

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, 22 NOVEMBER 2016 AT 6:06PM**

Present:

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

Councillor B Roberts (Deputy Mayor) (East Ward)

North Ward	- Councillors K Neilson, L Shurey & K Smith
South Ward	- Councillors R Belleli
East Ward	- Councillors T Bowen
West Ward	- Councillors G Moore, S Nash & H Stavrinou
Central Ward	- Councillors A Andrews & 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 Strategic Planning	Mr A Bright
Coordinator Integrated Planning & Reporting	Ms K Hawkett

Prayer & Acknowledgement of Local Indigenous People

The Council Prayer was read by Cr Moore. The Acknowledgement of Local Indigenous People was read by Cr Shurey.

Apologies/Granting of Leave of Absences

Apologies were received from Councillors Garcia, Matson and Seng.

RESOLVED: (Stavrinou/Shurey) that the apologies received from Councillors Garcia, Matson and Seng 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 25 OCTOBER 2016**

226/16

RESOLUTION: (Stavrinou/Shurey) that the Minutes of the Ordinary Council Meeting held on Tuesday 25 October 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) All ALP Councillors declared a non-significant non pecuniary interest in Item CP67/16 as the site is in close proximity to the home of a former ALP Councillor.
- b) Cr Neilson declared a non-significant non pecuniary interest in Item CP70/16 as she knows some of the objectors to this development application.
- c) Cr Neilson declared a non-significant non pecuniary interest in Item GM20/16 as she knows some of the objectors to this project.
- d) Cr Roberts declared a non-significant non pecuniary interest in Item CP64/16 as he lives nearby to this development application.
- e) Cr D'Souza declared a pecuniary interest in Item CP66/16 as his family home is in the same street as this development application. Cr D'Souza will be taking no part in the debate or voting on this matter.
- f) Cr Belleli declared a non-significant non pecuniary interest in Item CP65/16 as his wife teaches dance at various childcare centres.
- g) Cr Bowen declared a non-significant non pecuniary interest in Item GM20/16 as he lives in close proximity to this proposed site.
- h) Cr Andrews declared a non-significant non pecuniary interest in Item CP65/16 as he knows some of the objectors to this development application.
- i) Cr Andrews declared a non-significant non pecuniary interest in Item MM43/16 as he is a regular attendee at the Greek Orthodox Church and also the annual Greek Epiphany Festival.
- m) Cr Stavrinou declared a non-significant non pecuniary interest in Item MM43/16 as he is a regular attendee at the Greek Orthodox Church and also the annual Greek Epiphany Festival.
- n) Crs Andrews, Bowen and Roberts declared a non-significant non pecuniary interest in Item GF38/16 as they are all ticket holders of the South Sydney Football Club.
- o) Cr Shurey declared a pecuniary interest in Item CP71/16 as her husband works for one of the shortlisted suppliers. Cr Shurey 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:

CP65/16 27 DUNCAN STREET, MAROUBRA (DA/234/2016)

Objector Ms Gai Hilton

Applicant Mr Adam Mainey

CP66/16 16 CLOSE STREET, SOUTH COOGEE (DA/616/2016)

Applicant Mr John Cole on behalf of the applicant

CP67/16 11 HOOPER STREET, RANDWICK (DA/907/2015)

Objector Mr Wayne Morris

Applicant Mr Anthony Betros on behalf of the applicant

CP68/16 24 OCEAN STREET, CLOVELLY (DA/432/2016)

Objector Mr George Lloyd on behalf of objector

Applicant Mr Samuel Breuer

CP69/16 26 EASTBOURNE AVENUE, CLOVELLY (DA/286/2016)

Objector Ms Judith Kirkwood

Applicant Mr Roland Martinez on behalf of the applicant

CP70/16 CBD AND SOUTH EAST LIGHT RAIL - PROPOSED MODIFICATION TO PERMIT TREE WORKS

Against Ms Kathlene Hennessy

GM20/16 SYDNEY LIGHT RAIL PROJECT - PROPOSED NEW RAIL DEPOT ON DEFENCE LAND IN BUNDOCK STREET, RANDWICK

Against Mr Lex Davidson

The Meeting was adjourned at 7.14pm and was resumed at 7.28pm.

Mayoral Minutes

MM42/16 Mayoral Minute - Supply of Five Recycling Bins for the South Coogee Childrens' Services (F2016/08174)

227/16

RESOLUTION: (Mayor, Cr N D'Souza) that the Council waive the associated fees for the supply and servicing of five recycling bins from South Coogee Children's Services located at South Coogee Public School for a six month period. The costs, \$107.00 be funded from the 2016-17 Contingency Fund.

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

MM43/16 Mayoral Minute - Waiving of Fees Greek Orthodox Church (F2016/00096)

228/16

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

- a) Council vote \$10,097.59 to cover the fees associated with the Greek Epiphany Festival to be held Sunday 8 January, 2017 and funds be allocated from the 2016-17 Contingency Fund;
- b) the event organiser undertake to appropriately and prominently acknowledge and promote Council's contribution prior to and during the event; and

- c) the Mayor or the Mayor's representative be given the opportunity to address the event on behalf of Council.

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

**MM44/16 Mayoral Minute - Commemoration of Barry Rodgers
(F2004/06876)**

229/16

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

- a) the indoor 25m training pool at the Des Renford Leisure Centre be named "The Rodgers Brothers Learn to Swim Pool;" and
- b) a naming ceremony be held with the Rodgers family.

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

Urgent Business

Nil.

Director City Planning Reports

**CP65/16 Director City Planning Report - 27 Duncan Street, Maroubra
(DA/234/2016)**

230/16

RESOLUTION: (Andrews/Stavrinos) that Council, as the consent authority, refuse development consent under Sections 80 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 234/2016 for the change of use from an existing dwelling house to a child care centre and associated alterations at 27 Duncan Street, Maroubra for the following reasons:

1. The proposal does not satisfy the objective of the R2 Low Density Residential zone in relation to protecting the amenity of residents, which is specified in the Randwick Local Environmental Plan 2012.
2. The proposal does not satisfy the relevant objectives and controls in relation to on-site parking provision contained within Randwick DCP 2013, Part B7, Clause 3.2(i) and Part D11, Clause 5.
3. The proposal fails to satisfy the relevant considerations under Section 79C(1)(c) and (e) of the *Environmental Planning and Assessment Act 1979* for suitability of the site, and the public interest.
4. The proposal does not satisfy the relevant submission requirements contained within Randwick DCP 2013, Part 4.4(i), which requires the submission of a landscape plan identifying elements including proposed plantings.
5. The development application does not provide sufficient supporting information to demonstrate that the proposed hours of operation are compatible with adjoining land uses, as required by Randwick DCP 2013, Part 6(i).

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

**CP66/16 Director City Planning Report - 16 Close Street, South Coogee
(DA/616/2016)**

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

231/16

RESOLUTION: (Andrews/Stavrinos) 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. 616/2016 for Alterations and additions to existing dwelling at basement and ground level, new front first floor, construction of secondary dwelling and swimming pool to rear with associated works, at No. 16 Close Street, South 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**

2. The approved plans and documents must be amended in accordance with the following requirements:
 - a) The following window must have a minimum sill height of 1.6m above floor level, or alternatively, the window is to be fixed and be provided with translucent, obscured, frosted or sandblasted glazing below this specified height:
 - W2 (secondary dwelling)
 - b) A Privacy screen having a minimum height of 1.8m is to be provided to the norther edge of the ground floor terrace and details of compliance are to be provided in the constructions certificate plans. The total area of any openings within the privacy screen must not exceed 25% of the area of the screen.
 - c) The terrace above the storeroom is to be setback behind a planter box to the street edge of the terrace to soften the built form and achieve consistency with the streetscape. The planter bed is to be of dimensions suitable to achieve a soil depth of 600mm and bed width of 1m. The planter bed is to be planted with drought tolerant and wind tolerant small shrubs or hedging plants. Details of the planter bed and plant species are to be included in the plans submitted with the Construction Certificate.

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

**CP67/16 Director City Planning Report - 11 Hooper Street, Randwick
(DA/907/2015)**

232/16

RESOLUTION: (Roberts/Shurey) that this application be deferred to the December ordinary Council meeting to allow the neighbour, who has just moved in, time to consider and make a comment on this development application. The neighbour's submission must be lodged with Council no later than Thursday 1 December 2016.

MOTION: (Roberts/Shurey) 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 Moore
Councillor Belleli	
Councillor Bowen	
Councillor D'Souza	
Councillor Nash	
Councillor Neilson	
Councillor Roberts	
Councillor Shurey	
Councillor Smith	
Councillor Stavrinis	
Councillor Stevenson	
Total (11)	Total (1)

CP68/16 Director City Planning Report - 24 Ocean Street, Clovelly (DA/432/2016)

233/16

RESOLUTION: (Roberts/Stavrinis) 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/432/2016 for demolition of the existing structures and construction of a new part 2/part 3 storey dwelling house with new in ground swimming pool and associated site and landscape works at 24 Ocean Street, Clovelly, 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. The approved plans and documents must be amended in accordance with the following requirements:
 - a. The louvred window openings to the southern elevation on the ground floor shall be of obscure glazing and when open shall be fixed at an angle to prevent overlooking of the adjacent property to the south.

MOTION: (Bowen/Shurey) that the application be deferred for mediation between the applicant and objectors on the location of the southern facing windows. **LOST.**

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

FOR	AGAINST
Councillor Bowen	Councillor Andrews
Councillor Nash	Councillor Belleli
Councillor Neilson	Councillor D'Souza
Councillor Shurey	Councillor Moore
Councillor Stevenson	Councillor Roberts
	Councillor Smith
	Councillor Stavrinis
Total (5)	Total (7)

MOTION: (Roberts/Stavrinis) 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 Bowen
Councillor Bellei	Councillor Neilson
Councillor D'Souza	Councillor Shurey
Councillor Moore	
Councillor Nash	
Councillor Roberts	
Councillor Smith	
Councillor Stavrinou	
Councillor Stevenson	
Total (9)	Total (3)

CP69/16 Director City Planning Report - 26 Eastbourne Avenue, CLOVELLY (DA/286/2016)

234/16

RESOLUTION: (Neilson/Shurey) -

- A. That Council supports the exceptions to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clause 4.4 of Randwick Local Environmental Plan 2012, relating to floor space ratio, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning & Infrastructure be advised accordingly.
- B. 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. 286/2016 for substantial alterations and first floor additions to existing dwelling house (variation to floor space ratio control), at No. 26 Eastbourne Avenue, Clovelly 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. The approved plans and documents must be amended in accordance with the following requirements:
 - a. The swimming pool and spa must be deleted from the plans and replaced with decking or landscaped area, or combination of both, with a finished floor level of RL 16.1 (being the level of the existing lawn area) for the area within the front setback west of the western wall to the lower ground gym; and, RL 17.39 (being the level of the top of the existing deck for the area east of the western wall of the lower ground gym).

The existing wall to the western area may be retained and a balustrade to meet BCA requirements shall be placed around the eastern deck area, setback a minimum of 1.5m from the southern alignment of the deck.

MOTION: (Andrews/Roberts) that the development application be approved with the inclusion of the pool and spa, subject to standard conditions. **LOST.**

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

FOR	AGAINST
Councillor Andrews	Councillor Bowen

Councillor Belleli
Councillor Nash
Councillor Roberts
Councillor Stavrinou

Councillor D'Souza
Councillor Moore
Councillor Neilson
Councillor Shurey
Councillor Smith
Councillor Stevenson

Total (5)

Total (7)

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

CP70/16 Director City Planning Report - CBD and South East Light Rail - Proposed Modification to Permit Tree Works (F2014/00453)

235/16

RESOLUTION: (Andrews/Stavrinou) that Council:

- a) endorses making a submission to the Department of Planning and Environment objecting to the Proposed Modification;
- b) recommends that the proposed modification be re-evaluated on the basis of a 2.7 metre clearance around the overhead wires for the light rail; and
- c) requests that the trees are protected in accordance with the Australian Standards.

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

General Manager's Reports

GM19/16 General Manager's Report - Review of the Randwick City Council 2016-17 Operational Plan - September Quarter (F2016/03001)

236/16

RESOLUTION: (Moore/Andrews) that the information contained in the September Quarterly Review of the 2016-17 Annual Operational Plan be received and noted.

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

GM20/16 General Manager's Report - Sydney Light Rail Project - Proposed New Rail Depot on Defence Land in Bundock Street, Randwick (F2014/00453)

Note: a Rescission Motion in relation to this matter was submitted by Councillors Andrews, D'Souza and Stavrinou, in accordance with Council's Code of Meeting Practice and will be considered at the Planning Committee Meeting to be held on 6 December 2016.

237/16

RESOLUTION: (Bowen/Roberts) that Council support the use of the Bundock Street site as a new light rail depot subject to:

- a) the provision of a community consultation and communication strategy, environmental and traffic management mitigation measures that demonstrate that the use of the site will have minimal environmental impact on the surrounding area;
- b) the provision of 58 sealed and line marked car parking spaces adjacent the existing Rainbow Street car park for use as a public car park at no cost to Council;

- c) an independent contamination consultant verifying that no risk is posed to adjacent residents from disturbance of the known contaminants on this site with specific assessment of windblown dust and water runoff issues; and
- d) Council only supporting any proposal utilising Defence land at Bundock Street, for the purposes of storing light rail materials, where the access and egress is via Avoca Street only.

MOTION: (Stavrinos/Andrews) that Council support the use of the Bundock Street site as a new light rail depot subject to:

- a) the provision of a community consultation and communication strategy, environmental and traffic management mitigation measures that demonstrate that the use of the site will have minimal environmental impact on the surrounding area;
- b) the provision of 58 sealed and line marked car parking spaces adjacent the existing Rainbow Street car park for use as a public car park at no cost to Council; and
- c) an independent contamination consultant verifying that no risk is posed to adjacent residents from disturbance of the known contaminants on this site with specific assessment of windblown dust and water runoff issues.

AMENDMENT: (Bowen/Roberts) CARRIED AND BECAME THE MOTION. MOTION CARRIED - SEE RESOLUTION.

AMENDMENT: (Stevenson/Nil) that this matter be deferred to the next ordinary Council meeting to enable a Councillor briefing by subcontractors on how they are proposing to deal with this site. **LAPSED FOR WANT OF A SECONDER.**

GM21/16 General Manager's Report - 2015-16 Annual Report and Financial Statements (F2015/03005)

238/16

RESOLUTION: (Stavrinos/Smith) that:

- a) the Randwick City Council Annual Report 2015-16 be received and noted;
- b) the General Manager be authorised to make any minor changes if required; and
- c) a copy of the Annual report be submitted to the Chief Executive, Office of Local Government, Department of Premier and Cabinet.

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

Director City Services Reports

CS14/16 Director City Services Report - Temporary Use of Paine Reserve by Rainbow Street Public School (F2005/00834)

239/16

RESOLUTION: (Stavrinos/Andrews) that:

- a) Council allocate part of Paine Reserve adjacent to the Rainbow Street Public School for a playground area for use by the school subject to a formal agreement between Randwick Council and the Department of Education;
- b) the formal licence agreement be for a period of one year withholding over

provisions on a monthly basis;

- c) the department of education pay the costs associated with installation and removal of a fence around the designated area and any restoration of the park to a satisfactory condition; and
- d) Council delegate the General Manager to sign the agreement on behalf of Randwick Council.

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

Director Governance & Financial Services Reports

GF33/16 Director Governance & Financial Services Report - Schedule of Meetings for 2017 and Arrangements for Decision Making over the Christmas/New Year period (F2004/06565)

240/16

RESOLUTION: (Smith/Andrews) that:

- a) the Council Meeting recess commence following the ordinary Council Meeting scheduled to be held on Tuesday 13 December 2016 and meetings be resumed on Tuesday 14 February 2017 (with Committee meetings being held on that night) and during the recess period the 'Council in Recess Procedure' be utilised, subject to the need for any extraordinary Council Meetings, which may be called in extenuating circumstances; and
- b) the Meeting Schedule for the 2017 calendar year be adopted.

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

GF34/16 Director Governance & Financial Services Report - Code of Conduct Complaint Statistics (F2004/06569)

241/16

RESOLUTION: (Andrews/Stavrinos) that the Code of Conduct statistics for the period September 2015 to September 2016 be forwarded to the Office of Local Government (Department of Premier and Cabinet) in accordance with part 12 of the Procedures for the Administration of the Model Code of Conduct.

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

Note: Cr Stevenson requested that his name be recorded as opposed to the resolution.

GF35/16 Director Governance & Financial Services Report - Council Operating Hours - Christmas and New Year 2016-17 (F2006/00304)

242/16

RESOLUTION: (Smith/Stavrinos) that the proposed 2016-17 Christmas and New Year opening hours for the Administration Building, Depot, Libraries and Leisure Centre, be endorsed.

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

GF36/16 Director Governance & Financial Services Report - Investment Report - October 2016 (F2015/06527)

243/16 **RESOLUTION: (Stavrinos/Andrews)** that the investment report for October 2016 be received and noted.

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

GF37/16 Director Governance & Financial Services Report - Quarterly Budget Review - September 2016 (F2016/00402)

244/16 **RESOLUTION: (Stavrinos/Andrews)** that:

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

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

GF38/16 Director Governance & Financial Services Report - Continuation of Community Partnership with South Sydney Rugby League Football Club and Souths Cares in 2017 (F2010/00282)

245/16 **RESOLUTION: (Andrews/Stavrinos)** that:

- a) Council continue the "Community Partnership" with the South Sydney Football Club and Souths Cares with the \$40,000.00 (incl GST) contribution to come from the Community Services budget;
- b) the General Manager be delegated authority to enter into a Memorandum of Understanding with the South Sydney Football Club and Souths Cares; and
- c) a report on the success of the 2017 Community Partnership to come back before Council.

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

Petitions

Nil.

Motions Pursuant to Notice

NM47/16 Motion Pursuant to Notice - Notice of Motion from Cr Stavrinos - Public Domain Improvements to Support Local Businesses (F2005/00015)

246/16 **RESOLUTION: (Stavrinos/Roberts)** that Council:

- a) bring back a report investigating the feasibility of using the Meeks Street Plaza and Lexington Place, Maroubra, as pilots for temporary installations and activities to create good places for people. The installations aim to improve the public domain and create a space for people to meet, interact and spend time while also supporting local businesses. The temporary space created can also be further used for other special activities, such as markets, exhibitions, performances etc; and
- b) monitor the success and community support of these types of temporary

installations and activities, with the aim of adopting them as a potential trial approach to public domain across the city, to visually improve and activate empty public spaces.

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

NM48/16 Motion Pursuant to Notice - Notice of Motion from Cr Stavrinos - Introduction of Wi-Fi in Town Centres (F2005/00015)

MOTION: (Stavrinos/Stevenson) that Council bring back a report re-investigating the possibility of introducing Wi-Fi to town centres within the Randwick LGA. **LOST.**

NM49/16 Motion Pursuant to Notice - Notice of Motion from Cr Stavrinos - Alternative Storage Solutions and Facilities for Boat Trailers (F2004/06847)

247/16

RESOLUTION: (Stavrinos/Andrews) that Council:

- a) consider applying for a grant under the NSW State Government's Boat Trailer Storage Grants Program, to establish alternative storage solutions and facilities for boat trailers; and
- b) bring back a report investigating the possibility of "opting into" the new Boat Trailer laws devised under the Impounding Amendment (Unattended Boat Trailers) Act 2015, which allow Council to take impounding action against boat trailers parked for more than 28 days.

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

NM50/16 Motion Pursuant to Notice - Notice of Motion from Cr Bowen - Bicycle Safety (F2006/00536)

248/16

RESOLUTION: (Bowen/Stavrinos) that:

- a) Randwick Council acknowledges the popularity of cycling for health, sport and recreation in Randwick, particularly given Centennial Park, Heffron Park and the Pedal Park are within Randwick LGA;
- b) Council further acknowledges a significant safety issue for cyclists and drivers in Randwick City LGA is the risk of cyclists colliding with opening car doors, in particular the driver's door;
- c) as such, Council prepare a report about the feasibility of increasing cyclist and driver safety through use of the "Dutch reach" technique which is reportedly part of driver training in the Netherlands designed to minimise the incidence of cyclist and driver's door collisions; and
- d) furthermore, Council also offer to organise a trial study within Randwick LGA with interested stakeholders.

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

NM51/16 Motion Pursuant to Notice - Notice of Motion from Cr Bowen - Completion of All-Weather Perimeter Walking Path for Randwick Environment Park (F2010/00407)

249/16

RESOLUTION: (Bowen/Neilson) that Council notes the popularity of Randwick Environment Park and recreational walking within Randwick LGA generally. As such,

Council urgently prioritise funds to complete the missing section of the all-weather walking path at the western end of the Randwick Environment Park.

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

Confidential Reports

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

CP71/16 Confidential - Design Excellence Panel - No. T2017-05 (F2004/06764)

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

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

250/16

RESOLUTION: (Smith/Andrews) 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, the following firms and nominated employees be accepted as members of the Design Excellence Panel T2016-05 at their tendered rates:
 - The Trustee for The MCGREGOR COXALL UNIT TRUST (trading as The McGregor Coxall Unit Trust), Tom Rivard;
 - Architects Johannsen & Associates Pty Ltd, Jon Johannsen;
 - The Trustee for THE CLARE MITCHELL UNIT TRUST (trading as Clare Design Pty Ltd), Kerry Clare;
 - Conybeare Morrison International Pty Ltd, Richard Nugent;
 - The Trustee for LFA Pacific Unit Trust (trading as LFA Pacific Pty Ltd), Alf Lester;
 - Olsson & Associates Architects Pty Ltd, Russell Olsson;
 - The SJB Architecture NSW Unit Trust, Jonathan Knapp; and
 - Allen Jack & Cottier Architects Pty Ltd, Michael Heenan;
- 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 an agreement with these nominated firms for a period of three years, with two optional one year extension(s); and
- d) unsuccessful tenderers are notified.

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

CS15/16 Confidential - Tender for Latham Park Synthetic Fields Construction - T2017-06 (F2016/00333)

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.

251/16

RESOLUTION: (Andrews/Smith) that:

- a) under Regulation 178(1)(a) of the Local Government (General) Regulation 2005, and subject to contractual negotiations being finalized to the reasonable satisfaction of the General Manager, Polytan Asia Pacific Pty Ltd be accepted as the successful tenderer(s) for T2017-06 Latham Park Synthetic Field Construction Project for a lump sum of \$1,277,622.97 excluding GST;
- b) the General Manager, or delegated representative, be authorised to enter into a contract on behalf of Council; and
- c) unsuccessful tenderers are notified.

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

GF39/16 Confidential - Tender for Rapid Response and Disposal of Illegally Dumped Asbestos - Tender No. SSROC T2016-01 (F2016/00318)

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.

252/16

RESOLUTION: (Andrews/Stavrinos) that:

- a) under Regulation 178(1)(a) of the Local Government (General) Regulation 2005, A.D. Envirotech Australia Pty Ltd, Enviropacific Services Pty Ltd and Ross Mitchell & Associates be accepted as the successful tenderers for the Provision of the Rapid Response and Disposal of Illegally Dumped Asbestos;
- 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 preferred supplier agreements for a period of two (2) years, with three (3) optional One (1) year extensions.

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

Open Session

The meeting moved back into open session.

Notice of Rescission Motions

A Rescission Motion in relation to Item GM20/16 (General Manager's Report - Sydney Light Rail Project - Proposed New Rail Depot on Defence Land in Bundock Street, Randwick) was submitted by Councillors Andrews, D'Souza and Stavrinos, in accordance with Council's Code of Meeting Practice and will be considered at the Planning Committee Meeting to be held on 6 December 2016.

There being no further business, His Worship the Mayor, Cr D' Souza, declared the meeting closed at 9.50pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 13 December 2016.

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CHAIRPERSON