



## MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 24 MAY 2022 AT 7.06PM

### Present:

The Mayor, Councillor D Parker (Central Ward)

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

### Officers Present:

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

### Prayer & Acknowledgement of Local Indigenous People

The Council Prayer and the Acknowledgement of Local Indigenous People were read by the Mayor.

### Apologies/Granting of Leave of Absences

Nil.

### Confirmation of the Minutes

#### Confirmation of the Minutes of the Ordinary Council meeting held on Tuesday 26 April 2022

**RESOLUTION: (Rosenfeld/Hamilton)** that the Minutes of the Ordinary Council meeting held on Tuesday 26 April 2022 and the Extraordinary Council meeting on Tuesday 3 May 2022 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of those meetings.

### Declarations of Pecuniary and Non-Pecuniary Interests

- Cr Rosenfeld declared a pecuniary interest in Item CS21/22 as one of the tenderers is a current client of his employer and the other tenderer has previously done business with his employer. Cr Rosenfeld will be taking no part in the debate or voting on this matter.
- Cr Veitch declared a non-significant non-pecuniary interest in Item CO22/22 as she is on the board of LGNSW. Cr Veitch 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:

NM32/22 NOTICE OF MOTION FROM CR BURST - INVESTIGATE SHADE SAIL ON THE NORTHERN SIDE OF THE SNAKE PIT AT LA PEROUSE

**Against** Charles Abela

NM34/22 NOTICE OF MOTION FROM CR BURST - INVESTIGATE NEW BUS SHELTER ON EASTERN SIDE OF ANZAC PDE AT LITTLE BAY

**For** Charles Abela

NM35/22 NOTICE OF MOTION FROM CR PANDOLFINI - REMOVAL OF SIGNIFICANT WEED INFESTATION AT FRED HOLLOWES RESERVE

**For** Ms Marcella Lazarus

## Mayoral Minutes

### **MM14/22 Mayoral Minute - Financial Assistance and Donations - May to June 2022 (F2022/06574)**

**RESOLUTION: (Mayor, Cr D Parker)** that Council:

- a) notes the donation of plants from Council's nursery to the value of \$300, funded from the 2021-22 Contingency Fund, to the Our Lady of the Rosary Catholic Primary School, Kensington for the Mother's Day Fundraiser event held on 5 May 2022; and
- b) notes the donation of plants from Council's nursery to the value of \$300, funded from the 2021-22 Contingency Fund, to the Clovelly Childcare Centre for the Annual Green Fair being held on 22 May 2022.

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

### **MM15/22 Mayoral Minute - National Sorry Day 2022 (F2022/06574)**

**RESOLUTION: (Mayor, Cr D Parker)** that Council:

- a) flies the Australian, Aboriginal and Torres Strait Islander flags at half-mast at Randwick Town Hall on National Sorry Day, 26 May 2022;
- b) observes a minute's silence at the commencement of tonight's Council meeting to acknowledge the ongoing grief and trauma caused to Aboriginal and Torres Strait Islander families and communities by historical Government policies and practices of forcibly removing children from their families; and
- a) shows support of the Uluru Statement from the Heart by publicly displaying the Uluru Statement and putting up posters in prominent locations throughout the City of Randwick.

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

### **MM16/22 Mayoral Minute - South East Block Party (F2022/06574)**

**RESOLUTION: (Mayor, Cr D Parker)** that Council investigate an ongoing partnership agreement with WEAVE Youth and Community Services and bring back a report to consider funding options to financially secure support for the South East Block Party and ensure it has financial security to enable the event to be held as an annual event on an ongoing basis.

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

**MM17/22 Mayoral Minute - Extension of Moratorium on Seniors Housing in Heritage Conservation Areas (F2020/00476)**

114/22

**RESOLUTION: (Mayor, Cr Parker)** that Council officers prepare a letter to the Minister for Planning & Housing and a submission to the Department of Planning and Environment requesting that the State Planning Policy covering seniors housing developments maintain an exclusion for this type of development within heritage conservation areas in perpetuity for the Randwick LGA.

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

**MM18/22 Mayoral Minute - Opposition to Extended Construction Hours on Weekends (F2022/06574)**

115/22

**RESOLUTION: (Mayor, Cr Parker)** that Council, jointly with Woollahra, Waverley and Bayside Councils, writes to the NSW Premier, the Hon Dominic Perrottet MP and the Minister for Planning, the Hon Anthony Roberts MP to express:

- a) Council's concerns over the potential extension of construction hours on weekends on a permanent basis, without adequate consultation with the community;
- b) Council's opposition to extending weekend construction hours permanently across the Local Government Area; and
- c) Council's preference for weekend construction hours to remain as per Council's standard conditions, with no construction allowed on Sundays and public holidays, outside of any special arrangements that may be required to be in place from time to time, as approved through appropriate channels.

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

**Urgent Business****UB47/22 Cr Danny Said - Congratulations to New Federal MPs**

116/22

**RESOLUTION: (Said/Luxford)** that as a result of the Federal Election, Council should write to congratulate the following recently elected Federal MPs and thank those not returning.

- 1) congratulate Anthony Albanese MP on his election as Prime Minister and wish him every success in leading the country.
- 2) congratulate Matt Thistlethwaite MP on being re-elected as the Member for Kingsford Smith and we look forward to working together for the benefit of the residents of Randwick City Council.
- 3) congratulate Allegra Spender on her election as the Member for Wentworth, and we look forward to building a co-operative relationship.
- 4) thank out-going MP Dave Sharma for his service to Randwick City Council and the electorate of Wentworth.

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

## General Manager's Reports

### **GM3/22 General Manager's Report - Randwick City Council Quarterly Progress Report - March 2022 (F2021/03001)**

117/22

**RESOLUTION: (Said/Burst)** that the information contained in the March 2022 Quarterly Progress Report for the 2021-22 Operational Plan be received and noted.

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

### **GM4/22 General Manager's Report - Portfolio Committee Terms of Reference (F2005/00775)**

118/22

**RESOLUTION: (Pandolfini/Veitch)** that Council:

- a) implement a trial of the Portfolio Advisory Committees for a period of 6 months;
- b) adopt the attached Draft Terms of Reference for the following portfolio advisory committees for the period of the trial:
  - Arts & Culture
  - Economic Development
  - Environment
  - Inclusive Randwick
  - Integrated Transport
  - Open Space and Recreation
  - Housing;
- c) amend the draft Terms of Reference for the Housing Portfolio Advisory Committee to include all fifteen (15) councillors as members along with the two staff members delegated by the General Manager;
- d) nominate Cr Said to be the Chair for the Housing Portfolio Advisory Committee;
- e) review the draft Terms of Reference incorporating feedback from the committees at the conclusion of the trial; and
- f) amend clause 5 in the Terms of References to read:

*“Sub-Committees have a specific purpose that is defined by the Portfolio Advisory Committee and used by Council to obtain expert or subject matter advice on complex matters and to allow for community input on matters of relevance to the portfolio area.”*

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

## Director City Planning Reports

### **CP22/22 Director City Planning Report - Little Bay Miocene Geological and Ochre Site - Notice of Intention to list on the State Heritage Register (F2018/00629)**

119/22

**RESOLUTION: (Rosenfeld/Luxford)** that Council:

- a) endorse the attached submission to Heritage NSW supporting the Notice of Intention to consider listing Little Bay Miocene Geological and Ochre Site on the State Heritage Register (SHR);
- b) endorse progression of the Little Bay Geological and Ochre Site for listing as a local heritage item for inclusion on Schedule 5 - Environmental Heritage on the Randwick LEP 2012 including referral of this matter to the Randwick Local Planning Panel; and

- c) authorise the Director City Planning to make any minor modifications to rectify any numerical, typographical, interpretation and formatting errors to the submission prior to submitting to Heritage NSW.

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

## Director City Services Reports

### **CS19/22 Director City Services Report - Sydney Light Rail - Dedication of Land as Public Road - Anzac Parade, High Street and Alison Road (F2015/00095)**

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**RESOLUTION: (Luxford/Hay) that:**

- a) Council consent to the dedication of the new land parcels created along High Street, identified as Lot 1 in D.P. 405035 and Lots 2 and 3 in D.P. 510271 in the proposed Plan of Subdivision as public road;
- b) Council consent to the dedication of the new land parcel created along Anzac Parade, identified as Lot 1 in D.P. 1104617 and Lot 2 in D.P. 1173179 in the proposed Plan of Subdivision as public road;
- c) Council consent to the dedication of the land parcels created along Alison Road, identified as Lots 7, 8 and 9 in the proposed D.P. 1271476; and
- d) the General Manager be authorised to sign the Administration Sheet of the Deposited Plans to accept the dedication of the land as public road.

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

### **CS20/22 Director City Services Report - Parking Issues in the Gumara Street, Marida Street, Dooligah Avenue, Burragulung Street, Joongah Street and Hendy Avenue Area (F2005/00284)**

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**RESOLUTION: (Rosenfeld/Luxford) that Council note the report in response to NM54/21.**

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

### **CS23/22 Director City Services Report - Maroubra Junction Oasis - Urban Renewal Project - Revised Scope (F2021/00237)**

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**RESOLUTION: (Veitch/Rosenfeld) that Council:**

- a) acknowledge the project milestone risk(s) associated with the Maroubra Oasis Urban Renewal project and seek Department of Planning and Environment commitment for extension to allow the project to proceed;
- b) note the ongoing dialogue with the Department of Planning and Environment and Council Officers in resolving the identified Project Risks; and
- c) endorses the revised Maroubra Oasis Final Concept Plan to proceed to design documentation and construction.

**MOTION: (Veitch/Rosenfeld) CARRIED - SEE RESOLUTION.**

## Director Corporate Services Reports

### CO17/22 Director Corporate Services Report - Draft (Amended) Code of Meeting Practice (F2004/06570)

123/22

#### RESOLUTION: (Hamilton/Luxford) that:

- (a) in accordance with Section 361 of the Local Government Act 1993, the draft (amended) Code of Meeting Practice be publicly exhibited for at least 28 days and members of the community be provided at least 42 days in which to comment on the draft code; and
- (b) clause 8.2 be amended to include 'Questions on Notice' following 'Notices of Motion'.

#### MOTION: (Olive/Veitch) that Council make the following changes to the Draft (amended) Code of Meeting Practice:

1. clause 4.4 (Public Forums) be deleted.
2. clause 4.7 (Public Forums) be amended such that "no more than one speaker is permitted to speak 'for' or 'against' a Motion Pursuant to Notice or Question on Notice" (with relevant amendments applied to 4.8 and 4.9).
3. a new clause 4.10 (Public Forums) be added "no more than five speakers be permitted to speak 'for' or 'against' a Report on the agenda for the council meeting."
4. clause 5.40 be amended to require recordings to be held indefinitely.
5. clause 8.2 be amended to include 'Applications for attendance by audio-visual' following acknowledgement of country and prayer.
6. clause 8.2 be amended to reflect the current practice of 'Public forum' being held following disclosures of interest.
7. clause 8.2 be amended to include 'Questions on notice' following 'Notices of motion.'
8. delete from 20.11 "Note: the Mayor does not delegate his/her right to assume the chair of any committee at any time, regardless of any council resolution in relation to committee chairpersons and/or deputy chairpersons."

That following the above amendments, and in accordance with Section 361 of the Local Government Act 1993, the draft (amended) Code of Meeting Practice be publicly exhibited for at least 28 days and members of the community be provided at least 42 days in which to comment on the draft code. **LOST.**

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

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

**MOTION: (Hamilton/Luxford) CARRIED - SEE RESOLUTION.**

**CO18/22 Director Corporate Services Report - Code of Conduct (F2004/06569)**

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124/22

**RESOLUTION: (Rosenfeld/Luxford)** that the Code of Conduct for Councillors and Code of Conduct for Council committee members, delegates of Council and Council advisers be reconfirmed, noting the amendment of the “personal benefit” section of both Codes to reflect the Model Code of Conduct for Local Councils in NSW.

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

**CO19/22 Director Corporate Services Report - Investment Report - April 2022 (F2016/06527)**

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125/22

**RESOLUTION: (Rosenfeld/Luxford)** that the Investment Report for April 2022 be received and noted.

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

**CO20/22 Director Corporate Services Report - Quarterly Budget Review - March 2022 (F2021/00364)**

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126/22

**RESOLUTION: (Veitch/Hay)** that Council:

- a) receives and notes the report of March 2022 Quarterly Budget Review Statements (QBRS);
- b) adopts the proposed March 2022 budget variations shown in the QBRS attachment to this report; and
- c) receive a breakdown of funds expended from the \$68M Light Rail Support Package (GM13/14), including the balance of any unspent funds and their status in council Reserves, at the July 2022 Council meeting.

**MOTION: (Veitch/Hay) CARRIED - SEE RESOLUTION.**

**CO21/22 Director Corporate Services Report - Monthly Financial Report as at 30 April 2022 (F2021/00364)**

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127/22

**RESOLUTION: (Rosenfeld/Luxford)** that the Monthly Financial Report as at 30 April 2022 be received and noted.

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

**CO22/22 Director Corporate Services Report - Voting Delegates - LGNSW Board (Casual Vacancy) (F2004/06656)**

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

128/22

**RESOLUTION: (Neilson/Hamilton)** that Council determine the nine (9) voting delegates for the election to fill a casual vacancy on the LGNSW Board for the office of Director (Metropolitan/Urban council) to be three ALP, three Liberal and three Greens Councillors.

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

**Motions Pursuant to Notice****NM31/22 Motion Pursuant to Notice - Notice of Motion from Cr Burst - Investigate Safety Issues at Bunnerong Road / Franklin St / Perry St Intersection (F2022/02312)**

**RESOLUTION: (Veitch/Said)** that Council:

- a) notes that Bunnerong Road is a State Road and under the care and control of TFNSW; and
- b) write to TFNSW expressing safety concerns and congestion issues at the Bunnerong Road/Franklin Street/Perry Street intersection and request they urgently consider the immediate implementation of the agreed engineering reports provided by Council's integrated transport staff in March 2021.

**MOTION: (Burst/Rosenfeld)** that Council:

- a) notes that Bunnerong Road is a State Road and under the care and control of TFNSW;
- b) write to TFNSW expressing safety concerns and congestion issues at the Bunnerong Road/Franklin Street/Perry Street intersection and request they consider the feasibility of the following approach to reducing congestion:
  - 1) add road markings for straight/right turn to replace on right hand lane only, on both north & south bound directions on Bunnerong Road;
  - 2) remove signs right lane must turn right;
  - 3) keep traffic signal sequence unchanged; and
  - 4) consideration be given to a 3-6 month trial.

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

**MOTION: (Veitch/Said) CARRIED – SEE RESOLUTION.**

**NM32/22 Motion Pursuant to Notice - Notice of Motion from Cr Burst - Investigate Shade Sail on the Northern Side of the Snake Pit at La Perouse (F2012/00347)**

**RESOLUTION: (Burst/Rosenfeld)** that:

- a) Council request a report providing options and costings for a shading installation at the northern side of the snake pit at La Perouse, including but not limited to shade sails or an advanced tree; and
- b) the report include advice as to opportunities for grant funding for the shading.

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

**NM33/22 Motion Pursuant to Notice - Notice of Motion from Cr Veitch - Markets and Other Support for the Kingsford Town Centre (F2015/00419)**

**RESOLUTION: (Luxford/Neilson)** that:

- 1) Council notes that there is currently a review into encouraging markets across the Randwick LGA;
- 2) Council notes the Randwick Economic Development Strategy currently has a strategic approach 1.2 to 'Design and implement ongoing Buy Local, Shop Local marketing campaign with partnerships with local networks and local businesses by 2024';



- 3) Council call for a report to come back to Council outlining current and proposed actions investigating the provision of night, farmers, Rotary and other markets as well as suitable locations;
- 4) Council recognises that the businesses in Kingsford along Anzac Parade are in special need of support and that Council investigate a range of options and include these in the same report; and
- 5) the report be received by the October 2022 Council meeting.

**MOTION: (Veitch/Pandolfini) that Council:**

- a) notes that there have been significant delays to Light Rail recovery works in Kingsford and acknowledges that local businesses have also been severely impacted by the 2020-21 lockdowns and are in need of urgent support to revitalise the area and attract residents to this major town centre;
- b) liaise with Rotary and investigate re-establishing the Rotary Markets at the Rainbow St carpark in Kingsford in the 2022-23 financial year;
- c) investigate options for trialling night markets and farmers markets at the Rainbow St carpark in Kingsford in 2023;
- d) investigate options to undertake a marketing campaign (including targeted social media ads) to attract more residents from Randwick and neighbouring LGAs to patronise the restaurants, cafes, specialty food shops and other businesses in the Kingsford town centre; and
- e) receive a report no later than the October 2022 Council meeting.

**AMENDMENT: (Luxford/Neilson) CARRIED AND BECAME THE MOTION.**

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

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

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

**NM34/22 Motion Pursuant to Notice - Notice of Motion from Cr Burst - Investigate New Bus Shelter on Eastern Side of Anzac Pde at Little Bay (F2004/00811)**

**RESOLUTION: (Burst/D'Souza)** that Council staff investigate the installation of a bus shelter on the eastern side of Anzac Parade at Little Bay, just before the Mark Moran nursing home after Pine Street, and provide Council with a report outlining feasibility including cost and funding options.

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

**NM35/22 Motion Pursuant to Notice - Notice of Motion from Cr Pandolfini - Removal of Significant Weed Infestation at Fred Hollows Reserve (F2004/07551)**

133/22

**RESOLUTION: (Pandolfini/Neilson)** that Council receive a report in relation to weed management service levels at Fred Hollows Reserve and that the report include:

- a) a costing to increase service levels to remove infestation of weeds;
- b) the scope of non-chemical works required to be taken to remove weeds while ensuring habitat loss impacts are minimised;
- c) continued maintenance and native planting with bushcare volunteers and contractors;
- d) a map advising on safety of accessing areas of the park by volunteers for the purpose of bushcare maintenance; and
- e) if appropriate, Council recommend a zone which is demarcated for weed removal and other maintenance by volunteers.

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

**NM36/22 Motion Pursuant to Notice - Notice of Motion from Cr Pandolfini - Investigate Using Randwick Town Hall & Barrett House for Arts and Culture Activities (F2004/07110)**

134/22

**RESOLUTION: (Pandolfini/Neilson)** that Council receive a report on the cost and staff resources required to provide access to Randwick Town Hall and Barrett House for arts and cultural activities and that the report:

- a) provide consideration of the following alterations and additions for Town Hall:
  - temporary and moveable walls
  - sufficient lighting to allow for the mounting and exhibition of artwork;
- b) provide consideration for the removal, archiving and future exhibition of the design posters currently held at Barrett House;
- c) provide consideration of discounted hire rates for a period of 6 months from commencement, while Council undertakes the broader review of Council facility usage and hire fees;
- d) be provided in time for consideration of the 2022-23 budget.

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

Note: Cr Chapple left the meeting at this point, the time being 9.42pm.

The meeting was adjourned at 9.50pm and was resumed at 9.58pm.

**Confidential Reports**

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

**GM5/22 Confidential - Unaddressed Mail Delivery Services - Tender T2022-17 (F2022/00136)**

*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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135/22

**RESOLUTION: (Luxford/Hamilton) that:**

- a) under Regulation 178(1)(a) of the Local Government (General) Regulation 2021, Adpost Group Pty Ltd (in trust for) Ince Family Trust 6 be accepted as the successful tenderer for T2022-17 Unaddressed Mail Delivery at their proposed rates over the term of the agreement;
- b) under Section 377(1) of the Local Government Act 1993 the General Manager is authorised to enter into a contract for T2022-17 on behalf of Council for a period of 3 years, with 2 optional 1 year extensions; and
- c) unsuccessful tenderers are notified.

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

**CS21/22 Confidential - Processing of Recyclable Materials - Tender T2022 -15 (F2021/00568)**

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

136/22

**RESOLUTION: (Hamilton/Burst) that:**

- a) under Regulation 178(1)(b) of the Local Government (General) Regulation 2021, Council declines to accept the tenders submitted;
- b) under Regulation 178(3)(e) of the Local Government (General) Regulation 2021, Council enters into negotiations with suitable suppliers with the requisite experience to deliver the components of the original tender to enable execution of a contract;
- c) under Section 377(1) of the Local Government Act 1993, the General Manager is authorised to enter into a contract on behalf of Council; and
- d) unsuccessful tenderers are notified.

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

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

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

Councillor Said  
Councillor Burst  
Councillor D'Souza  
Councillor Parker

**Total (13)**

**Total (0)**

**CS22/22 Confidential - DRLC Splash Park - Tender T2022-14 (F2021/00545)**

*This matter is considered to be confidential under Section 10A(2) (d) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret. (Tender/ Procurement )*

**RESOLUTION: (Hamilton/Burst) that:**

- a) under Regulation 178(1)(b) of the Local Government (General) Regulation 2021, Council declines to accept the tenders submitted;
- b) under Regulation 178(3)(e) of the Local Government (General) Regulation 2021, Council enters into negotiations with suppliers with the requisite experience to deliver the components of the original tender within the approved project budget to enable execution of the contract;
- c) under Section 377(1) of the Local Government Act 1993, the General Manager is authorised to enter into a contract on behalf of Council; and
- d) the unsuccessful tenderers are notified.

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

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

FOR	AGAINST
Councillor Hamilton	
Councillor Pandolfini	
Councillor Neilson	
Councillor Veitch	
Councillor Hay	
Councillor Luxford	
Councillor Olive	
Councillor McCafferty	
Councillor Wilson	
Councillor Said	
Councillor Burst	
Councillor D'Souza	
Councillor Parker	
<b>Total (13)</b>	<b>Total (0)</b>

**CO23/22 Confidential - Aboriginal Land Claims over Crown Land (F2006/00504)**

*This matter is considered to be confidential under Section 10A(2) (e) of the Local Government Act, as it deals with information that would, if disclosed, prejudice the maintenance of law.*

**RESOLUTION: (D'Souza/Rosenfeld)** that Council receives and notes the advice contained within this report pertaining to Aboriginal Land Claims over Crown land.

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

The meeting move back into open session.

## **Notice of Rescission Motions**

Nil.

There being no further business, His Worship the Mayor, Cr D Parker, declared the meeting closed at 10.19pm.

**The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 28 June 2022.**

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**CHAIRPERSON**