

Ordinary Council



MINUTES

DATE OF MEETING: 08 December 2015

LOCATION: Council Chambers

TIME: 7.03pm

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Ordinary Council

Minutes

Meeting Date: 08 December 2015

Page 2

MEETING 1458

Administration Centre, WAKELEY

MINUTES OF THE MEETING OF COUNCIL OF THE CITY OF FAIRFIELD HELD IN THE COUNCIL CHAMBERS AT THE ADMINISTRATION CENTRE, AVOCA ROAD, WAKELEY ON 8 DECEMBER 2015 AT 7.03PM.

PRESENT:

His Worship Mayor Carbone.

Councillors Barcha, Karajcic, Khoshaba, Le, Saliba, Tran, White and Yeung.

Also in attendance were the City Manager, Director Community Outcomes, Group Manager Special Projects, Group Manager City & Community Development, Group Manager Community Life & Information Management, Chief Financial Officer/Group Manager Integrated Planning & Reporting, Manager Governance & Legal, Manager Communications & Marketing, IT Technician - Application Support (G Joseph), Civic Attendant and Committee Clerk (L Kalatzis).

National Anthem

All present, stood for the National Anthem.

Acknowledgement of Traditional Custodians

The Mayor acknowledged the Cabrogal of the Darug nation, the traditional custodians of the land upon which the meeting was held. He acknowledged their elders, past and present, and other Aboriginal people present.

Prayer

The Prayer was read by Councillor Tran.

Mayor Carbone welcomed members of the public to the Council Meeting.

Mayor Carbone advised that the 2016 Calendars were available to the public and requested staff to distribute a copy to members in the public gallery.

CONFIRMATION OF MINUTES

MOTION: (White/Tran)

That the Minutes of the meeting held on 24 November 2015 be confirmed.

CARRIED UNANIMOUSLY

Ordinary Council

Minutes

Meeting Date: 08 December 2015

Page 3

APOLOGIES AND LEAVE OF ABSENCE

An apology was tendered and Leave of Absence was requested at the Ordinary Council Meeting of 24 November 2015 on behalf of Councillor Bennett for this meeting and all meetings being held up to and including 22 December 2015 and leave of absence was granted.

Apologies were also tendered on behalf of Councillors Ly and Molluso and leave of absence was sought.

MOTION: (Barcha/Karajcic)

That:

1. It be noted that Councillor Bennett is on leave of absence already granted by Council.
2. The apologies tendered on behalf of Councillors Ly and Molluso, be accepted and leave of absence be granted.

CARRIED UNANIMOUSLY

MAYORAL MINUTES

Mayoral Scholarship Fund – Sanaila Koroiravu

Akosita Koto, on behalf of her son Sanaila Koroiravu, requested a donation of \$1,000.00 to assist with the costs associated to represent NSW in discus and shot put at the Australian Primary Schools Track and Field Para Championship which ran for the past 4 days in Canberra.

At the Council Meeting of 24 November 2015, Council endorsed the \$1,000.00 from the Mayoral Scholarship Fund to Sanaila Koroiravu.

Sanaila is a student of Bonnyrigg Public School and despite his disability, has won 2 gold medals at the NSW State Primary School's Athletics Carnival. This Scholarship will help him continue to pursue his dreams and develop as a young athlete.

I would like to acknowledge Sanaila's mother, Akosika Koto, who is here tonight.

Please join me in congratulating Sanaila Koroiravu, I hope he performed well at the Australian Primary Schools Track and Field Para Championship and wish him all the best in the future.

MOTION: (Barcha/White)

That the Mayoral Minute be received and noted.

CARRIED UNANIMOUSLY

Ordinary Council

Minutes

Meeting Date: 08 December 2015

Page 4

Councillor Community Fund – Canley Heights Restaurant Committee

The Canley Heights Restaurant Committee requested a donation of \$1,000.00 to support the Kids Christmas Party being held on Friday 11 December 2015.

At the Council Meeting of 24 November 2015, Council endorsed the \$1,000.00 donation from the Councillors Community Fund to the Canley Heights Restaurant Committee.

The funds will go towards jumping castles, rides, face painting, horse and cart rides and animated balloon characters.

The Kids Christmas Party is supported by business owners from Canley Heights who are dedicated to support the less fortunate families in our community.

I would like to acknowledge Miss Krystal Jones, Mr Thanh Nguyen and James Tran of the Canley Heights Restaurant Committee, who are here tonight to receive this donation.

Please join me in congratulating the Canley Heights Restaurant Committee and wishing them all the best for their Kids Christmas Party.

MOTION: (Khoshaba/Barcha)

That the Mayoral Minute be received and noted.

CARRIED UNANIMOUSLY

Extra Recycling Collection Over Christmas

Christmas and New Year is a time of giving and family celebrations. With all the presents, gift wrap and packaging it is also a time when we all tend to generate extra recyclable waste.

Because of this, I'd like Council to ensure all residents have a recycling pick up collection over the Christmas-New Year period by scheduling an additional recycling service. This additional service will come at a cost of approximately \$18,000.00 and it will assist residents to dispose of their recycling, responsibly over this busy period.

Councillors, please support me to call on Council staff to implement this additional recycling service and to provide a letterbox drop to advise our residents.

MOTION: (Barcha/Karajcic)

That residents be advised of an additional recycling collection to be provided over the Christmas-New Year period.

CARRIED UNANIMOUSLY

Ordinary Council

Minutes

Meeting Date: 08 December 2015

Page 5

2015 Fabulous Fairfield Annual Garden of the Year Award

Each month at Council Meetings we recognise the hard work of our City's keen gardeners through the Fabulous Fairfield Awards.

To acknowledge the pride and dedication that so many residents display in their gardens, we have three Garden of the Year Awards categories: Best Vegetable Garden, Best School Garden and Best Garden.

All 2015 monthly Fabulous Fairfield winners were considered for the annual awards. Winners were judged on: planting creativity; planting management; garden structure; sustainability; presentation and infrastructure.

After careful consideration, the winners were selected. I'm proud to congratulate and present certificates to:

Best Vegetable Garden – Jill Datta – Canley Heights

Jill has won numerous awards in Fairfield for her outstanding garden and vegetable patch. Her vegetable garden is self-supportive and by using the rotational crop method, Jill has seasonal vegetables all year long.

Best School Garden – Governor Philip King Public School

Students spend their recess and lunch breaks in their gardens and during the school holidays members of the community water, mulch and spend time tending to the different garden beds. Children eat strawberries and other fruits and vegetables from the gardens and the excess produce is given or sold for a small return to the community. The school gardens are a communal space and a wonderful reflection on the school and community culture – a true growing and learning environment which originates from the garden.

Best Garden – Jenny Thomson – Bonnyrigg Heights

Jenny has an outstanding and charming garden. The showpiece of the neighbourhood, this garden fronts a corner block and the layout, colour and flower choices enhance the surrounds. Tailored hedges compliment carefully crafted garden beds and manicured lawns. Jenny has specifically planned the layout and spends many hours in her garden every day.

Councillors, please join me in congratulating our 2015 Garden of the Year winners.

MOTION: (White/Tran)

That the Mayoral Minute be received and noted.

CARRIED UNANIMOUSLY

Ordinary Council

Minutes

Meeting Date: 08 December 2015

Page 6

QUESTIONS TO THE MAYOR

Question asked by Councillor Yeung

Library Homework Centre

File No. 15/00090

Regarding the matter I raised at the last meeting about the Homework Centre, can I ask the Council or Libraries to have a meeting with the Homework Centre and the parents to inform them of what the Library is planning to do and to allow them to have their input to this matter, before anything is finalised?

Question asked by Councillor Barcha

Vehicles Parking in Smithfield

File No. 15/00090

I have had representation from Smithfield residents requesting an investigation into the parked, damaged and unregistered cars that park or are abandoned between Victoria Street, Brenan Street, O'Connell Street, Market Street and The Horsley Drive section between Market and O'Connell Streets, Smithfield. There is overflow parking from the surrounding wrecking yards into the area. Can Council explore the installation of 1 hour limit parking signs on these streets, with maybe the introduction of resident parking or permits to allow residents to stay longer.

QUESTIONS FROM PUBLIC FORUM

Questions were raised by Mr Kevin Austin of Canley Heights in relation to footpaths in Canley Heights and Fairfield.

REPORT BY PRESENTER OF THE INDEPENDENT DEVELOPMENT ASSESSMENT COMMITTEE - 26 NOVEMBER 2015

13: SUBJECT: Use and Fit-Out of an Existing Premise for the Purpose of a Vietnamese Billiards Centre
Premises: Lot 4 SP 42057, Ground Floor of No. 4/117 Cabramatta Road East, Cabramatta
Applicant/Owner: Dai Loi Pty Ltd Director - Son Le
Zoning: B4 Mixed Use under Fairfield Local Environmental Plan 2013
File Number: DA507.1/2015

MOTION: (White/Tran)

That the Independent Development Assessment Committee's recommendation to approve the Application for a trial period of 12 months subject to the Conditions outlined in the Town Planning Report and subject to the following changes, be adopted:

1.1 Condition No. 16 be amended to include 2 car parking spaces on site for staff

Ordinary Council

Minutes

Meeting Date: 08 December 2015

Page 7

only.

- 1.2 The heading of Condition No. 21 be changed from 'Amusement Centre Requirements' to 'Vietnamese Billiards Use Requirements'.
- 1.3 Condition No. 21(b) be changed from a maximum of 9 billiards tables to 12 billiards tables within the Vietnamese Billiards Centre.
- 1.4 Condition No. 21(g) and Condition No. 21(h) be deleted.

A division was taken with the following results:

Aye	Nay
Mayor Carbone	
Councillor Barcha	
Councillor Karajcic	
Councillor Khoshaba	
Councillor Le	
Councillor Saliba	
Councillor Tran	
Councillor White	
Councillor Yeung	
Total=(9)	Total=(0)

CARRIED UNANIMOUSLY

- 14: SUBJECT:** Proposed Construction of a 2 Storey Boarding House Containing 11 Rooms
- Premises:** Lot 11 DP 36626, No. 127 Mandarin Street Fairfield East
- Applicant/Owner:** Sydney Freeholdings Pty Ltd
Directors: Makary Chegodaev & Anthony Khuu
- Zoning:** R3 Medium Density Residential
- File Number: DA568.1/2015

MOTION: (White/Karajcic)

That:

1. The Independent Development Assessment Committee's recommendation to approve the Application in accordance with the Conditions set out in the Town Planning Report, including the following additional conditions, be adopted:
 - 1.1 A copy of the Management Diary and the Incident Register, as referred to in the Plan of Management for the site, shall be supplied to the Council on the anniversary of the first day of occupation and thereafter on a 12 monthly basis and upon request from a Council Officer.

Ordinary Council

Minutes

Meeting Date: 08 December 2015

Page 8

- 1.2 Prior to Occupation of the boarding house, a Building Manager is to be appointed who is responsible for establishing and maintaining contact with the neighbours. The name and contact details of the Building Manager must be provided to Council within 7 days of the date of the appointment.
- 1.3 A ceiling fan shall be installed within each boarding room of the development.
2. Separate correspondence be forwarded to the Applicant with a request that an established Community Housing Provider manage the boarding house.

A division was taken with the following results:

Aye	Nay
Mayor Carbone	
Councillor Barcha	
Councillor Karajcic	
Councillor Khoshaba	
Councillor Le	
Councillor Saliba	
Councillor Tran	
Councillor White	
Councillor Yeung	
Total=(9)	Total=(0)

CARRIED UNANIMOUSLY

REPORT BY CHAIRMAN OF THE OUTCOMES COMMITTEE - 1 DECEMBER 2015

165: Post Exhibition - Development Contributions Review 2015
File Number: 13/10116

MOTION: (White/Karajcic)

That:

1. Council adopt Amendment No. 7 to the Direct (Section 94) Development Contributions Plan 2011, as publicly exhibited.
2. Council adopt Amendment No. 3 to the Indirect (Section 94A) Development Contributions Plan 2011, as public exhibited.
3. Council adopt the updated Expenditure Plan – Section 94 Plan 1999, as publicly exhibited.

Ordinary Council

Minutes

Meeting Date: 08 December 2015

Page 9

4. Amendment No. 7 to the Direct (Section 94) Development Contributions Plan 2011, Amendment No. 3 to the Indirect (Section 94A) Development Contributions Plan 2011 and the updated Expenditure Plan – Section 94 Plan 1999 comes into force the day they are notified in the local newspaper.

A division was taken with the following results:

Aye	Nay
Mayor Carbone	
Councillor Barcha	
Councillor Karajcic	
Councillor Khoshaba	
Councillor Le	
Councillor Saliba	
Councillor Tran	
Councillor White	
Councillor Yeung	
Total=(9)	Total=(0)

CARRIED UNANIMOUSLY

SUP 176: SUBJECT: Proposed Alterations and Additions to Existing Dwelling for the use of the Premises for the Purpose of a Place of Public Worship (Buddhist Temple) including Associated Landscaping, Car Parking and Caretakers Dwelling

Premises: Lot 3, DP 12591, No. 179 Gladstone Street Cabramatta.

Applicant/Owner: Mr Quoc Luan Do

Zoning: Residential 2(a) under Fairfield Local Environmental Plan 1994

File Number: DA 238.1/2013

MOTION: (White/Khoshaba)

That the Independent Development Assessment Committee's recommendation to approve the Application subject to the Conditions outlined in the report, be adopted, with the exception of proposed Condition No. 66 which is amended to read as follows:

66. Use of Premises

The premises shall be used for residential purposes only, until such time as the development as approved within the Consent has been completed.

A division was taken with the following results:

Ordinary Council

Minutes

Meeting Date: 08 December 2015

Page 10

Aye

Nay

Mayor Carbone
Councillor Barcha
Councillor Karajcic
Councillor Khoshaba
Councillor Le
Councillor Saliba
Councillor Tran
Councillor White
Councillor Yeung
Total=(9)

Total=(0)

CARRIED UNANIMOUSLY

SUP Western Sydney Airport Environmental Impact Statement
177: File Number: 08/00629

Mayor Carbone requested the Group Manager City & Community Development to provide a brief summary of the Western Sydney Airport Draft Environmental Impact Statement (EIS) for the benefit of the public.

Group Manager City & Community Development addressed the Council in relation to the Western Sydney Airport Draft EIS.

MOTION: (White/Barcha)

That Council, based on the findings and recommendations of the Independent Peer Review and its own analysis of the Western Sydney Airport Draft Environmental Impact Statement (EIS) dated 25 November 2015:

- 1.1 Endorse the issues outlined in the report as the basis for Council's submission to the Department of Infrastructure and Regional Development in response to the public exhibition of the Western Sydney Airport Draft EIS.
- 1.2 Raise serious concern about the EIS due to its inadequacies and request the Department of Infrastructure and Regional Development to amend the Western Sydney Airport Draft EIS to address the issues outlined in the report.
- 1.3 Request the Department of Infrastructure and Regional Development to publicly re-exhibit the amended Western Sydney Airport Draft EIS to provide an opportunity for Council, the community and other interested stakeholders to publicly review and comment on the amended Draft EIS.
- 1.4 Oppose the 24 hour operation of the Airport due to the inadequacies of the EIS, particularly related to mitigation measures to address the adverse impacts of aircraft noise.

Ordinary Council

Minutes

Meeting Date: 08 December 2015

Page 11

CARRIED UNANIMOUSLY

SUP Adoption of Community Engagement Strategy 2016

178: File Number: 15/09465

MOTION: (White/Khoshaba)

That Council adopt the Community Engagement Strategy 2016 for implementation if Council remains standalone after the Fit For the Future announcement.

CARRIED UNANIMOUSLY

REPORT BY CHAIRMAN OF THE SERVICES COMMITTEE - 1 DECEMBER 2015

306: SUBJECT: Create a Drainage Easement over Council Property
Premises: Benefited Lot - Lot 1 DP 1049133, No. 616 Cabramatta Road
West Mt Pritchard
Burdened Lot - Lot 9, DP 204583, No. 618 Cabramatta Road West
Mt Pritchard (Council owned Land)
Applicant: NT Satar Management Pty Ltd
Director – Nashat Sartar, Thakryat Sartar
Owner: Benefited Lot - NT Satar Management Pty Ltd
Burdened Lot - Fairfield City Council
Zoning: Benefited Lot - Fairfield LEP 2013 R2 – Low Density Residential
Burdened Lot - Fairfield LEP 2013 E2 – Environmental
Conservation
File Number: DA 429.1/2010 - MA 429.2/2010

MOTION: (Khoshaba/Karajcic)

That:

1. The Mayor and the City Manager or his delegate be authorised to affix the Seal of Council on the documents and plans in Attachments B, C and D of the report and any other relevant documents, in accordance with the Court Orders of the Class 3 Application No. 2014/30721, to enable the creation of the easement.
2. All costs associated with resolving the matter to be borne by the Applicant, NT Satar Management Pty Ltd.

A division was taken with the following results:

Ordinary Council

Minutes

Meeting Date: 08 December 2015

Page 12

Aye	Nay
Mayor Carbone	
Councillor Barcha	
Councillor Karajcic	
Councillor Khoshaba	
Councillor Le	
Councillor Saliba	
Councillor Tran	
Councillor White	
Councillor Yeung	
Total=(9)	Total=(0)

CARRIED UNANIMOUSLY

307: Dutton Lane - Proposed Resurfacing
File Number: 11/02274

MOTION: (Khoshaba/Le)

That:

1. Council bring forward one hundred sixty thousand dollars (\$160,000.00) from the 2016/2017 Road Restoration Major Programs Budget into the 2015/2016 Operational Plan for the proposed resurfacing work at Dutton Lane to allow early implementation of works.
2. One hundred sixty thousand dollars (\$160,000.00) be added as an adjustment to the 2015/2016 Road Rehabilitation Budget.

CARRIED UNANIMOUSLY

308: Community Heritage Grant
File Number: 12/03512

MOTION: (Khoshaba/Le)

That the grant of four thousand nine hundred dollars (\$4,900.00) offered by the National Library of Australia for Preservation Needs Assessment of the Library's Heritage Collection be received into Council's current budget and its expenditure for that purpose be voted.

CARRIED UNANIMOUSLY

Ordinary Council

Minutes

Meeting Date: 08 December 2015

Page 13

309: Mount Pritchard Community Centre - Grant Funding
File Number: 14/11032

MOTION: (Khoshaba/Tran)

That:

1. The grant of fifteen thousand dollars (\$15,000.00) offered by the NSW State Government through the Community Building Partnership to The Heights Community Centre be received into Councils current Budget and included as a new project in the 2015/2016 Operational Plan to reflect the allocation of these funds for the installation of air conditioning and a shade sail over the children's playground at Mount Pritchard Hall.
2. Council vote three thousand five hundred dollars (\$3,500.00) from General Funds to make up the shortfall of project funds to enable the completion of the project.
3. The Heights Community Centre be advised of Council's decision and invoice be raised in the name of The Heights Community Centre for fifteen thousand dollars (\$15,000.00) for the grants funds to be undertaken.

CARRIED UNANIMOUSLY

310: Proposed easement in favour of Sydney Water over part 28 Sussex Street Cabramatta and 6A Jasmine Crescent Cabramatta
Premises: Part 28 Sussex Street Cabramatta and part 6A Jasmine Crescent Cabramatta
Related Parties: Endeavour Energy and Sydney Water
File Number: 13/11920

MOTION: (Khoshaba/Tran)

That:

1. Council provide in principle agreement for the registration of easements over part 28 Sussex Street Cabramatta and part 6A Jasmine Crescent Cabramatta.
2. A further report be submitted to Council when the details of the easements including compensation, are known.

CARRIED UNANIMOUSLY

Ordinary Council

Minutes

Meeting Date: 08 December 2015

Page 14

- 311:** Membership of Advisory Committees and Community Groups following Vacancy in Civic Office
File Number: 15/14882

MOTION: (Khoshaba/Karajcic)

That:

Australia Day Community Awards Committee

1. In addition to Councillors Barcha, Bennett, Karajcic, Ly and White, the additional members of the Australia Day Community Awards Committee be:
 - Councillor Khoshaba
 - Councillor Le.
2. The report be received and noted.

CARRIED UNANIMOUSLY

- 312:** Delegation of Authority to the Mayor and City Manager During Christmas/New Year Council Recess Period
File Number: 10/01226

MOTION: (Khoshaba/Le)

That:

1. The Mayor, Frank Carbone or, in his absence, the Deputy Mayor, Councillor Milovan Karajcic and jointly the City Manager, Mr Alan Young or, in his absence, the person appointed by the City Manager to act in the position of Acting City Manager, be delegated authority under Section 377 of the Local Government Act to deal with urgent matters of business where they comply with the policies of Council for the period 9 December 2015 to 9 February 2016.
2. All decisions made under this delegation be reported to Council in February 2016.

CARRIED UNANIMOUSLY

- 313:** Tender RFT14FY16 - Supply and Install Substation at Prairiewood Leisure Centre
File Number: 15/16697

CONFIDENTIAL - It is recommended that the Council resolve into Closed Session with the press and public excluded to allow consideration of this item, as provided for

Ordinary Council

Minutes

Meeting Date: 08 December 2015

Page 15

under Section 10A(2)(d(ii)) of the Local Government Act, 1993, on the grounds that:

- (i) commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the council.*
- and dealing with the matter in Open Session would be, on balance, contrary to the public interest.*

THIS CONFIDENTIAL ITEM WAS DEALT WITH IN CLOSED SESSION OF THE COUNCIL. FOR DETAILS OF THE RESOLUTION PASSED BY THE COUNCIL IN CLOSED SESSION REFER TO PAGE 21 OF THE MINUTES.

- 314:** Proposed New Lease - Cafe within Cabravale Leisure Centre
Premises: Cafe in Cabravale Leisure Centre, 74-76 Bareena Street Cabramatta
Related Parties: Global Access Group (ABN 85 685 446 426); Imagine Destiny Pty Ltd (135 477 173)
File Number: 13/06941

CONFIDENTIAL - It is recommended that the Council resolve into Closed Session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2)(c)(d(i))(d(ii)) of the Local Government Act, 1993, on the grounds that:

- (i) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; and*
 - (ii) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it; and*
 - (iii) commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the council.*
- and dealing with the matter in Open Session would be, on balance, contrary to the public interest.*

THIS CONFIDENTIAL ITEM WAS DEALT WITH IN CLOSED SESSION OF THE COUNCIL. FOR DETAILS OF THE RESOLUTION PASSED BY THE COUNCIL IN CLOSED SESSION REFER TO PAGE 22 OF THE MINUTES.

- 323:** Monthly Status Report - Development at 192 Canley Vale Road Canley Heights
File Number: DA 760/2002

MOTION: (Khoshaba/Tran)

That the report be received and noted.

CARRIED UNANIMOUSLY

Ordinary Council

Minutes

Meeting Date: 08 December 2015

Page 16

SUP Acceptance of Grant Funding for Catchment Planning Branch Projects
329: File Number: 15/03435

MOTION: (Khoshaba/Tran)

That the following grants be accepted and received into Council's 2015/16 Operational Plan and its expenditure for that purpose be voted:

- 1.1 Sixty-six thousand, six hundred and sixty-seven dollars (\$66,667.00) offered by the NSW Office of Environment and Heritage for the purposes of investigation and design for the Mimosa Road Detention Basin upgrade.
- 1.2 Sixty-six thousand, six hundred and sixty-seven dollars (\$66,667.00) offered by the NSW Office of Environment and Heritage for the purposes of investigation and design for the Fairfield Golf Course Detention Basin upgrade.
- 1.3 One hundred and ninety thousand dollar (\$190,000.00) offered by the NSW Office of Environment and Heritage for the purposes of the installation of a Gross Pollutant Trap at Burdett Street Canley Heights.

CARRIED UNANIMOUSLY

SUP Request from Australian Chin Lien Association to re-instate Stairs and Further
330: Develop Johnston Park
File Number: 11/00587

Councillor	Type of Interest	Nature of Interest	Action Taken/ Explanation Given
Yeung	Less than Significant Non-Pecuniary	I know the Applicant.	This will not affect my decision.

MOTION: (Khoshaba/Tran)

That:

1. Council accept the Australian Chin Lien Association offer of twenty thousand dollars (\$20,000.00) as full settlement of the outstanding invoice in the amount of thirty nine thousand, seven hundred and one dollars and twenty cents (\$39,701.20) and vote the remaining nineteen thousand, seven hundred and one dollars and twenty cents (\$19,701.20) into the 2015/2016 Operational Plan from General Funds for the expenditure for the stairs at Johnston Park.
2. The Australian Chin Lien Association be advised of Council's decision.

CARRIED UNANIMOUSLY

Ordinary Council

Minutes

Meeting Date: 08 December 2015

Page 17

SUP Termination of Lease E255296 to the Calabria Community Club Limited at 178
331: Restwell Road Prairiewood
Interested Parties: Calabria Community Club Limited
File Number: 13/04950

MOTION: (Khoshaba/Tran)

That Council terminate Lease E255296 to the Calabria Community Club Limited over Lot 100 DP 806884 at 178 Restwell Road Prairiewood.

CARRIED UNANIMOUSLY

SUP Tender RFT13FY16 - Construction of Architectural Landscape and Associated Civil
332: Works at The Crescent Plaza Fairfield
File Number: 15/16657

CONFIDENTIAL - It is recommended that the Council resolve into Closed Session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2)(d(ii)) of the Local Government Act, 1993, on the grounds that:
(i) commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the council.
and dealing with the matter in Open Session would be, on balance, contrary to the public interest.

THIS CONFIDENTIAL ITEM WAS DEALT WITH IN CLOSED SESSION OF THE COUNCIL. FOR DETAILS OF THE RESOLUTION PASSED BY THE COUNCIL IN CLOSED SESSION REFER TO PAGE 22 OF THE MINUTES.

SUP Tender RFT10FY16 - Construction of Weighbridges and Building at Sustainable
333: Resource Centre - Hassall Street Wetherill Park
File Number: 15/15390

CONFIDENTIAL - It is recommended that the Council resolve into Closed Session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2)(d(ii)) of the Local Government Act, 1993, on the grounds that:
(i) commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the council.
and dealing with the matter in Open Session would be, on balance, contrary to the public interest.

THIS CONFIDENTIAL ITEM WAS DEALT WITH IN CLOSED SESSION OF THE COUNCIL. FOR DETAILS OF THE RESOLUTION PASSED BY THE COUNCIL IN CLOSED SESSION REFER TO PAGE 22 OF THE MINUTES.

Ordinary Council

Minutes

Meeting Date: 08 December 2015

Page 18

SUP Senior Staff Matter

334: File Number: Personnel

CONFIDENTIAL - It is recommended that the Council resolve into Closed Session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2)(a) of the Local Government Act, 1993, on the grounds that:

*(i) personnel matters concerning particular individuals.
and dealing with the matter in Open Session would be, on balance, contrary to the public interest.*

THIS CONFIDENTIAL ITEM WAS DEALT WITH IN CLOSED SESSION OF THE COUNCIL. FOR DETAILS OF THE RESOLUTION PASSED BY THE COUNCIL IN CLOSED SESSION REFER TO PAGE 23 OF THE MINUTES.

SUP **SUBJECT:** Torrens Title Subdivision of 1 Residential Allotment to Create 3
335: Residential Allotments

Premises: Lot 4, DP 264368, No. 3 Molluso Close Wakeley

Applicant: Georgia Sedgmen - Trace Consultants Pty Ltd

Zoning: R2 Low Density Residential - Fairfield Local Environmental Plan 2013

File Number: DA442.1/2015

CONFIDENTIAL - It is recommended that the Council resolve into Closed Session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2)(g) of the Local Government Act, 1993, on the grounds that:

*(i) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
and dealing with the matter in Open Session would be, on balance, contrary to the public interest.*

THIS CONFIDENTIAL ITEM WAS DEALT WITH IN CLOSED SESSION OF THE COUNCIL. FOR DETAILS OF THE RESOLUTION PASSED BY THE COUNCIL IN CLOSED SESSION REFER TO PAGE 23 OF THE MINUTES.

MEETING CLOSED TO THE PUBLIC

MOTION: (White/Tran)

That pursuant to Section 10A of the Local Government Act the meeting be closed to the public to consider the following confidential items of business and the grounds for such closure are stated hereunder:

Ordinary Council

Minutes

Meeting Date: 08 December 2015

Page 19

- 313:** Tender RFT14FY16 - Supply and Install Substation at Prairiewood Leisure Centre
File Number: 15/16697

CONFIDENTIAL REPORT AND ATTACHMENT

10A(2)(d(ii))

- (1) Pursuant to Section 10A(2)(d(ii)) the information in the **Report and Attachment** is confidential.
- (2) The matter to be discussed is Tender RFT14FY16 - Supply and Install Substation at Prairiewood Leisure Centre.
- (3) In relation to Section 10A(2) of the Local Government Act 1993, the reason why this part of the meeting should be closed is the matters and information is the following:
 - (d(ii)) commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the council.

and dealing with the matter in Open Session would be, on balance, contrary to the public interest.

- 314:** Proposed New Lease - Cafe within Cabravale Leisure Centre
Premises: Cafe in Cabravale Leisure Centre, 74-76 Bareena Street Cabramatta
File Number: 13/06941

CONFIDENTIAL REPORT

10A(2)(c)(d(i))(d(ii))

- (1) Pursuant to Section 10A(2)(c)(d(i))(d(ii)) the information in the **Report** is confidential.
- (2) The matter to be discussed is Proposed New Lease - Cafe within Cabravale Leisure Centre.
- (3) In relation to Section 10A(2) of the Local Government Act 1993, the reason why this part of the meeting should be closed is the matters and information is the following:
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; and
 - (d(i)) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it; and
 - (d(ii)) commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the council.

and dealing with the matter in Open Session would be, on balance, contrary to the public interest.

- SUP** Tender RFT13FY16 - Construction of Architectural Landscape and Associated Civil
332: Works at The Crescent Plaza Fairfield
File Number: 15/16657

CONFIDENTIAL REPORT AND ATTACHMENT

10A(2)(d(ii))

- (1) Pursuant to Section 10A(2)(d(ii)) the information in the **Report and Attachment** is confidential.

Ordinary Council

Minutes

Meeting Date: 08 December 2015

Page 20

- (2) The matter to be discussed is Tender RFT13FY16 - Construction of Architectural Landscape and Associated Civil Works at The Crescent Plaza Fairfield.
- (3) In relation to Section 10A(2) of the Local Government Act 1993, the reason why this part of the meeting should be closed is the matters and information is the following:
 - (d(ii)) commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the council.and dealing with the matter in Open Session would be, on balance, contrary to the public interest.

SUP Tender RFT10FY16 - Construction of Weighbridges and Building at Sustainable
333: Resource Centre - Hassall Street Wetherill Park
File Number: 15/15390

CONFIDENTIAL REPORT

10A(2)(d(ii))

- (1) Pursuant to Section 10A(2)(d(ii)) the information in the **Report** is confidential.
- (2) The matter to be discussed is Tender RFT10FY16 - Construction of Weighbridges and Building at Sustainable Resource Centre - Hassall Street Wetherill Park.
- (3) In relation to Section 10A(2) of the Local Government Act 1993, the reason why this part of the meeting should be closed is the matters and information is the following:
 - (d(ii)) commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the council.and dealing with the matter in Open Session would be, on balance, contrary to the public interest.

SUP Senior Staff Matter

334: File Number: Personnel

CONFIDENTIAL REPORT AND ATTACHMENT

10A(2)(a)

- (1) Pursuant to Section 10A(2)(a) the information in the **Report and Attachment** is confidential.
- (2) The matter to be discussed is a Senior Staff Matter.
- (3) In relation to Section 10A(2) of the Local Government Act 1993, the reason why this part of the meeting should be closed is the matters and information is the following:
 - (a) personnel matters concerning particular individuals.and dealing with the matter in Open Session would be, on balance, contrary to the public interest.

Ordinary Council

Minutes

Meeting Date: 08 December 2015

Page 21

SUP 335: SUBJECT: Torrens Title Subdivision of 1 Residential Allotment to Create 3 Residential Allotments
Premises: Lot 4, DP 264368, No. 3 Molluso Close Wakeley
Applicant: Georgia Sedgmen - Trace Consultants Pty Ltd
Zoning: R2 Low Density Residential - Fairfield Local Environmental Plan 2013

File Number: DA442.1/2015

CONFIDENTIAL REPORT

10A(2)(g)

- (1) Pursuant to Section 10A(2)(g) the information in the **Report** is confidential.
- (2) The matter to be discussed is Torrens Title Subdivision of 1 Residential Allotment to Create 3 Residential Allotments.
- (3) In relation to Section 10A(2) of the Local Government Act 1993, the reason why this part of the meeting should be closed is the matters and information is the following:
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

and dealing with the matter in Open Session would be, on balance, contrary to the public interest.

CARRIED UNANIMOUSLY

MEETING OPEN TO THE PUBLIC

MOTION: (White/Karajcic)

That the meeting be open to the public.

CARRIED UNANIMOUSLY

THE DECISIONS OF THE COUNCIL IN CLOSED SESSION:

313: Tender RFT14FY16 - Supply and Install Substation at Prairiewood Leisure Centre
File Number: 15/16697

That:

1. Council accept the Evaluation Panel's recommendation to award the Contract to Connect Infrastructure Pty Ltd for the provision of Supply and Install Substation at Prairiewood Leisure Centre for one hundred and forty three thousand nine hundred and twenty dollars (\$143,920.00) excluding GST as the most advantageous and best value offer received.
2. The City Manager or his nominated delegate be authorised to execute the Contract and any associated documents.

Ordinary Council

Minutes

Meeting Date: 08 December 2015

Page 22

314: Proposed New Lease - Cafe within Cabravale Leisure Centre
Premises: Cafe in Cabravale Leisure Centre, 74-76 Bareena Street Cabramatta
Related Parties: Global Access Group (ABN 85 685 446 426); Imagine Destiny Pty Ltd (135 477 173)
File Number: 13/06941

That:

1. Council agree to terminate the Lease to Imagine Destiny Pty Ltd over the café within Cabravale Leisure Centre.
2. Council agree to enter into a new Lease for the café within Cabravale Leisure Centre under the proposed minimum Terms as outlined in the report.
3. The Mayor and City Manager be authorised to affix the Seal of Council on the Lease and any associated documents related to the matter.
4. The Land/Lease Register and financial records, be updated.

SUP 332: Tender RFT13FY16 - Construction of Architectural Landscape and Associated Civil Works at The Crescent Plaza Fairfield
File Number: 15/16657

That:

1. Council accept the Evaluation Panel's recommendation to award the Contract to Co-Ordinated Landscapes Pty Ltd for the provision of Construction of Architectural Landscape and Associated Civil Works at The Crescent Plaza Fairfield for an amount of one million, three hundred and ninety nine thousand, nine hundred and ninety dollars (\$1,399,990.00) excluding GST as the most advantageous and best value offer received.
2. The City Manager or his nominated delegate be authorised to execute the Contract and any associated documents.

SUP 333: Tender RFT10FY16 - Construction of Weighbridges and Building at Sustainable Resource Centre - Hassall Street Wetherill Park
File Number: 15/15390

That:

1. In accordance with Clause 178(3)(e) of the Local Government (General) Regulations, Council decline to accept all tenders submitted as they were deficient, incomplete and could not meet the requirements of the Tender proposal.

Ordinary Council

Minutes

Meeting Date: 08 December 2015

Page 23

2. In accordance with Clause 178(3)(e) of the Local Government (General) Regulations, the City Manager enter into negotiations with any person (whether or not the person was a tenderer) to establish a solution that includes a best and final offer as per Section 178(4)(b) of the Local Government (General) Regulations, with a view to entering into a Contract in relation to the subject matter of the tender.
3. In accordance with Regulation 178(4)(a) of the Local Government (General) Regulations, Council not invite fresh tenders as a new contest is unlikely to produce better results.
4. The City Manager be authorised to enter into negotiations with any entity in relation to the subject matter of the Tender (Construction of Weighbridges and Building at Sustainable Resource Centre – Hassall Street Wetherill Park) and award the Contract within the budget of four hundred and twenty thousand dollars (\$420,000.00).
5. Councillors be advised of the outcome of the authorised negotiation process.

SUP Senior Staff Matter

334: File Number: Personnel

That Council note the information contained in the Confidential Attachment and the Recommendation outlined in the report, be adopted.

SUP **SUBJECT:** Torrens Title Subdivision of 1 Residential Allotment to Create 3
335: Residential Allotments
Premises: Lot 4, DP 264368, No. 3 Molluso Close Wakeley
Applicant: Georgia Sedgmen - Trace Consultants Pty Ltd
Zoning: R2 Low Density Residential - Fairfield Local Environmental Plan
2013
File Number: DA442.1/2015

That Option A as outlined in the report, be adopted.

PROCEDURAL MOTION: (Khoshaba/Tran)

That in accordance with Section 11(3) of the Local Government Act 1993, Council resolves that the correspondence or reports relating to Items 313 and 314 and Supplementary Items 332, 333, 334 and 335 of the Services Committee that were considered during the Closed Session of Council be treated as confidential and remain confidential unless otherwise determined by Council.

CARRIED UNANIMOUSLY

Ordinary Council

Minutes

Meeting Date: 08 December 2015

Page 24

CLOSURE

There being no further business, the meeting concluded at 7.54 pm.

Chairman

CONFIRMATION

These minutes were confirmed as a correct record of the proceedings at a meeting held on 8 December 2015.

Chairman