. **LOST.**

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

FOR	AGAINST
Councillor Neilson	Councillor Hamilton
Councillor Luxford	Councillor Pandolfini
Councillor Wilson	Councillor Veitch
Councillor Said	Councillor Hay
Councillor D'Souza	Councillor Chapple
	Councillor Rosenfeld
	Councillor Olive
	Councillor McCafferty
	Councillor Burst
Total (5)	Total (9)

Procedural Motion: (Rosenfeld/Hamilton) two speakers for and against on every item. **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 Luxford	Councillor Neilson
Councillor Rosenfeld	Councillor Veitch
Councillor McCafferty	Councillor Hay
Councillor Wilson	Councillor Chapple
Councillor Said	Councillor Olive
	Councillor Burst
	Councillor D'Souza
	Councillor Parker
Total (6)	Total (9)

CS57/22 Director City Services Report - Draft Plan of Management for Community Land - Council Owned and Crown Reserves (F2009/00561)

RESOLUTION: (Hamilton/D'Souza) that:

- Council notes the Native Title Manager advice report related to the Draft Plan of Management for Community Land – Council Owned and Crown Reserves which supports the draft Plan of Management being submitted for owner's consent for crown reserves and for adoption by council;
- Council endorses the Draft Plan of Management for Community Land – Council Owned and Crown Reserves being placed on public exhibition upon securing landowners' consent from NSW Government Department of Planning and Environment - Crown Lands;
- Council conducts public exhibition of the Draft Plan of Management for Community Land – Council Owned and Crown Reserves including a public hearing for community land owned by council; and
- amendments are made to the Draft Plan of Management for Community Land – Council Owned and Crown Reserves as required and reported back to Council for final adoption.

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

AMENDMENT: (Chapple/Veitch) that item 4.1 on page 49 of the Plan, regarding the installation of new synthetic fields, be removed. **LOST.**

CS58/22 Director City Services Report - Matraville Public Domain Master Plan and Engagement Report (F2021/00234)

327/22

RESOLUTION: (Burst/Said) that:

- a) Council notes the Matraville Town Centre Engagement Outcomes Report;
- b) Council endorses the Draft Matraville Town Centre Public Domain Masterplan for Public Exhibition; and
- c) the final Draft Matraville Town Centre Public Domain Masterplan be brought back to Council for adoption.

MOTION: (Burst/Said) CARRIED - SEE RESOLUTION.**CS59/22 Director City Services Report - Sense of Community Street Parties (F2009/00454)**

328/22

RESOLUTION: (Hay/Hamilton) that Council:

- a) support "Sense of Community" street parties in 2022 by arranging, on behalf of residents:
 - i. traffic control plans;
 - ii. the preparation of traffic management plans and road occupancy licences for submission to the RMS (if necessary), and
 - iii. all traffic control measures associated with street parties including all signage, equipment and labour on the day of the event.
- b) allocate \$15,000.00 to cover the costs associated street party applications on an ongoing basis with funds being allocated from the Traffic Committee Budget.

MOTION: (Hay/Hamilton) CARRIED - SEE RESOLUTION.**CS60/22 Director City Services Report - State Emergency Services (SES) - Request for Investigation into new Randwick Unit Facility and Headquarters (F2019/00686)**

329/22

RESOLUTION: (Hay/Hamilton) that Council provide "In Principle" support for an investigation into potential opportunities for the State Emergency Services (SES) - Randwick Unit to relocate to a new facility and headquarters in Randwick City.

MOTION: (Hay/Hamilton) CARRIED - SEE RESOLUTION.**CS61/22 Director City Services Report - South Maroubra Surf Club - Refurbishment and Accessibility Update - Development Application (F2019/00867)**

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

330/22

RESOLUTION: (Hay/Said) that Council:

- a) endorse the final design pack for the proposed *South Maroubra Surf Club Refurbishment and Accessibility Upgrade* to be submitted for planning approval(s);
- b) endorse the \$14,000 contribution to South Maroubra Surf Club planning and early design fees from the 2022-23 Operational Plan and Budget – Capital Works Program; and
- c) note a funding strategy for the works will be considered in the development of the *Draft 2023-24 Operational Plan and Budget – Capital Works Program*.

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

Director Corporate Services Reports

CO54/22 Director Corporate Services Report - Code of Conduct Complaint Statistics (F2004/06569)

RESOLUTION: (Hay/Hamilton) that the Code of Conduct statistics for the period September 2021 to September 2022 be forwarded to the Office of Local Government in accordance with part 11 of the Procedures for the Administration of the Model Code of Conduct 2020.

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

CO55/22 Director Corporate Services Report - Councillors Expenses & Facilities Policy - Results of Public Exhibition (F2004/06576)

RESOLUTION: (Said/Luxford) that the Councillors Expenses & Facilities Policy (22 November 2022) be adopted, subject to section 4.1.6 - timeframe for reimbursement being amended to twelve months.

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

CO56/22 Director Corporate Services Report - Draft Council Meeting Schedule - 2023 (F2004/06565)

RESOLUTION: (Hay/Hamilton) that the Council meeting schedule for the 2023 calendar year be adopted.

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

CO57/22 Director Corporate Services Report - Operating Hours Christmas and New Year 2022-23 (F2004/06565)

RESOLUTION: (Hay/Hamilton) that the proposed 2022-23 Christmas and New Year opening hours for the Administration Building, Depot, Libraries and Leisure Centre, be endorsed.

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

CO58/22 Director Corporate Services Report - Monthly Financial Report as at 30 September 2022 (F2021/00364)

RESOLUTION: (Hay/Hamilton) that the Monthly Financial Report as at 30 September 2022 be received and noted.

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

CO59/22 Director Corporate Services Report - Monthly Financial Report as at 31 October 2022 (F2021/00364)

RESOLUTION: (Hay/Hamilton) that the Monthly Financial Report as at 31 October 2022 be received and noted.

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

CO60/22 Director Corporate Services Report - Investment Report - October 2022 (F2016/06527)

337/22

RESOLUTION: (Luxford/D'Souza) that the Investment Report for October 2022 be received and noted.

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

CO61/22 Director Corporate Services Report - Quarterly Budget Review - September 2022 (F2021/00364)

338/22

RESOLUTION: (Hay/Hamilton) that Council:

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

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

CO62/22 Director Corporate Services Report - Preparation for 2023-24 Budget and Long Term Financial Plan (LTFP) (F2023/00401)

339/22

RESOLUTION: (Said/Burst) that Council endorse the preparation of the draft 2023-24 budget with general rates income at the IPART rate peg of 3.7%.

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

Motions Pursuant to Notice

NM100/22 Motion Pursuant to Notice - Notice of Motion from Cr D'Souza - Commitment to an Inclusive Randwick (F2021/00611)

340/22

RESOLUTION: (D'Souza/Luxford) that Randwick Council:

- a) recommit in its desire to build a strong 'Sense of community', by making decisions that are 'equitable, socially just, respectful and fair' for all the residents of Randwick. And in doing so regain the path to building a more inclusive and accepting Randwick City for all, with emphasis on our indigenous past and the major contribution multi-culturalism and diversity have made to building a great local government area; and
- b) investigate and bring back a report on a Multicultural Concert inviting the many cultural and Indigenous groups to have a joint concert to celebrate Australia's diversity.

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

AMENDMENT: (Chapple/Veitch) that point b) be amended to read "Refer consideration of a multicultural concert involving multicultural and First Nations groups to the comprehensive event review that Randwick Council is conducting." **LOST.**

NM101/22 Motion Pursuant to Notice - Notice of Motion from Cr Burst - Investigate Lighting – Alley Way from Matraville Shops, Bunnerong Road to Baird Lane Carpark (F2021/00231)

341/22

RESOLUTION: (Burst/Said) that Council investigate lighting in the covered alley way from Matraville shops on Bunnerong Road to the Baird Lane carpark to improve safety.

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

NM102/22 Motion Pursuant to Notice - Notice of Motion from Cr Burst - Investigate a Park Gym at Purcell Park (F2005/00896)

RESOLUTION: (Burst/Said) that Council investigate a park gym at Purcell Park.

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

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

NM103/22 Motion Pursuant to Notice - Notice of Motion from Cr Veitch - Preparing for Climate Related Risks and Impacts (F2008/00363)

RESOLUTION: (Veitch/D'Souza) that Council develop a climate change adaptation action plan that identifies and details climate risks and integrates these into existing risk management, monitoring and integrated planning and reporting systems, including:

- a) an assessment and audit of exposure and vulnerability to climate risks and hazards in our LGA; and
- b) options and plans to manage and reduce the impacts of climate change on our community, environment, and council assets, services and operations.

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

NM104/22 Motion Pursuant to Notice - Notice of Motion from Cr Veitch - Protecting the Right to Peaceful Non-Violent Protest in NSW (F2012/00347)

MOTION: (Veitch/Neilson) that Council:

1. acknowledges that the right to protest is fundamental in a democratic society;
2. 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;
3. 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;
4. 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;
5. 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;
6. 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; and
 - 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 Said
Councillor D'Souza	Councillor Burst
	Councillor Parker
Total (7)	Total (8)

NM105/22 Motion Pursuant to Notice - Notice of Motion from Cr Wilson - Randwick City Council Picnic Day (F2004/08250)

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

1. directs the Acting CEO to:
 - a) update the current leave policy to establish that a day-off for the annual Union Picnic Day will only be afforded to members of the United Services Union, the Local Government Engineers' Union, or the Development and Environmental Professionals' Association, as per the terms of the Local Government (State) Award;
 - b) move Randwick Family Day to another day separate to Union Picnic Day; and
 - c) bring back the updated policy to Council for the December 2022 meeting.
2. resolves that it is the policy of the Council that a day-off for the annual Union Picnic Day will only be afforded to members of the United Services Union, the Local Government Engineers' Union, or the Development and Environmental Professionals' Association, upon implementation of the revised policy.

MOTION: (Wilson/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 Pandolfini	Councillor Hamilton
Councillor Neilson	Councillor Hay
Councillor Veitch	Councillor Rosenfeld
Councillor Luxford	Councillor McCafferty
Councillor Chapple	Councillor Burst
Councillor Olive	
Councillor Wilson	
Councillor Said	
Councillor D'Souza	
Councillor Parker	
Total (10)	Total (5)

NM106/22 Motion Pursuant to Notice - Notice of Motion from Cr Pandolfini - Randwick Art Collection (F2004/07110)

345/22

RESOLUTION: (Pandolfini/Veitch) that Council brings back a report on the establishment of a formal Randwick Council Art Collection and an audit on current works in the collection. Including but not limited to:

1. outline the artworks Council currently owns. Including an audit of where works are currently stored, a condition report for the works and their value;
2. list suggested locations across Council where the art collection could hang and a policy for loaning the works to various offices and spaces across Council;
3. make suggestions on how the art collection could grow; and
4. include guidelines for local artists who want to donate works to the Council.

MOTION: (Pandolfini/Veitch) 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 Said
Councillor D'Souza	Councillor Burst
Councillor Parker	
Total (8)	Total (7)

NM107/22 Motion Pursuant to Notice - Notice of Motion from Cr Rosenfeld - Lights at Nagle Park (F2004/06135)

346/22

RESOLUTION: (Rosenfeld/Burst) that Council:

- a) request a report on trialling having lights on during all weeknights ie. Monday to Friday at Nagle Park Maroubra till 7.30pm between April and September; and
- b) this report to involve consultation with impacted residents.

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

NM108/22 Motion Pursuant to Notice - Notice of Motion from Cr Rosenfeld - Investigate Safety Issues on Alma Road (between Garden and Cooper Streets) Maroubra (F2004/07225)

347/22

RESOLUTION: (Rosenfeld/Hay) that the Council Traffic Committee look at the driver and pedestrian safety issues on Alma Road between Garden Street and Cooper Street in Maroubra. This will include examining the most suitable speed limit for this stretch of road as well as other measures to improve safety.

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

NM109/22 Motion Pursuant to Notice - Notice of Motion from Cr Pandolfini - Council Report on the Options to Reduce Gambling Harm in the Randwick Community (F2018/00372)

348/22

RESOLUTION: (Pandolfini/Neilson) that Council recognises the harm gambling has on the community and produce a report on the options Council has to address and reduce gambling harm in the Randwick community and that:

1. Council acknowledges that gambling is a legal activity but recognises that up to 16% of adults can be harmed by their own or someone else's gambling. Gambling harm can include financial stress, physical and mental ill health, loss of productivity at work or study, increased risk of homelessness, family relationship difficulties including violence or even criminal activity to fund gambling. The cumulative impact of this also harms the Randwick community, including through economic and social costs.
2. Council requests the staff produce a report on the options council has to address and reduce gambling harm in the Randwick community, including adopting a formal policy. Staff should consult other councils' gambling impact policies in NSW and Victoria and consult with gambling reform organisations (for example Wesley Mission or the Alliance for Gambling Reform), as well as industry stakeholders when preparing the report.

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

RESOLVED: (Procedural Motion)(Burst/Said) that the meeting be extended to 1.00am.

NM110/22 Motion Pursuant to Notice - Notice of Motion from Cr Said - Underground Powerlines in Maroubra Junction Town Centre (F2005/00827)

349/22

RESOLUTION: (Said/Burst) that Council:

- a) note the current development of the draft Maroubra Junction town centre streetscape master plan;
- b) investigate the feasibility within the master plan development of under-grounding overhead powerlines in the town centre; and
- c) investigate improving accessibility around Maroubra Junction, particularly kerb ramps around Boyce Road.

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

Questions with Notice

Nil.

Confidential Reports

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

CS62/22 Confidential - Project Management Services for Maroubra SLSC Redevelopment - Tender No T2022-25 (F2022/00283)

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.

350/22

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, Bridge42 Pty Ltd. be accepted as the successful tenderer for T2022-25 Project Management Services for Maroubra SLSC Redevelopment;

- b) under Section 377(1) of the Local Government Act 1993 the General Manager is authorised to enter into a contract on behalf of Council; and
- c) unsuccessful tenderers are notified.

MOTION: (Luxford/Rosenfeld) CARRIED UNANIMOUSLY - SEE RESOLUTION.

CS63/22 Confidential - Maroubra Junction Oasis Project - Tender No T2023-08 (F2022/00435)

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. (Tender/ Procurement)

RESOLUTION: (Rosenfeld/D'Souza) 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, Statewide Civil Pty Ltd be accepted as the successful tenderer for T2023-08 Maroubra Junction Oasis Project;
- b) under Section 377(1) of the Local Government Act 1993, the General Manager is authorised to enter a contract on behalf of Council; and
- c) unsuccessful tenderers are notified.

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

CS64/22 Confidential - Matraville Youth & Cultural Hall Project - Tender No. T2023-09 (PROJ/10499/2020/8)

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. (Tender/ Procurement)

RESOLUTION: (D'Souza/Luxford) 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, Gartner Rose Pty Ltd be accepted as the successful tenderer for T2023-09 Matraville Youth & Cultural Hall project, at their tendered rates;
- b) under Section 377(1) of the Local Government Act 1993 the General Manager is authorised to enter into a contract on behalf of Council; and
- c) unsuccessful tenderers are notified.

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

CS65/22 Confidential - Dunningham Reserve - Application to Trade - Review of Determination (F2005/00896)

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.

353/22

RESOLUTION: (Pandolfini/Said) that the application dated 11 October 2022 from Jesse Lane regarding the vending of convenience goods, including food and drink from a stall in Dunningham Reserve, has been reviewed and the application remains refused.

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

Note: The Mayor and Cr McCafferty requested their names be recorded as opposed to the resolution.

CP75/22 Confidential - Land and Environment Court Appeal - Proceedings No. 2022/00140932 (DA/172/2022, 6-10 Bowral Street, Kensington) (DA/172/2022)

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.

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

354/22

RESOLUTION: (Wilson/D'Souza) that Council agrees to the terms contained in the attached letter of offer subject to:

- a) the Court granting approval to the development; and
- b) the subsequent endorsement of a Voluntary Planning Agreement.

MOTION: (Wilson/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 Veitch
Councillor Pandolfini	Councillor Hay
Councillor Neilson	Councillor Luxford
Councillor Olive	Councillor Chapple
Councillor McCafferty	
Councillor Wilson	
Councillor Said	
Councillor Burst	
Councillor D'Souza	
Councillor Parker	
Total (10)	Total (4)

RESOLVED: (Procedural Motion): (Burst/Said) that the meeting be extended to 1.30am.

MM49/22 Mayoral Minute - Land Negotiation Program (F2022/06574)

Note: The Mayoral Minute on the Land Negotiation Program was reconvened in closed session as resolved earlier in the meeting.

MOTION: (Mayor, Cr Parker) that Council:

- a) reaffirms Randwick Council's strong commitment towards ongoing justice and reconciliation for First Nations Peoples and recognises the ongoing importance that land ownership plays in this;

- b) notes the decision of Randwick Council on 18 October 2022 to “endorse the nominated crown land parcels proposed to be transferred to Council ownership as listed in the attached schedule” as part of the NSW Government Land Negotiation Program facilitating the transfer of Crown Land through a negotiated process to the La Perouse Aboriginal Land Council and Randwick Council;
- c) notes that the decision-making surrounding this process has been held in secret as a State requirement for participation in the Program.
- d) calls upon the Minister to, at the earliest possible moment or at a minimum with reasonable notice, make public to the community and potential native title claimants the proposed draft agreement prior to any final decision being made;
- e) calls upon the Minister to ensure that the various Land Management Agreements and Aboriginal Land Agreements contain strengthened tenancy protections for any potentially impacted charities, community organisations, associations, community service providers, not-for-profit aged care providers, not-for-profit early childcare centres, Returned Services Leagues and community sporting and other recreational associations in the longer term past the existing lease and licence period; and
- f) calls upon the Minister to ensure that the various Land Management Agreements and Aboriginal Land Agreements contain sufficient heritage protections where relevant. **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 Veitch	Councillor Neilson
Councillor Luxford	Councillor Hay
Councillor Chapple	Councillor Rosenfeld
Councillor Olive	Councillor McCafferty
Councillor Parker	Councillor Wilson
	Councillor Said
	Councillor Burst
	Councillor D'Souza
Total (6)	Total (9)

The meeting moved back into open session.

Notice of Rescission Motions

A rescission motion in relation to GM28/22 – Community Engagement Strategy was received from Crs Said, Rosenfeld and Burst in accordance with Council's Code of Meeting Practice and will be considered at the next available Council meeting

There being no further business, His Worship the Mayor, Cr D Parker, declared the meeting closed at 1.07pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 13 December 2022.

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CHAIRPERSON