



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

**MINUTES OF ORDINARY COUNCIL MEETING OF THE COUNCIL OF THE CITY OF RANDWICK HELD ON TUESDAY, 26 APRIL 2016 AT 6:00PM**

**Present:**

The Mayor, Councillor N D'Souza (Chairperson) (South Ward)

Councillor G Moore (Deputy Mayor) (West Ward)

- |              |   |
|--------------|---|
| North Ward   | - Councillors K Neilson, L Shurey & K Smith   |
| South Ward   | - Councillors R Belleli and P Garcia          |
| East Ward    | - Councillors T Bowen, M Matson & B Roberts   |
| West Ward    | - Councillors S Nash & H Stavrinou            |
| Central Ward | - Councillors A Andrews, T Seng & G Stevenson |

**Officers Present:**

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoules
Acting Director City Planning	Mr K Kyriacou
Director Governance & Financial Services	Mr J Smith
Manager Administrative Services	Mr D Kelly
Acting Manager Development Assessment	Mr R Quinton
Communications Manager	Mr J Hay
Manager Corporate and Financial Planning	Mr M Woods
Manager Corporate Improvement	Ms A Warner

**Prayer & Acknowledgement of Local Indigenous People**

The Council Prayer was read by Cr Smith. The Acknowledgement of Local Indigenous People was read by Cr Nash.

**Apologies/Granting of Leave of Absences**

Nil.

## Confirmation of the Minutes

### CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY 22 MARCH 2016

66/16

**RESOLUTION: (Smith/Stevenson)** that the Minutes of the Ordinary Council Meeting held on Tuesday 22 March 2016 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting, subject to the minutes being amended to reflect that Councillor Stevenson was not present for any of the confidential matters.

### Declarations of Pecuniary and Non-Pecuniary Interests

- a) Cr Smith declared a significant non pecuniary interest in Item NR4/16 as he works in the liquor industry. Cr Smith will be taking no part in the debate or voting on this matter.
- b) Cr Neilson declared a non-significant non pecuniary interest in Item NR4/16 as she is a member of the Randwick Rugby Club and knows some of the objectors.
- c) Cr Matson declared a non-significant non pecuniary interest in Item NR4/16 as the local Greens Group meets at the Coogee Seniors Centre.
- d) Cr Shurey declared a non-significant non pecuniary interest in Item NR4/16 as the local Greens Group meets at the Coogee Seniors Centre.
- e) Cr Bowen declared a non-significant non pecuniary interest in Item as NR4/16 as the Coogee Branch of the ALP meets at the Coogee Seniors Centre.
- f) Cr Bowen declared a significant non pecuniary interest in Item NM17/16 as his boys play in the five a side competition. Cr Bowen will be taking no part in the debate or voting on this 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:

CP20/16 2 WOLSELEY ROAD, COOGEE (DA/160/2011/B)

**Objector** Mr Troy Bobbermien

**Applicant** Mr Richard Beere on behalf of the applicant.

CP21/16 3A GORDON AVE, COOGEE (DA/921/2015)

**Applicant** Ms Kylie Doyle - Architect on behalf of the applicant.

CP22/16 25 MEEHAN STREET, MATRAVILLE (DA/916/2015)

**Objector** Ms Julianne Sarno

**Applicant** Mr Haoran Fan - Architect on behalf of the applicant.

NM17/16 – NOTICE OF MOTION FROM CR ROBERTS – IDENTIFYING A 5-A-SIDE SOCCER FACILITY LOCATION IN RANDWICK LGA

**For** Mr Michael White

NR4/16 NOTICE OF RESCISSION MOTION FROM CRS SHUREY, NEILSON AND BELLELI - PROPOSED AMENDMENTS TO COUNCIL'S HALL HIRE POLICY

**Against** Mr Neale Anderson

**For** Ms Marie McMahon (Coogee Precinct)

The Meeting was adjourned at 6.38pm and was resumed at 6.55pm.

**RESOLVED (PROCEDURAL MOTION): (Smith/Andrews)** that all matters that were the subject of addresses to Council by members of the public be brought forward for immediate consideration.

### **Mayoral Minutes**

#### **MM13/16 Mayoral Minute - Five-Year Partnership with the Sydney Children's Foundation for Signature Campaigns. (F2016/00118)**

67/16

**RESOLUTION: (Mayor, Cr N D'Souza)** that:

- a) Council approve \$5000.00 cash donation per year for five years for the Sydney Children's Hospital Foundation Gold Telethon campaign;
- b) Council approve \$2000.00 cash donation per year for five years for the Sydney Children's Hospital Foundation Lights for Kids Christmas campaign;
- c) Council offer in-kind support for each campaign as outlined in the request for support for five years; and
- d) the Sydney Children's Hospital appropriately and prominently acknowledge, and promote Council's contribution.

**MOTION: (Mayor, Cr N D'Souza) CARRIED - SEE RESOLUTION.**

#### **MM14/16 Mayoral Minute - Grant Application under Stronger Communities Program (F2005/00182)**

68/16

**RESOLUTION: (Mayor, Cr N D'Souza)** that Council:

- a) vote to commit a sum of \$5,000.00 to match the amount of grant it will be applying for under the Stronger Communities Program through The Hon Matt Thistlethwaite's office, to be funded from the 2015-16 Contingency Funds;
- b) approve the allocation of a defibrillator to the La Perouse Football Club, should its funding application be successful; and
- c) endorse the allocation of the remaining defibrillators to local community organisations or sporting clubs in response to expressions of interest.

**MOTION: (Mayor, Cr N D'Souza) CARRIED - SEE RESOLUTION.**

#### **MM15/16 Mayoral Minute - Botany Proposal (F2016/04021)**

69/16

**RESOLUTION: (Mayor, Cr N D'Souza)** that:

- a) Council make a submission strongly opposing the proposed amalgamation of the City of Botany Bay, Randwick City Council (part) and City of Sydney (part) local government areas, primarily on the following grounds:
  - i. Council reiterate our preference to stand alone as articulated in our previous boundaries commission submission;
  - ii. Council opposes the splitting up of Randwick City into multiple

- Council areas;
- iii. Council's previously resolved amalgamation preference with the City of Botany Bay and Waverley Council was rejected by the City of Botany Bay;
  - iv. The financial benefits identified within the proposal are significantly inferior to any of the amalgamation proposals considered by Randwick City Council;
  - v. The minor financial savings predicted in the proposal are premised on reducing staff numbers, including corporate services and works staff;
- b) Council delegate authority to the General Manager to undertake the necessary due diligence to prepare the submission and report it back to Council.
- c) Council respond to the following statement on page 13 of the City of Botany Bay proposal; "Benefits taken into account include staff efficiencies through natural attrition and restructure when the three year statutory period of protection has concluded" by
- i. Reaffirming its commitment to the 5 year MOU giving employee protections to the Randwick workforce and note that a similar MOU now exists with Waverley and Woollahra Councils;
  - ii. Writing to the United Services Union and other peak Council workforce unions informing them of Botany's proposal to cut jobs as outlined in their proposal and notifying them that Randwick strongly opposes the proposal.

**MOTION: (Mayor, Cr N D'Souza) CARRIED - SEE RESOLUTION.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Bowen
Councillor Belleli	Councillor Garcia
Councillor D'Souza	Councillor Moore
Councillor Matson	Councillor Neilson
Councillor Nash	Councillor Stevenson
Councillor Roberts	
Councillor Seng	
Councillor Shurey	
Councillor Smith	
Councillor Stavrinou	
<b>Total (10)</b>	<b>Total (5)</b>

**AMENDMENT: (Bowen/Belleli)** that the recommendation be replaced with the following:-

1. that Randwick City Council confirms its position that it remain a stand-alone Council;
2. that this Council opposes the State Government policy of forced amalgamations, including the forced amalgamation of Randwick, Waverley and Woollahra Councils; and
3. that Randwick City Council support the legal challenge to the boundaries commission undertaken by Woollahra Council and seek legal advice on challenging the forced amalgamation process and take appropriate legal action.

**RULED OUT OF ORDER BY THE MAYOR.**

**DISSENT MOTION: (Bowen)** to the ruling of the Mayor to rule the amendment out of order. **LOST.**

**AMENDMENT: (Belleli/Bowen)** that Council, before accepting a decision with this new information, goes out to community consultation for the feedback of our residents on this proposal. **LOST.**

## Urgent Business

Nil.

## Director City Planning Reports

### CP20/16 Director City Planning Report - 2 Wolseley Road, Coogee (DA/160/2011/B)

70/16

**RESOLUTION: (Andrews/Stavrinos)** that the application be deferred for mediation.

**MOTION: (Andrews/Stavrinos)** that Council, as the consent authority, grants development consent under Sections 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify No. 160/2011 by revising the staircase layout and seeking a roof terrace at No. 2 Wolseley Road Coogee, in the following manner:

- **Amend Condition 1 to read:**

1. The development must be implemented substantially in accordance with the plans numbered 1.01, 1.02, 1.03, 2.01, 3.01 and 3.02 all revision A and all dated 28/09/11, the landscape plan LP-DA-01 Revision C dated 29/09/11, the application form and on any supporting information received with the application, as amended by the following section 96 applications:
  - The Section 96 "A" plans numbered 1.01 and 2.01 all revision B and plan numbered 1.02 revision A, all dated 19/09/14 and received by Council on 24 September 2014,
  - The Section 96 "B" plans titled basement plan, ground level plan, Level 1 plan, Level 2 plan, Level 3 plan, Roof plan, all dated 31.07.2015, plan number 1.00, 3.02 all received by Council on 3 August 2015.

only in so far as they relate to the modifications highlighted on the Section 96 plans and detailed in the Section 96 applications, except as may be amended by the following conditions and as may be shown in red on the attached plans:

- **Add the following conditions:**

- **Amendment of Plans & Documentation**

2. The approved plans and documents must be amended in accordance with the following requirements:
  - a The roof terrace shall be reduced in depth to a maximum depth of 2.5m as measured from the northern end of the terrace and reduced in width to a maximum width of 4m as measured from the western side of the terrace. Details showing compliance with this condition shall be submitted to Councils Manager of Development Assessment for approval prior to a Construction Certificate being issued for the section 96 modifications. Please note an access corridor from the amended stair layout to the amended trafficable roof terrace area is restricted to a maximum width of 1m.

- b. No umbrellas or awning structures are permitted on the roof terrace.  
**LOST.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Bowen
Councillor Belleli	Councillor Garcia
Councillor D'Souza	Councillor Matson
Councillor Nash	Councillor Moore
Councillor Roberts	Councillor Neilson
Councillor Seng	Councillor Shurey
Councillor Stavrinis	Councillor Smith
	Councillor Stevenson
<b>Total (7)</b>	<b>Total (8)</b>

**MOTION: (Matson/Shurey)** that Council, as the consent authority, refuses development consent under Sections 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify No. 160/2011 by revising the staircase layout and seeking a roof terrace at No. 2 Wolseley Road Coogee, for the following reasons:

1. The unsuitability of the site.
2. That it is an overdevelopment and likely to impact on the amenity of the area.

**AMENDMENT: (Andrews/Stavrinis)** that the application be deferred for mediation between the applicant and the objectors. **CARRIED AND BECAME THE MOTION.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Matson
Councillor Belleli	Councillor Moore
Councillor Bowen	Councillor Neilson
Councillor D'Souza	Councillor Shurey
Councillor Garcia	Councillor Stevenson
Councillor Nash	
Councillor Roberts	
Councillor Seng	
Councillor Smith	
Councillor Stavrinis	
<b>Total (10)</b>	<b>Total (5)</b>

**MOTION: (Andrews/Stavrinis) CARRIED – SEE RESOLUTION.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Matson
Councillor Belleli	Councillor Neilson
Councillor Bowen	Councillor Shurey
Councillor D'Souza	Councillor Stevenson
Councillor Garcia	
Councillor Moore	

Councillor Nash  
 Councillor Roberts  
 Councillor Seng  
 Councillor Smith  
 Councillor Stavrinou

**Total (11)**

**Total (4)**

**CP21/16 Director City Planning Report - 3a Gordon Ave, Coogee  
 (DA/921/2015)**

71/16

**RESOLUTION: (Stavrinou/Andrews)** that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/921/2015 for Alterations and additions to the existing dwelling house including associated site and landscaping works. at No. 3a Gordon Ave, Coogee, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

**Non-standard conditions:**

**Amendment of Plans & Documentation**

The approved plans and documents must be amended in accordance with the following requirements:

- a. The "cement rendered retaining walls" proposed to the north of the tennis court shall be constructed of sandstone or cladded with a 50mm thickness of sandstone.

**MOTION: (Stavrinou/Andrews) CARRIED UNANIMOUSLY – SEE RESOLUTION.**

**CP22/16 Director City Planning Report - 25 Meehan Street, Matraville  
 (DA/916/2015)**

72/16

**RESOLUTION: (Andrews/Stavrinou)** that Council as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 863/2015 for demolition works and the construction of a two storey attached dual occupancy development, at No. 25 Meehan Street, Matraville, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

**Non standard conditions**

**Amendment of Plans & Documentation**

2.
  - a. No approval is granted to the subdivision of the approved dual occupancy development, particularly that indicated on Drawing Arch – 13 (Issue 1 dated 16 December 2015).
  - b. In addition to the privacy screens indicated on the approved plans, the following privacy screens shall be provided:
    - Screening along the southern side of the master bedroom balcony of Unit 2. It should wrap around the south-east corner.
    - Screening along the unscreened southern side of the living room balcony of Unit 2.
    - Screening along northern side of the rear balcony of Unit 1 at ground level.

All privacy screens must have a height of 1.5m from the finished floor level. The total area of any openings within the privacy screen must not exceed 25% of the area of the screen. Details are to be indicated on the Construction Certificate plans to the satisfaction of the principal certifying authority.

- c. The following amendments shall be made and indicated on the Construction Certificate Plans to the satisfaction of the principal certifying authority:
- The master bedroom balcony of Unit 2 is to be reduced in size to have a maximum 1m depth (maximum).
  - The sitting room balcony of Unit 2 is to be deleted.
  - Provision of translucent, obscured, frosted or sandblasted glazing to the bathroom windows on the south elevation.
  - Provision of translucent, obscured, frosted or sandblasted glazing to the study room and kitchen windows of Unit 1 to a height of at least 1.5m from finished floor level.
  - Each inward opening door within the garage is to be replaced by a sliding door.
- d. The vehicular crossing at the kerb must not be more than 5.9m in width at the kerb. The driveway may taper over the footpath. Details are to be included with the Construction Certificate to the satisfaction of the principal certifying authority.

**MOTION: (Andrews/Stavrinios) CARRIED - SEE RESOLUTION.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Matson
Councillor Belleli	Councillor Shurey
Councillor Bowen	
Councillor D'Souza	
Councillor Garcia	
Councillor Moore	
Councillor Nash	
Councillor Neilson	
Councillor Roberts	
Councillor Seng	
Councillor Smith	
Councillor Stavrinios	
Councillor Stevenson	
<b>Total (13)</b>	<b>Total (2)</b>

**AMENDMENT: (Matson/Shurey)** that this matter be deferred for mediation between the applicant and objectors to discuss matters including the positioning of the solar cells on the adjacent building, the wall height and whether excavation should proceed and to what extent? **LOST.**

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Belleli	Councillor Andrews



Councillor Matson  
Councillor Shurey

Councillor Bowen  
Councillor D'Souza  
Councillor Garcia  
Councillor Moore  
Councillor Nash  
Councillor Neilson  
Councillor Roberts  
Councillor Seng  
Councillor Smith  
Councillor Stavrinou  
Councillor Stevenson

**Total (3)**

**Total (12)**

**MOTION: (Andrews/Stavrinou) CARRIED – SEE RESOLUTION.**

### **General Manager's Reports**

#### **GM5/16 General Manager's Report - Draft Randwick City Council Operational Plan and Budget 2016-17 (F2016/03004)**

73/16

**RESOLUTION: (Andrews/Stavrinou) that:**

- a) the Draft Randwick City Council Operational Plan 2016-17, which includes the 2016-17 Budget and associated Fees and Charges be placed on public exhibition for not less than 28 days, from 3 to 30 May, inviting submissions from the public;
- b) at the conclusion of the period of public exhibition a meeting of the Council is held to consider any submissions made concerning the Draft Plan and consider the final Operational Plan; and
- c) the General Manager be authorised to make any minor changes if required.

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

### **Director City Services Reports**

Nil.

### **Director Governance & Financial Services Reports**

#### **GF13/16 Director Governance & Financial Services Report - Quarterly Budget Review - March 2016 (F2015/00184)**

74/16

**RESOLUTION: (Stavrinou/Smith) that:**

- a) the report in relation to the March 2016 Budget Review be received and noted; and
- b) the proposed March 2016 budget variations shown in the attachment to this report be adopted.

**MOTION: (Smith/Stavrinou) CARRIED - SEE RESOLUTION.**

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**GF14/16 Director Governance & Financial Services Report - Investment Report - March 2016 (F2015/06527)**

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75/16 **RESOLUTION: (Stavrinos/Smith)** that the investment report for March 2016 be received and noted.

**MOTION: (Stavrinos/Smith) CARRIED - SEE RESOLUTION.**

**Petitions**

Nil.

**Motion Pursuant to Notice**

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**NM11/16 Motion Pursuant to Notice - Notice of Motion from Cr Stavrinos - Proposal for an "Adopt-a-Road" Program (F2012/00347)**

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76/16 **RESOLUTION: (Stavrinos/Nash)** that Council bring back a report investigating the feasibility of introducing an "Adopt-A-Road" Program, similar to other programs operating in other Local Government Areas across NSW.

**MOTION: (Stavrinos/Nash) CARRIED - SEE RESOLUTION.**

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**NM12/16 Motion Pursuant to Notice - Notice of Motion from Cr Matson - Recent Inadequate and Unsafe Restoration of Council Verge by NBN Contractors (F2012/00378)**

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77/16 **RESOLUTION: (Matson/Andrews)** that Council notes the recent inadequate and unsafe restoration of the verge outside 60 Canberra Street resulting from the NBN roll out and seeks assurances that a higher standard for work will be implemented by Government contractors.

**MOTION: (Matson/Andrews) CARRIED - SEE RESOLUTION.**

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**NM13/16 Motion Pursuant to Notice - Notice of Motion from Cr Matson - Recent Coogee Sewage Overflow in a Council Merger Transition Environment (F2004/07928)**

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78/16 **RESOLUTION: (Matson/Shurey)** that Council responds to the recent Coogee Beach sewage overflow by:

- 1) reviewing its community service announcement procedures to ensure that the Coogee Precinct Committee, local Chamber of Commerce, east ward Councillors and general beach goers receive rapid alerts of future occurrences;
- 2) clarifying whether the breakdown was responsibility of Council or Sydney Water;
- 3) advising East Ward Councillors of any need to commit funds in the coming Council draft budget to infrastructure improvement at the beach to prevent a repeat incident in the next summer swimming season; and
- 4) ensuring that ongoing preparations by Randwick's Transition Working Group in preparation for the anticipated new eastern suburbs Council maintain any beach sewerage upgrades initiated by the three current Councils.

**MOTION: (Matson/Shurey) CARRIED - SEE RESOLUTION.**

**NM14/16 Motion Pursuant to Notice - Notice of Motion from Cr Moore - Public Submissions to the NSW Government Council Boundary Review (F2008/00461)**

79/16 **RESOLUTION: (Moore/Bowen)** that Randwick City Council calls upon the Minister for Local Government to make public the submissions received both through the public enquiry and provided in writing in response to the NSW Government Council Boundary Review, where the individual making the submission indicated that they were happy for their response to be made public.

**MOTION: (Moore/Bowen) CARRIED - SEE RESOLUTION.**

**NM15/16 Motion Pursuant to Notice - Notice of Motion from Cr Stevenson - Council Affordable Housing for Domestic Violence Victims (F2013/00153)**

80/16 **RESOLUTION: (Stevenson/Stavrinos)** that Council bring back a report in respect to the affordable housing strategy to include a provision that council prioritise the availability of affordable housing to victims of domestic violence who are required to have accommodation as a requirement for the custody of their children and that this accommodation be available for periods up to 12 months.

**MOTION: (Stevenson/Stavrinos) CARRIED - SEE RESOLUTION.**

**NM16/16 Motion Pursuant to Notice - Notice of Motion from Cr Neilson - Aboriginal Artefacts at the Randwick Stabling Yard and the Destruction of Trees along Anzac Parade (F2013/00263)**

Note: A rescission motion on this item was submitted by Councillors Seng, Smith and Stavrinos in accordance with Council's Code of Meeting Practice and will be considered at the ordinary Council Meeting to be held on 24<sup>th</sup> May 2016.

81/16 **RESOLUTION: (Neilson/Moore)** that:

- a) an urgent meeting be conducted between the La Perouse Land Council, TfNSW and Randwick City Council to discuss the most appropriate and culturally sensitive method for protecting the significance of the indigenous artefacts discovered at the Light Rail Stabling facility at Randwick; and
- b) Randwick City Council urgently write to the Premier and TfNSW expressing concern about the destruction of the Morton Bay Figs along Anzac Parade and requesting an immediate stop to all works in an effort to more extensively protect the environmental and cultural heritage of Anzac Parade, previously known as Randwick Road, reminding them of the significance of this Parade to our service men and women and that the trees must be protected.

**MOTION: (Neilson/Moore) CARRIED - SEE RESOLUTION.**

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

FOR	AGAINST
Councillor Belleli	Councillor Nash
Councillor Bowen	Councillor Roberts
Councillor D'Souza	Councillor Seng
Councillor Matson	Councillor Smith
Councillor Moore	Councillor Stavrinos
Councillor Neilson	

Councillor Shurey  
Councillor Stevenson

**Total (8)**

**Total (5)**

**NM17/16 Motion Pursuant to Notice - Notice of Motion from Cr Roberts - Identifying a 5-a-side Soccer Facility Location in Randwick LGA (F2012/00347)**

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

82/16

**RESOLUTION: (Roberts/Smith)** that Council:

1. note the closure of the 5-a-side soccer facility formerly located at Kensington Bowls Club;
2. note the new facilities at the synthetic field at Heffron Park are not a replacement to the lost facilities formerly at Kensington Bowls Club, as the dimensions are different and there's no court boundary fences, amongst other differences; and
3. investigates possible Council controlled locations where a like-for-like facility could be built, and bring back a report detailing such locations.

**MOTION: (Roberts/Smith) CARRIED - SEE RESOLUTION.**

**Confidential Reports**

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

**Closed Session**

**CS2/16 Confidential - Tender for Installation of Telematics Hardware and Mounting Systems - T2016-21 (F2015/00548)**

*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.*

83/16

**RESOLUTION: (Andrews/Stavrinos)** 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, Advanced Mobile IT, Emergency Transport Technology Pty Ltd, Micron Manufacturing Pty Ltd and Pinpoint Communications be accepted as the successful tenderers for T2016-21 for the Installation of Telematics Hardware and Mounting Systems at the proposed rates over the term of the agreement.
- b) the General Manager, or delegated representative, be authorised to enter into a contract on behalf of Council.

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

**CS3/16 Confidential - Tender for Coogee Beach Lower Promenade Building - T2016/09 (F2015/00386)**

*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.*

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84/16

**RESOLUTION: (Andrews/Stavrinos) 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, Cockram Construction be accepted as the successful tenderer for T2016-09 for the construction of the Coogee Beach Lower Promenade Building for a lump sum of \$ 6,368,406.00 (excl GST);
- b) entering into this contractual arrangement is in accordance with the "Guidelines for Council Decision making During Merger Proposal Periods" under Section 23A of the Local Government Act, in that the contract is being entered into as a result of a decision made and a procurement process commenced prior to the start of the merger proposal period. In addition, entry into the contract is necessary for the purposes of meeting Council's ongoing service delivery commitments to our community.
- c) unsuccessful tenderers are notified.

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

**CS4/16 Confidential - Tender for Supply of Facility Maintenance at DRLC - T2016-17 (F2015/00481)**

*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.*

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85/16

**RESOLUTION: (Andrews/Stavrinos) that Council:**

- 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, accept J&S Kassiotis, Image Air Conditioning and Southern Aquatic Services as the successful tenderers for T2016-17 DRLC facility maintenance at the proposed rates over the term of the agreement;
- b) authorises the General Manager, or delegated representative, to sign the contract documents on behalf of Council for a three (3) year term with an option to extend for two (2) further terms of twelve (12) months each;
- c) notifies the unsuccessful tenderers; and
- d) authorises the General Manager, or delegated representative, to immediately conduct negotiation with known suppliers to procure those categories which have not been addressed in this tender process, refer to "Table A" in the T2016-17 Tender Evaluation Report.

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

**CS5/16 Confidential - Tender for the Provision of Security Services - T2016-02 (F2015/00300)**

*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.*

86/16

**RESOLUTION: (Andrews/Stavrinos) that:**

1. 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, the following contractors be accepted under the respective categories for T2016-02 Provision of Security Services; ECS International Security and Investigations Pty Ltd, Ultimate Security Australia Pty Ltd and Australian Concert and Entertainment Security Pty Ltd be awarded the contract for the Event Management category; and ECS International Security and Investigations Pty Ltd be awarded the contract for the Supply, Installation and Monitoring of security systems;
2. due to extenuating circumstances in accordance with Section 55(3)(i) of the Local Government Act, being that awarding this tender category now would not meet the needs of the new larger Eastern Sydney Council, Council extend the current contract for Council's cash collection service, consistent with existing terms and fees, to the end of December 2016;
3. entering into this contractual arrangement is in accordance with the "Guidelines for Council Decision making During Merger Proposal Periods" under Section 23A of the Local Government Act, in that the contract is being entered into as a result of a decision made and a procurement process commenced prior to the start of the merger proposal period. In addition, entry into the contract is necessary for the purposes of meeting Council's ongoing service delivery commitments to our community; and
4. unsuccessful tenderers are notified.

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

**GM6/16 Confidential - Notice of Failure to Comply With Code of Conduct Review Outcome (F2015/00082)**

*This matter is considered to be confidential under Section 10A(2) (i) Of the Local Government Act, as it deals with the report contains alleged contraventions of any code of conduct requirements applicable under section 440.*

87/16

**RESOLUTION: (Andrews/Matson) that:**

- (a) the subject person apologise to any person or organisation affected by the breach in such time and form specified by the recommendation;
- (b) that findings of inappropriate conduct be made public; and
- (c) in the event that Councillor Stevenson has not apologised in writing by the 17<sup>th</sup> May, 2016 that he be formally censured for the breach under section 440G of the Act and that the matter be referred to the Division for further action under the misconduct provisions of the Act.

**AMENDMENT: (Moore/Bowen) the report be received and noted. LOST.**

**MOTION: (Andrews/Matson) CARRIED – SEE RESOLUTION.**

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

FOR	AGAINST

Councillor Andrews  
 Councillor D'Souza  
 Councillor Matson  
 Councillor Nash  
 Councillor Roberts  
 Councillor Seng  
 Councillor Smith  
 Councillor Stavrinou

Councillor Belleli  
 Councillor Bowen  
 Councillor Moore  
 Councillor Neilson  
 Councillor Shurey  
 Councillor Stevenson

**Total (8)**

**Total (6)**

**GM7/16 Confidential - Purchasing Procedure Exemption – Pipe Relining ,  
 25R Moorina Avenue , Matraville – Emergency Work  
 (F2015/00405)**

*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.*

88/16

**RESOLUTION: (Andrews/Smith) that:**

1. due to the requirement for emergency repairs, a one off exemption be granted under Section 55 (3) (k) of the Local Government ACT 1993 to allow for the engagement of Monadelphous to reline the pipe located under the laneway between Partanna Avenue and Moorina Avenue in Matraville.
2. the funds be sought from Council's Infrastructure Reserves.

**MOTION: (Andrews/Smith) CARRIED UNANIMOUSLY - SEE RESOLUTION.**

**Open Session**

The meeting moved back into open session.

**Notice of Rescission Motions**

**NR4/16 Notice of Rescission Motion - Notice of Rescission Motion from Crs Shurey, Neilson and Belleli - Proposed Amendments to Council's Hall Hire Policy (F2004/07674)**

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

**MOTION: (Shurey/Neilson) that the resolution passed at the Council meeting held on 22 March 2016 reading as follows:**

"That Council remove the prohibition on the consumption of alcohol at the Coogee Eastward Senior Citizens Centre from its Hall Hire Policy effective immediately."

**BE AND IS HEREBY RESCINDED. LOST ON CASTING VOTE OF THE MAYOR.**

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

**FOR**

Councillor Belleli  
 Councillor Bowen  
 Councillor Matson  
 Councillor Moore

**AGAINST**

Councillor Andrews  
 Councillor D'Souza  
 Councillor Garcia  
 Councillor Nash

Councillor Neilson  
Councillor Shurey  
Councillor Stevenson

Councillor Roberts  
Councillor Seng  
Councillor Stavrinou

**Total (7)**

**Total (7)**

A rescission motion on item NM16/16 (Motion Pursuant to Notice - Notice of Motion from Cr Neilson - Aboriginal Artefacts at the Randwick Stabling Yard and the Destruction of Trees along Anzac Parade) was submitted by Councillors Seng, Smith and Stavrinou in accordance with Council's Code of Meeting Practice and will be considered at the ordinary Council Meeting to be held on 24<sup>th</sup> May 2016.

There being no further business, His Worship the Mayor, Cr D' Souza, declared the meeting closed at 10.34pm.

**The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 24 May 2016.**

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**CHAIRPERSON**