

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, 28 JUNE 2016 AT 6:02PM**

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 & P Garcia
East Ward - Councillors T Bowen & M Matson
West Ward - Councillor S Nash
Central Ward - Councillors T Seng & G Stevenson

Officers Present:

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoples
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

Prayer & Acknowledgement of Local Indigenous People

The Council Prayer was read by Cr Garcia. The Acknowledgement of Local Indigenous People was read by Cr Belleli.

Apologies/Granting of Leave of Absences

Apologies were received from Councillors Andrews, Roberts and Stavrinou.

RESOLVED: (Nash/Seng) that the apologies received from Councillors Andrews, Roberts and Stavrinou be accepted and leave of absence from the meeting be granted.

Confirmation of the Minutes

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY 24 MAY 2016

123/16

RESOLUTION: (Shurey/Smith) that the Minutes of the Ordinary Council Meeting held on Tuesday 24 May 2016 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting.

Declarations of Pecuniary and Non-Pecuniary Interests

- a) Cr Shurey declared a pecuniary interest in Item CP37/16 as her husband is the architect on this application. Cr Shurey 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 CP35/16 as she knows some of the objectors on this matter.
- c) Cr Neilson declared a non-significant non pecuniary interest in Item CS8/16 as she knows some of the objectors on this matter.
- d) Cr Neilson declared a non-significant non pecuniary interest in Item NM31/16 as she knows some of the objectors on this matter.
- e) Cr Neilson declared a non-significant non pecuniary interest in Item NM32/16 as she knows some of the objectors on this matter.
- f) Cr Matson declared a non-significant non pecuniary interest in Item CP37/16 as he knows the architect on this application.
- g) Cr Matson declared a non-significant non pecuniary interest in Item NM31/16 as one of the speakers is related to a Greens politician.
- h) Cr Bowen declared a non-significant non pecuniary interest in Item NM31/16 as he knows one of the speakers on this matter.
- i) Cr Nash declared a significant non pecuniary interest in Item CP41/16 as he is a delegate on Council's Joint Regional Planning Panel. Cr Nash will be taking no part in the debate or voting on this matter.
- j) Cr Smith declared a significant non pecuniary interest in Item CP41/16 as he is a delegate on Council's Joint Regional Planning Panel. Cr Smith will be taking no part in the debate or voting on this matter. Cr Smith will be taking no part in the debate or voting on this matter.
- k) Cr Seng declared a significant non pecuniary interest in Item CP35/16 as he lives and owns a unit in close proximity to this development. Cr Seng will be taking no part in the debate or voting on this matter.
- l) Cr Shurey declared a non-significant non pecuniary interest in Item NM31/16 as one of the speakers is related to a Greens politician.
- m) Cr Moore declared a significant non pecuniary interest in Item GF19/16 as he is associated with a number of the businesses involved in this project.

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:

CP35/16 65 WILLIS STREET & 27 MEEKS STREET, KINGSFORD (DA/795/2015) –
(DEFERRED)

Objector Mr Kim Reddin (on behalf of the objectors)

- Applicant** Mr Jeff Mead (on behalf of the applicant)
- CP38/16 21 MEEHAN STREET, MATRAVILLE (DA/863/2015)
- Objector** Ms Lyndelle Morgan
- Applicant** Ms Eleni Katholos (on behalf of the applicant)
- NM31/16 NOTICE OF MOTION FROM CRS BOWEN, NEILSON, & SHUREY - UNDER SECTION 372(5) OF LOCAL GOVERNMENT ACT - PLANNED REDEVELOPMENT OF BONDI PAVILION
- For** Ms Kilty O'Brien
- For** Cr John Wakefield
- NM32/16 NOTICE OF MOTION FROM CR BOWEN - AMEND DESIGN TO PRESERVE TREES ON THE RANDWICK & KINGSFORD BRANCHES OF LIGHT RAIL LINE
- For** Mr Greg Sutherland

The Meeting was adjourned at 6.55pm and was resumed at 7.14pm.

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

**MM18/16 Mayoral Minute - Honouring the Late Barry Rodgers
(F2004/06876)**

- 124/16 **RESOLUTION: (Mayor, Cr N D'Souza)** that Council staff investigate opportunities for a permanent tribute to Barry Rodgers, including at Mahon Pool and reserves around Maroubra Surf Life Saving Club, and bring back a report to Council for consideration.

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

MM19/16 Mayoral Minute - NSW Police Force & International Students' Beach Soccer Day - Proposed Waiving of Fees (F2016/00096)

- 125/16 **RESOLUTION: (Mayor, Cr N D'Souza)** that:
- a) Council supports the 2016 NSW Police Force International Student Beach Soccer Day at Coogee Beach; and
 - b) Council assists with funding the event by providing \$2,500.00 in contributions and \$2,033.00 in-kind sponsorship (\$4,533.00) to be funded from the 2016-17 Contingency Fund.

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

**MM20/16 Mayoral Minute - Surfing NSW - Request for Financial Assistance for Beach Breaks Carnival & Australian Surfing Walk of Fame
(F2016/00046)**

- 126/16 **RESOLUTION: (Mayor, Cr N D'Souza)** that:
- a) Council approves \$7,500.00 cash sponsorship and \$7,171.00 in-kind support to

Surfing NSW for the production of the 2016 Junior State Surfing Title scheduled for 22-24 July, 2016 at Maroubra Beach with funds to be sourced from the dedicated Events budget;

- b) Surfing NSW be requested to appropriately and prominently acknowledge and promote Council's contribution to the production of the NSW Surfing Titles; and
- c) the Mayor or his representative be given the opportunity to present the winners of the Junior Titles Surfing Contest with their trophies on behalf of Council.

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

Urgent Business

Nil.

Director City Planning Reports

CP35/16 Director City Planning Report - 65 Willis Street & 27 Meeks Street, Kingsford (DA/795/2015) - Deferred (DA/795/2015)

Note: Having previously declared an interest, Cr Seng left the chamber during the discussion and voting on this matter.

127/16

RESOLUTION: (Matson/Shurey) that Council, as the consent authority, refuses development consent under Sections 80 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 795/2015 for Demolition of existing buildings on site and construction of a new 4 storey boarding house containing 36 rooms at Nos. 65 Willis Street and 27 Meeks Street, Kingsford, for the following reasons:

- (a) the site is unsuitable for the proposed development.
- (b) the proposal is an overdevelopment of the site.
- (c) the front setback of the development is in Willis Street and therefore under the SEPP Affordable Housing the proposal is inconsistent with the setback that prevails in this street.
- (d) the proposed mansard roof form is out of character with the predominant pattern of roofs within the area.
- (e) the proposal will adversely impact on the solar access available to the neighbouring property at 29 Meeks Street.
- (f) the proposal is not in the public interest.

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

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

FOR	AGAINST
Councillor Bowen	Councillor Belleli
Councillor Garcia	Councillor D'Souza
Councillor Matson	
Councillor Moore	
Councillor Nash	
Councillor Neilson	

Councillor Shurey
Councillor Smith
Councillor Stevenson

Total (9)

Total (2)

**CP36/16 Director City Planning Report - 2 Wolseley Road, Maroubra
(DA/160/2011/B) - Deferred (DA/160/2011/B)**

128/16

RESOLUTION: (Nash/Garcia) that Council, as the consent authority, grants development consent under Section 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 No. 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, all dated 31.07.2015, plan number 1.00, 3.01 & 3.02 all received by Council on 3 August 2015; Roof Level_Revision A, dated 17.06.2016 and received by Council on 17 June 2016

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 elevation plans (1.00, 3.01 & 3.02) shall be amended to reflect the relocated and reduced area of the roof terrace shown in plan labelled Roof Level Revision A, dated 17.06.2016 and received by Council on 17 June 2016.
- b. No umbrellas or awning structures are permitted on the roof terrace.

MOTION: (Nash/Garcia) CARRIED UNANIMOUSLY - SEE RESOLUTION.

**CP37/16 Director City Planning Report - 20 Chapman Avenue, Maroubra
(DA/253/2016) (DA/253/2016)**

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

129/16

RESOLUTION: (Nash/Smith) 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. 253/2016 for alterations and additions to the existing semi-detached dwelling house, at No. 20 Chapman Avenue, Maroubra, subject to the standard conditions contained in the development application compliance report.

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

**CP38/16 Director City Planning Report - 21 Meehan Street, Matraville
(DA/863/2015) (DA/863/2015)**

130/16

RESOLUTION: (Neilson/Matson):

- A. That Council not support the exceptions to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clause 4.4 of Randwick Local Environmental Plan 2012, relating to Floor Space Ratio, on the grounds that the proposed development does not comply with the objectives of the above clause, and will adversely affect the amenity of the adjoining properties, and that the Department of Planning & Environment be advised accordingly.
- B. That Council, as the consent authority, refuse its consent under Section 80 of the *Environmental Planning and Assessment Act 1979* as amended, to Development Application No. 863/2015 in relation to the demolition of the existing dwelling and construction of a part 2 and 3 storey attached dual occupancy at 21 Meehan Street, Randwick for the following reasons:
1. The proposal fails to satisfy the relevant objectives of R2 – Low Density zone under Randwick Local Environmental Plan 2012 in relation to the desired future character of the locality and the protection of residential amenity.
 2. The proposal exceeds the maximum floor space ratio of 0.5:1 specified in Clause 4.4 of Randwick Local Environmental Plan 2012 and the Clause 4.6 variation to the development standard is not well founded.
 3. The proposal fails to satisfy the relevant objectives of Building Design under Part C1 of the Randwick Comprehensive Development Control Plan 2013 in that the form and massing does not respond to the topography of the site and the design lacks suitable articulation resulting in unreasonable impacts upon the adjoining dwellings in terms of visual amenity.
 4. The proposal exceeds the maximum external wall height control under Part C1 of the Randwick Comprehensive Development Control Plan 2013.
 5. The proposal does not satisfy the visual privacy requirements under Part C1 of the Randwick Comprehensive Development Control Plan 2013 because it would result in unreasonable privacy impacts to the adjoining properties.

MOTION: (Neilson/Matson) CARRIED UNANIMOUSLY – SEE RESOLUTION.

**CP39/16 Director City Planning Report - 608-610 Bunnerong Road,
Matraville (DA/245/2016) (DA/245/2016)**

131/16

RESOLUTION: (Nash/Garcia) that

- A. Council supports the exceptions to development standards under Clause 4.6 of

Randwick Local Environmental Plan 2012 in respect to non-compliance with Clause 4.1 minimum subdivision lot size of Randwick Local Environmental Plan 2012, relating to 608-610 Bunnerong Road, Matraville respectively, on the grounds that the proposed development complies with the objectives of the above clause, and will not adversely affect the amenity of the locality, and that the Department of Planning & Environment be advised accordingly.

- B. Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, to Development Application No. 245/2016 for subdivision of the property at No. 608-610 Bunnerong Road, Matraville into two torrens title lots, subject to the following standard conditions contained in the development application compliance report.

MOTION: (Nash/Garcia) CARRIED UNANIMOUSLY - SEE RESOLUTION.

CP40/16 Director City Planning Report - Report for Variation to Development Standard under State Environmental Planning Policy No. 1 (SEPP 1) and Clause 4.6 between 13 May - 15 June 2016 (F2008/00122)

- 132/16 **RESOLUTION: (Matson/Shurey)** that the report be deferred to the next Ordinary Council meeting for further consideration by Councillors.

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

CP41/16 Director City Planning Report - Council as Relevant Planning Authority - Planning Proposal for 1T Romani Way, Matraville (RZ/2/2015)

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

- 133/16 **RESOLUTION: (Matson/Shurey)** that Council write to the Department of Planning and Environment advising that it has determined to not accept the role of relevant planning authority for the Planning Proposal at 1T Romani Way, Matraville.

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

CP42/16 Director City Planning Report - 2016-17 Community Partnerships Funding Program (F2008/00139)

- 134/16 **RESOLUTION: (Bowen/Matson)** that Council approve funds totalling \$55,288.00 to be allocated to the organisations listed in Attachment one of this report.

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

CP43/16 Director City Planning Report - Advisory Committee Minutes (F2004/07645)

- 135/16 **RESOLUTION: (Bowen/Matson)** that the Council acknowledges and accepts the minutes of the Older Persons Advisory Committee – March 2016 (endorsed June 2016) and the Access Advisory Committee (endorsed May 2016).

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

General Manager's Reports

GM11/16 General Manager's Report - Randwick City Council Operational Plan and Budget 2016-17 (F2016/03000)

136/16

RESOLUTION: (Matson/Nash) that:

- a) the Recommended Operational Plan 2016-17 be adopted as per the attached, and that the General Manager be authorised to make any minor changes as requested by the Council or the NSW Office of Local Government;
- b) the Recommended Annual Budget 2016-17 be adopted as per the attached;
- c) the Recommended General Fees and Charges be adopted for 2016-17 as per the attached;
- d) Council make and levy the ordinary Residential Rate for 2016-17, under s.494 and s.498(1)(a) and (2) of the Local Government Act 1993, as a rate of 0.128040 cents in the dollar on the land value of all rateable land within the City of Randwick being categorised as Residential;
- e) Council make and levy the ordinary Business Rate for 2016-17, under s.494 and s.498(1)(a) and (2) of the Local Government Act 1993, as a rate of 0.485910 cents in the dollar on the land value of all rateable land within the City of Randwick being categorised as Business;
- f) Council make and levy the Environmental Levy Rate for 2016-17 under s.495 and s.498(1)(b) and (2) of the Local Government Act 1993, as a rate of 0.010590 cents in the dollar on the land value of all rateable land within the City of Randwick;
- g) Council make and levy the ordinary Residential minimum rate for 2016-17 under s.548(1)(a), (2), (4) and (5) of the Local Government Act 1993, as \$752.25;
- h) Council make and levy the ordinary Business minimum rate for 2016-17 under s.548(1)(a), (2), (4) and (5) of the Local Government Act 1993, as \$1,212.22;
- i) Council make and levy the Domestic Waste Management Charge for 2016-17 under s.496 of the Local Government Act 1993, as \$543.00;
- j) Council make and levy a Domestic Waste Management Charge for an additional 140 litre bin for 2016-17 under s.496 of the Local Government Act 1993, as \$261.30;
- k) Council make and levy the Stormwater Management Service Charge for residential properties for 2016-17 under s.496A of the Local Government Act 1993, as \$25.00;
- l) Council make and levy the Stormwater Management Service Charge for residential strata properties for 2016-17 under s.496A of the Local Government Act 1993, as \$12.50;
- m) Council make and levy the Stormwater Management Service Charge for business properties for 2016-17 under s.496A of the Local Government Act 1993, as \$25.00 plus an additional \$25.00 for each 350m² or part thereof by which the parcel of land exceeds 350m²;
- n) Council make and levy the Stormwater Management Service Charge for business strata properties for 2016-17 under s.496A of the Local Government Act 1993,

calculated in accordance with the land area as per business properties in 'n' above and then apportioned by unit entitlement subject to a minimum charge of \$5.00 per business strata lot.

- o) Council make and levy the Stormwater Management Service Charge for company title properties for 2016-17 under s.496A of the Local Government Act 1993, calculated in accordance with the rating category of the land and then apportioned according to the number of shares held by each shareholder for each respective lot.
- p) the interest rate on overdue rates for 2016-17 be set at 8.0 per cent which is the maximum rate as determined by the Minister for Local Government; under s.566(3) of the Local Government Act 1993; and
- q) the Responsible Accounting Officer be delegated to make changes as adopted by Council.

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

Note: Crs Bowen and Garcia left the chamber at this point of the meeting, the time being 7.50pm.

Director City Services Reports

CS8/16 Director City Services Report - Malabar Headland - Western Walking Track - Update (F2014/00503)

137/16

RESOLUTION: (Matson/Shurey) that:

1. the proposed Western Walking Track proposal be amended to remove the Ford Road access link from the proposal; and
2. the proposal proceeds to detailed design stage and the tendering of the construction.

MOTION: (Neilson/Nash) that:

1. the proposed Western Walking Track proposal be amended by the installation of a 1.5m chain wire fence to the west of the elevated boardwalk to restrict access into the part of the National Park behind the Byrne Crescent and Ford Street residents; and
2. the proposal proceeds to detailed design stage and the tendering of the construction.

AMENDMENT: (Moore/Smith) the proposed Western Walking Track proposal proceeds to detailed design stage and the tendering of the construction. **CARRIED.**

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

FOR	AGAINST
Councillor D'Souza	Councillor Belleli
Councillor Moore	Councillor Matson
Councillor Nash	Councillor Neilson
Councillor Seng	Councillor Shurey
Councillor Smith	
Councillor Stevenson	

Total (6)**Total (4)**

FURTHER AMENDMENT: (Matson/Shurey) CARRIED ON THE CASTING VOTE OF THE MAYOR AND BECAME THE MOTION.

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

FOR	AGAINST
Councillor Belleli	Councillor Moore
Councillor D'Souza	Councillor Nash
Councillor Matson	Councillor Neilson
Councillor Shurey	Councillor Seng
Councillor Stevenson	Councillor Smith
Total (5)	Total (5)

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

Director Governance & Financial Services Reports

GF18/16 Director Governance & Financial Services Report - Investment Report - May 2016 (F2015/06527)

138/16 **RESOLUTION: (Bowen/Matson)** that the investment report for May 2016 be received and noted.

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

GF19/16 Director Governance & Financial Services Report - Telecommunications Proposal CPS Global - Anzac Parade, Maroubra (F2015/00129)

Note: Having previously declared an interest, Cr Moore left the chamber during the discussion and voting on this matter.

139/16 **RESOLUTION: (Nash/Smith)** that;

- a) Council engages legal representatives to review the draft heads of agreement and lease agreement and negotiates a market rental and term using the fee schedule and guidelines from the IPART review into rental arrangements for communications towers on Crown Land as a basis for the agreement fees and terms.
- b) Subject to agreement to the negotiated terms between Vodafone and Council that the General Manager be given authority to execute the agreement.

MOTION: (Nash/Smith) CARRIED – SEE RESOLUTION.

Petitions

Nil.

Motion Pursuant to Notice

NM31/16 Motion Pursuant to Notice - Notice of Motion from Crs Bowen, Neilson, & Shurey - Under Section 372(5) of Local Government Act - Planned Redevelopment of Bondi Pavilion (F2016/04003)

Note: A rescission motion on this item was submitted by Councillors Nash, Smith and Seng in accordance with Council's Code of Meeting Practice and will be considered at the Ordinary Council Meeting to be held on 26 July 2016.

140/16

RESOLUTION: (Bowen/Shurey) that Council:

- a) notes that Waverley Council has agreed to a \$38 million redevelopment of Bondi Pavilion and that there is growing community concern and opposition from the residents of the Waverley, Woollahra and Randwick local government areas in response;
- b) resolves that, considering the very likely amalgamation between Randwick, Waverley and Woollahra Councils, that Council writes to the Minister for Local Government noting that the decision was made during the merger proposal period and is considered to be inappropriate at this time;
- c) resolves to write to the current Mayors of Waverley and Woollahra Councils and the Minister for Local Government raising fiscal concerns that ratepayers from the three Council areas will be burdened with a debt of over \$20 million; and
- d) that Council resolve to write to the Mayor of Waverley Council calling for a suspension of work on the Pavilion project until the pending merged Council entity can itself assess the tender documents received for the conceptual design.

MOTION: (Bowen/Shurey) 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 Smith
Councillor D'Souza	
Councillor Garcia	
Councillor Matson	
Councillor Moore	
Councillor Neilson	
Councillor Seng	
Councillor Shurey	
Councillor Stevenson	
Total (10)	Total (2)

NM32/16 Motion Pursuant to Notice - Notice of Motion from Cr Bowen - Amend Design to Preserve Trees on the Randwick & Kingsford Branches of Light Rail Line (F2013/00263)

141/16

RESOLUTION: (Bowen/Neilson) that Randwick Council:

1. recognises community anger and distress regarding the loss of trees along the Light Rail route at Anzac Parade, Moore Park and Alison Road, Randwick;
2. further notes light rail construction is imminent for the Randwick and Kingsford branches of the lines and such construction will result in significant additional tree loss.
3. notes proposed construction of the light rail corridor through the currently grassed sections of the CSELR corridor is comprised of dual rail lines encased in

a hard massed concrete surface from curb to curb (approximately 9 Metres in width) with overhead wiring, requiring removal of all vegetation within and close to the corridor and with further adverse impact on the root systems of existing trees alongside the to be cleared corridor.

4. notes grass track configurations are used for many light rail systems around the world especially in areas where pre-existing grassed areas are being traversed.
5. notes an alternative grass track will potentially achieve a far better outcome in terms of overall environmental design, noise and safety.
6. notes a grass track will minimise the loss of trees in the Randwick LGA with construction of the Randwick and Kingsford branches
7. immediately calls on TfNSW to investigate an alternative track design for the Randwick and Kingsford branches through utilising proven grass track grass technology in order to achieve a more environmentally sensitive outcome and preserve as many existing trees in situ as possible.

MOTION: (Bowen/Neilson) CARRIED UNANIMOUSLY - SEE RESOLUTION.

Confidential Reports

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

Closed Session

GM12/16 Confidential - Local Government Procurement Tender for Small Electricity Sites (F2016/00191)

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.

142/16

RESOLUTION: (Smith/Nash) that Randwick City Council:

- (a) under Regulation 178(1)(a) of the Local Government (General) Regulation 2005, Randwick Council endorses the acceptance of Origin Energy as the successful tenderer for the Local Government Procurement (LGP) tender on behalf of Councils for the supply of electricity for small sites, which resulted in a net saving to Council of 28% off the standard Origin Energy tariff rates;
- (b) be advised that 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 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
- (c) authorises the General Manager to enter into a contract with the successful tenderer on its behalf until the end date of 31 December 2019.

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

CP44/16 Confidential - Tender T2016-20 - Provision of Event Services (F2015/00546)

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.

143/16

RESOLUTION: (Smith/Shurey) 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, Constant Logistics, October Sun Enterprises, Out There Productions Australia, Parachute International, The Spark International Pty Ltd, 32 Hundred Lighting, Five Peas, Howlaround Productions, Madzin Productions Pty Ltd, PBJ Entertainment Group PTY LTD, Sydney Metro Audio Visual, Festival Hire, Funktionality, Hamblin's Pty Ltd, Mobile Stage Truck, Patti's Hire, Pillinges Hiring Service Pty Ltd, Somersault Productions Pty Ltd, Supertents & Seating Pty Ltd, ATEA Music Pty Ltd, Enhance Entertainment Pty Ltd, Evan Powis Entertainment Pty Ltd, Gaia Rhythm Events, Fireworks Australia, Mandylights Pty Ltd, SEG Agency Pty Ltd, Outdoor Cinema Company (Trading as Be Productions), Strut & Fret Production House, Coates Hire and Oz Management Entertainment Consultants be accepted as the successful tenderers for T2016-20 Event Services for their nominated categories at their tendered rates;
- 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) the General Manager, or delegated representative, be authorised to enter into a contract on behalf of Council for a period of 3 years with 2 optional 1 year extensions; and
- d) unsuccessful tenderers are notified.

MOTION: (Smith/Shurey) CARRIED UNANIMOUSLY - SEE RESOLUTION.**CS9/16 Confidential - Supply and Delivery of 2 x Compact Footpath Sweepers (F2016/00197)**

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.

144/16

RESOLUTION: (Smith/Shurey) that Council:

1. notes the acceptance, under Regulation 178(1)(a) of the Local Government (General) Regulation 2005, of the quotation from Hako Australia Pty for 2 x Compact Footpath Sweepers to the value of \$359,736.00 (ex GST) in accordance with the terms and conditions set out under Local Government Procurement Contract NPN1.15; and
2. 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.

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

**GF20/16 Confidential - Draft Operational Plan and Budget 2016-17:
Confidential Fees and Charges (F2016/00099)**

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.

145/16 **RESOLUTION: (Smith/Shurey)** that the Draft Confidential Fees and Charges 2016-17 be adopted.

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

**GF21/16 Confidential - Proposal for Extension of Smash Repairs for Council
Vehicles & Trucks Contract (Tender No. T2011-05) (F2011/00091)**

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.

146/16 **RESOLUTION: (Neilson/Shurey)** that Council:

- a) due to extenuating circumstances in accordance with Section 55(3)(i) of the Local Government Act, Council enter into a month-to-month agreement with Council's existing smash repair services contractors consistent with existing terms and fees for a period of up to twelve months from the expiry of the contract on 30 June 2016; and
- b) authorises the General Manager, or delegated representative, to sign the contract documents on behalf of Council.

MOTION: (Neilson/Shurey) CARRIED UNANIMOUSLY - SEE RESOLUTION.

**GF22/16 Confidential - SSROC Tender for the Provision of Agricultural
Products - No. 2016-06 (F2016/00138)**

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.

147/16 **RESOLUTION: (Smith/Shurey)** that:

- a) under Regulation 178(1)(a) of the Local Government (General) Regulation 2005, Globe Australia Pty Ltd be accepted as the successful tenderer for the Provision of Agricultural Products;
- 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; and

- c) the General Manager, or delegated representative, be authorised to enter into a preferred supplier agreement for a period of 3 years, with 2 optional 1 year extensions.

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

GF23/16 Confidential - SSROC Tender for Supply and Delivery of Sodium Hypochlorite (Bulk Liquid Chlorine) - No. 2016-05 (F2015/00423)

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.

148/16

RESOLUTION: (Smith/Shurey) that:

- a) under Regulation 178(1)(a) of the Local Government (General) Regulation 2005, Ixom Operations Pty Ltd be accepted as the successful tenderer for the Provision of Agricultural Products;
- 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; and
- c) the General Manager, or delegated representative, be authorised to enter into a preferred supplier agreement for a period of 3 years, with 2 optional 1 year extensions.

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

Open Session

The meeting moved back into open session.

Notice of Rescission Motions

A rescission motion on item NM31/16 (Notice of Motion from Crs Bowen, Neilson, & Shurey Under Section 372(5) of Local Government Act - Planned Redevelopment of Bondi Pavilion) was submitted by Councillors Nash, Smith and Seng in accordance with Council's Code of Meeting Practice and will be considered at the Ordinary Council Meeting to be held on 26th July 2016.

There being no further business, His Worship the Mayor, Cr D' Souza, declared the meeting closed at 8.25 pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 26 July 2016.

.....

CHAIRPERSON