



**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 16 AUGUST 2016**

Present:

Councillor Sally Betts (Mayor) (Chair)	Hunter Ward
Councillor Tony Kay (Deputy Mayor)	Waverley Ward
Councillor Angela Burrill	Lawson Ward
Councillor Joy Clayton	Bondi Ward
Councillor Andrew Cusack	Lawson Ward
Councillor Leon Goltsman	Hunter Ward
Councillor Miriam Guttman-Jones	Hunter Ward
Councillor Paula Masselos	Lawson Ward
Councillor Bill Mouroukas	Waverley Ward
Councillor Ingrid Strewe	Waverley Ward
Councillor John Wakefield	Bondi Ward
Councillor Dominic Wy Kanak	Bondi Ward

Staff in attendance:

Peter Brown	General Manager
Cathy Henderson	Director, Waverley Life
Peter Monks	Director, Waverley Futures
Emily Scott	Director, Waverley Renewal
Jane Worthy	Internal Ombudsman

At the commencement of proceedings at 6.30 pm, those present were as listed above, with the exception of Cr Wakefield, who arrived at 6.35 pm.

At 9.50 pm, during the consideration of Item CM/8.4/16.08 – Bondi Pavilion Community Cultural Centre – \$1 Million National Historic Sites Grant, Cr Guttman-Jones left the meeting and did not return.

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The Mayor read the following Opening Prayer and Acknowledgement of Indigenous Heritage:

God, we pray for wisdom to govern with justice and equity. That we may see clearly and speak the truth and that we work together in harmony and mutual respect. May our actions demonstrate courage and leadership so that in all our works thy will be done. Amen.

Waverley Council respectfully acknowledges our Indigenous heritage and recognises the ongoing Aboriginal traditional custodianship of the land which forms our Local Government Area.

1. Apologies/Leaves of Absence

There were no apologies.

2. Declarations of Pecuniary and Non-Pecuniary Interests

The Chair called for declarations of interest and the following were received:

- 2.1 Cr Clayton declared a less than significant non-pecuniary interest in the items relating to the Bondi Pavilion, and informed the meeting that she is a user of the Pavilion.
- 2.2 Cr Wy Kanak declared a less than significant non-pecuniary interest in the items relating to the Bondi Pavilion, and informed the meeting that he is a user of the Pavilion.

3. Addresses to Council by Members of the Public

- 3.1 M Lucas – Item CM/8.10/16.08 – Varna Park Master Plan.
- 3.2 P Winkler – Item CM/8.3/16.08 – RESCISSION MOTION – Extraordinary Council Meeting – 2 August 2016 – CM/5.3/16.08E – Rescission Motion – Establishment of Councillor Transition Reference Group.
- 3.3 P Winkler – Item CM/8.6/16.08 – Bondi Pavilion Upgrade – Letter from Mayor of Randwick Council.
- 3.4 P Winkler – Item CM/8.7/16.08 – Bondi Pavilion Upgrade – Suspension of Work until Community Consultation Completed.
- 3.5 E Morel – Item CM/8.15/16.08 – Bondi Pavilion Upgrade – Further Community Consultation – Design of Community Survey.
- 3.6 E Morel – Item CM/8.5/16.08 – Bondi Pavilion Upgrade – Further Community Consultation – Explanatory Information for Survey.
- 3.7 N Boaz – Item CM/8.11/16.08 – Bondi Pavilion Upgrade – Space Use Classifications and Square Meterage.
- 3.8 M Cox – Item CM/8.12/16.08 – Bondi Pavilion Upgrade – Process.

3.9 G Deacon – Item CM/8.13/16.08 – Bondi Pavilion Upgrade – Timeframe.

4. Confirmation and Adoption of Minutes

CM/4.1/16.08 Confirmation of Minutes - Council Meeting - 19 July 2016 (SF16/406)

MOTION / DECISION

Mover: Cr Mouroukas
Seconder: Cr Goltsman

That the minutes of the Council Meeting held on 19 July 2016 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

CM/4.2/16.08 Confirmation of Minutes - Extraordinary Council Meeting - 2 August 2016 (SF16/406)

MOTION / DECISION

Mover: Cr Burrill
Seconder: Cr Cusack

That the minutes of the Council Meeting held on 2 August 2016 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

Cr Wakefield was not present for the vote on this item.

CM/4.3/16.08 Adoption of Minutes - Waverley Traffic Committee Meeting - 28 July 2016 (SF16/158)

MOTION / DECISION

Mover: Cr Kay
Seconder: Cr Mouroukas

That Part 1 of the Minutes of the Waverley Traffic Committee Meeting held on 28 July 2016 be received and noted, and that the recommendations contained therein be adopted.

Cr Wakefield was not present for the vote on this item.

5. Mayoral Minutes

CM/5.1/16.08 Serious Incident at Bondi Pavilion (A15/0272)

MOTION / DECISION

Mover: Cr Betts

That Council notes the following statement from the General Manager about a grave incident on Sunday, 14 August 2016.

On Sunday 14 August 2016 one of Council's staff members undertaking his work responsibilities at Bondi Pavilion, according to witness accounts, was allegedly abused and physically manhandled by a group of individuals, as he attempted to remove an unauthorised banner from the Pavilion during the City to Surf

event. The staff member concerned required first aid treatment.

As General Manager I take the duty of care to staff extremely seriously. Indeed there are legislative duties and obligations under the Work Health and Safety Act (WHSA) 2011 requiring the exercise of due diligence to ensure a safe workplace. No one should come to work and be physically confronted and placed in an unsafe environment.

The incident above has been reported to the Police and they are investigating and taking the matter seriously.

Incidents such as the one above can get out of hand very easily and people can be seriously hurt. The WHSA does not exclude elected Councillors who also have enforceable duties under the Act enforceable by fine or prison if serious injury or illness results.

The Bondi Pavilion and its future is a matter of legitimate debate however, it would seem that in this instance heightened emotions have led to an unfortunate consequence.

It is timely and appropriate following the above incident that with the number of matters concerning the Bondi Pavilion listed on the Council Agenda this evening, I request that all Councillors remain cognisant of the heightened emotions that exist around this facility and pitch the tone of the debate accordingly. We all need to remember the inadvertent impact such debate can have on some individuals and the unintended consequences that can arise.

In short, no Council official, including Councillors, should in any way contribute to an environment which may put a staff member at risk of harm or abuse.

Division

For the Motion: Crs Betts, Burrill, Clayton, Cusack, Goltsman, Guttman-Jones, Kay, Mouroukas and Wakefield.

Against the Motion: Crs Masselos, Strewé, and Wy Kanak.

6. Obituaries

Tim Fitzgerald

Council rose for a minute's silence for the souls of people generally who have died in our Local Government area.

7. Reports

CM/7.1/16.08 Carry Over from 2015/16 to 2016/17 (A16/0411)

MOTION / UNANIMOUS DECISION

Mover: Cr Cusack

Seconder: Cr Burrill

That Council approves the carrying forward of budget funds from the 2015/16 financial year to the 2016/17 financial year, as detailed in this report and Attachment 1.

CM/7.2/16.08 Investment Portfolio Report - June 2016 (A03/2211)**MOTION / DECISION**

Mover: Cr Cusack

Seconder: Cr Burrill

That Council:

1. Receives the investment Portfolio Report – June 2016.
2. Notes that all investments have been made in accordance with the requirements of section 625 of the *Local Government Act 1993* and directions from the Minister for Local Government, including Ministerial Investment Orders and Council's Investment Policy.

CM/7.3/16.08 Investigation of Sustainable Investment Options (A05/0197)**MOTION / UNANIMOUS DECISION**

Mover: Cr Cusack

Seconder: Cr Goltsman

That Council:

1. Receives and notes the reports from Council's independent advisors attached to this report.
2. Invests in non-coal and carbon alternatives where they have an equal or better return on investment and within the current Investment Policy 2016 risk management guidelines.
3. Thanks the financial section officers for producing this report.

CM/7.4/16.08 Planning for Possible Council Amalgamation (A16/0054)**MOTION**

Mover: Cr Goltsman

Seconder: Cr Kay

That Council:

1. Receives and notes this report.
2. Acknowledges the work of the Transition Unit and Waverley staff in preparing Council for amalgamation.
3. Notes the correct amount of estimated direct costs relating to transition planning is \$331,570.

AMENDMENT 1

Mover: Cr Wakefield

Seconder: Cr Masselos

That the Motion be adopted subject to the addition of the following clause:

'That a further report comes to Council providing estimates of the full costs to Council as a whole of the amalgamation process.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Clayton, Guttman-Jones, Masselos, Strewe, Wakefield and Wy Kanak.

Against the Amendment: Crs Betts, Burrill, Cusack, Goltsman, Kay and Mouroukas.

AMENDMENT 2

Mover: Cr Wakefield

Seconder: Cr Strewe

That the Motion be adopted subject to the addition of the following clause:

‘That Council notes that it has incurred substantial indirect costs additional to those indicated here.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

Division

For the Motion: Crs Betts, Burrill, Clayton, Cusack, Goltsman, Guttman-Jones, Kay and Mouroukas.

Against the Motion: Crs Masselos, Strewe, Wakefield and Wy Kanak.

CM/7.5/16.08

Local Government NSW Annual Conference 2016 (A13/0314)

MOTION / DECISION

Mover: Cr Burrill

Seconder: Cr Goltsman

That Council, in respect of the 2016 Local Government NSW (LGNSW) Annual Conference, and on the basis that Waverley Council still exists on 16 October 2016:

1. Nominates the Mayor Cr Sally Betts, Deputy Mayor Cr Tony Kay, Councillor Angela Burrill, Councillor Bill Mouroukas and Councillor Leon Goltsman as voting delegates for voting on motions.
2. Nominates Councillor Andrew Cusack and Councillor Dominic Wy Kanak as reserve voting delegates for voting on motions in this sequence.
3. Agrees that, should any of the above Councillors be unable to attend, the Mayor be delegated authority to appoint alternates.
4. Agrees that the General Manager attend the Conference.
5. Submits an application for any eligible Councillor to receive an award which LGNSW has in place to recognise the contributions of elected members.

**CM/7.6/16.08 Planning Proposal to Amend Waverley Local Environmental Plan 2012 –
Reclassification of Drainage Lot at the Rear of 2-8 Dickson Street, Bronte
(A16/0084)**

MOTION / DECISION

Mover: Cr Mouroukas

Seconder: Cr Kay

That Council:

1. Endorses the Planning Proposal to amend Waverley Local Environmental Plan 2012 – Reclassification of Drainage Lot at the Rear of 2-8 Dickson Street, Bronte, as at Attachment 1.
2. Forwards the Planning Proposal to Parliamentary Counsel for finalisation.

Division

For the Motion: Crs Betts, Burrill, Clayton, Cusack, Goltsman, Guttman-Jones, Kay and Mouroukas.

Against the Motion: Crs Masselos, Strewe, Wakefield and Wy Kanak.

CM/7.7/16.08 Solar Compactor Bins Infrastructure Project - Tender Exemption (A14/0588)

MOTION / UNANIMOUS DECISION

Mover: Cr Goltsman

Seconder: Cr Kay

That Council, pursuant to section 55(3)(i) of the *Local Government Act 1993*, exempts the purchase and installation of solar compacting bins from the tender requirements of the Act due to the unavailability of competitive tenderers.

CM/7.8/16.08 Bronte Pool Relining - Evaluation of Tenders (A16/0450)

MOTION / UNANIMOUS DECISION

Mover: Cr Burrill

Seconder: Cr Cusack

That Council:

1. Treats the Evaluations of Findings report attached to Council's file as confidential as it contains information specified in section 10A(2)(c) of the *Local Government Act 1993*.
2. Enters into a contract under clause 178 of the *Local Government (General) Regulation 2005* with FCS Concrete Repairs for the Bronte Pool Relining.
3. In accordance with clause 179 of the *Local Government (General) Regulation 2005*, notifies unsuccessful tenderers of the decision.

CM/7.9/16.08 Supply and Lay of Asphalt and Associated Services - Evaluation of Tenders (A16/0387)**MOTION / UNANIMOUS DECISION**

Mover: Cr Goltsman
Seconder: Cr Mouroukas

That Council:

1. Treats the Evaluations of Findings report attached to Council's file as confidential as it contains information specified in section 10A(2)(c) of the *Local Government Act 1993*.
2. Enters into a contract under clause 178 of the *Local Government (General) Regulation 2005* with NA Group Pty Ltd for the Supply and Lay of Asphalt and Associated Services at the price detailed in this report.
3. In accordance with clause 179 of the *Local Government (General) Regulation 2005*, notifies unsuccessful tenderers of the decision.

8. Notices of Motion**CM/8.1/16.08 RESCISSION MOTION - Extraordinary Council Meeting - 2 August 2016 - CM/5.1/16.08E - Rescission Motion - Bondi Pavilion Plan of Management (A15/0272)****MOTION / DECISION**

Mover: Cr Betts
Seconder: Cr Goltsman

That the Rescission Motion be adopted.

THE MOTION WAS DECLARED CARRIED ON THE CASTING VOTE OF THE CHAIR.

Division

For the Motion: Crs Betts, Burrill, Cusack, Goltsman, Kay and Mouroukas.

Against the Motion: Crs Clayton, Guttman-Jones, Masselos, Strewe, Wakefield and Wy Kanak.

CM/8.2/16.08 RESCISSION MOTION - Extraordinary Council Meeting - 2 August 2016 - CM/5.2/16.08E - Rescission Motion - Bondi Pavilion Heritage (A15/0272)**MOTION / DECISION**

Mover: Cr Goltsman
Seconder: Cr Burrill

That the Rescission Motion be adopted.

THE MOTION WAS DECLARED CARRIED ON THE CASTING VOTE OF THE CHAIR.

Division

For the Motion: Crs Betts, Burrill, Cusack, Goltsman, Kay and Mouroukas.

Against the Motion: Crs Clayton, Guttman-Jones, Masselos, Strewe, Wakefield and Wy Kanak.

**CM/8.3/16.08 RESCISSION MOTION - Extraordinary Council Meeting - 2 August 2016 -
CM/5.3/16.08E - Rescission Motion - Establishment of Councillor Transition
Reference Group (A16/0054)**

MOTION

Mover: Cr Goltsman

Seconder: Cr Kay

That the Rescission Motion be adopted.

FORESHADOWED MOTION

Mover: Cr Goltsman

Seconder: Cr Kay

That Council:

1. Establishes a Councillor Transition Reference Group on the terms outlined in this report.
2. Appoints two Councillors, being the Mayor Cr Sally Betts and Deputy Mayor Cr Tony Kay, to the Councillor Transition Reference Group, similar to the number suggested in the Department of Premier and Cabinet (DCP) Guidelines for post proclamation.
3. Notes that updates on activities of the Councillor Transition Reference Group will be included as part of the General Manager's regular Transition Update reports to Council.

THE RESCISSION MOTION WAS THEN PUT AND DECLARED CARRIED.

Division

For the Motion: Crs Betts, Burrill, Cusack, Goltsman, Kay and Mouroukas.

Against the Motion: Crs Clayton, Guttman-Jones, Masselos, Strewé, Wakefield and Wy Kanak.

DECISION: That the Rescission Motion be adopted.

THE FORESHADOWED MOTION NOW BECAME THE SUBSTANTIVE MOTION.

THE MOVER AND SECONDER OF THE SUBSTANTIVE MOTION ACCEPTED AMENDMENTS TO THE MOTION SUCH THAT IT NOW READS AS FOLLOWS:

That:

1. Council establishes a Councillor Transition Reference Group until proclamation of the amalgamated council, if this should occur, on the terms outlined in this report.
2. Council appoints two Councillors, being the Mayor Cr Sally Betts and Deputy Mayor Cr Tony Kay, to the Councillor Transition Reference Group.
3. Council notes that updates on activities of the Councillor Transition Reference Group will be included as part of the General Manager's regular Transition Update reports to Council.
4. All Councillors receive all material received by the Councillor Transition Reference Group.
5. Council notes that Councillors are allowed to attend these meetings as observers.
6. Council asserts that this appointment bears no relationship to any post-merger proclamation establishment of councillor representative bodies.

THE SUBSTANTIVE MOTION WAS THEN PUT AND DECLARED CARRIED.

Division

For the Motion: Crs Betts, Burrill, Clayton, Cusack, Goltsman, Guttman-Jones, Kay, Mouroukas and Strewe.

Against the Motion: Crs Masselos, Wakefield and Wy Kanak.

DECISION: That the Substantive Motion be adopted.

CM/8.4/16.08 Bondi Pavilion Community Cultural Centre – \$1 Million National Historic Sites Grant (A15/0272)

MOTION / UNANIMOUS DECISION

Mover: Cr Wy Kanak

Seconder: Cr Masselos

That Council:

1. Notes that historic Bondi Pavilion on Bondi Beach has received \$1 million under the Australian Government's 'Protecting National Historic Sites' Program.
2. Provides detailed public information to Councillors and the community about how that 'Protecting National Historic Sites' Program grant money is being/was spent.

Crs Clayton and Guttman-Jones were not present for the vote on this item.

CM/8.5/16.08 Bondi Pavilion Upgrade – Further Community Consultation – Explanatory Information for Survey (A15/0272)

MOTION

Mover: Cr Wy Kanak

Seconder: Cr Masselos

That:

1. Council notes that In the current community survey for the further consultation on the Bondi Pavilion, respondents are being asked whether they agree or disagree with the continued use of commercial activities to fund Bondi Pavilion services, cultural activities, repairs and maintenance. No explanatory information is provided so that an informed answer can be given to the question.
2. In order to enable a meaningful response to the survey, the following information be provided on Council's website:
 - (a) The income that Bondi Pavilion generates each year, by categories or activity type, including all classes, commercial activities, festivals, events, etc.
 - (b) The recorded annual costs associated with running the Pavilion by category including staff costs, operating and maintenance costs, capital works etc.
 - (c) The annual income generated from parking meters and parking fines around Bondi Pavilion (Queen Elizabeth Drive).

FORESHADOWED MOTION

Mover: Cr Burrill
Seconder: Cr Cusack

That Council requests that the following information be provided on Council's website:

1. The income that Bondi Pavilion generates each year, by categories or activity type, including all classes, commercial activities, festivals, events, etc.
2. The recorded annual costs associated with running the Pavilion by category including staff costs, operating and maintenance costs, capital works etc.

THE MOTION WAS PUT AND DECLARED LOST.

Division

For the Motion: Crs Masselos, Strewé, Wakefield and Wy Kanak.

Against the Motion: Crs Betts, Burrill, Clayton, Cusack, Goltsman, Kay and Mouroukas.

THE FORESHADOWED MOTION NOW BECOME THE SUBSTANTIVE MOTION.

THE MOVER AND SECONDER OF THE SUBSTANTIVE MOTION ACCEPTED AN AMENDMENT TO THE MOTION SUCH THAT IT NOW READS AS FOLLOWS:

That Council requests the following information be provided on Council's website in order to assist residents with the completion of the survey:

1. The income that Bondi Pavilion generates each year, by categories or activity type, including all classes, commercial activities, festivals, events, etc.
2. The recorded annual costs associated with running the Pavilion by category including staff costs, operating and maintenance costs, capital works etc.

AMENDMENT

Mover: Cr Wakefield
Seconder: Cr Masselos

That the Substantive Motion be adopted subject to the addition of the following clause:

'That Council reviews for a second time the online survey and attempts to remove any implied or explicit push polling techniques.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

THE SUBSTANTIVE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

Cr Guttman-Jones was not present for this item. Cr Strewé was not present for the vote on the Substantive Motion.

Cr Wy Kanak requested that it be recorded in the minutes that he voted for the Amendment.

CM/8.6/16.08 Bondi Pavilion Upgrade – Letter from Mayor of Randwick Council (A15/0272)**MOTION (WITHDRAWN)**

Mover: Cr Wakefield

Seconder: Cr Masselos

That Council receives and notes the following letter dated 19 July 2016 from Cr D'Souza, Mayor of Randwick, to Cr Betts, Mayor of Waverley that is possibly full of incorrect information and false assumptions:

Dear Mayor Betts

Planned redevelopment of Bondi Pavilion

I draw your attention to parts (c) and (d) of the resolution made at the Council Meeting of 28 June 2016 in relation to the planned redevelopment of the Bondi Pavilion (see below).

'That Council:

a) notes that Waverley Council has agreed to a \$38 million redevelopment of Bondi Pavilion and that there is growing community concern and opposition from the residents of the Waverley, Woollahra and Randwick local government areas in response;

b) resolves that, considering the very likely amalgamation between Randwick, Waverley and Woollahra Councils, that Council writes to the Minister for Local Government noting that the decision was made during the merger proposal period and is considered to be inappropriate at this time;

c) resolves to write to the current Mayors of Waverley and Woollahra Councils and the Minister for Local Government raising fiscal concerns that ratepayers from the three Council areas will be burdened with a debt of over \$20 million; and

d) that Council resolve to write to the Mayor of Waverley Council calling for a suspension of work on the Pavilion project until the pending merged Council entity can itself assess the tender documents received for the conceptual design.'

In accordance with the above resolution, Randwick City Council calls on Waverley Council to suspend work on the Bondi Pavilion project until the pending merged Council entity has the opportunity to assess the tender documents received for the conceptual design.

CM/8.7/16.08 Bondi Pavilion Upgrade – Suspension of Work until Community Consultation Completed (A15/0272)**MOTION**

Mover: Cr Masselos

Seconder: Cr Wakefield

That Council, consistent with the request of Randwick Council, suspends work on the Bondi Pavilion project after the completion of the current round of community consultation.

THE MOTION WAS PUT AND DECLARED LOST.

Cr Guttman-Jones was not present for this item.

CM/8.8/16.08 Financial Contribution to Woollahra Council's Court Case against Amalgamation (A16/0248)**MOTION**

Mover: Cr Wakefield
Seconder: Cr Masselos

That Council contributes \$20,000 to Woollahra Council to assist in their legal challenge after the recent decision by the Land and Environment Court in regard to *Woollahra Municipal Council v Minister for Local Government* [2016] NSWLEC 86.

FORESHADOWED MOTION

Mover: Cr Cusack
Seconder: Cr Goltsman

That Crs Masselos, Strewe and Wakefield be invited to contribute \$20,000 to Woollahra Council to assist in their legal challenge after the recent decision by the Land and Environment Court in regard to *Woollahra Municipal Council v Minister for Local Government* [2016] NSWLEC 86.

THE MOTION WAS PUT AND DECLARED LOST.

Division

For the Motion: Crs Clayton, Masselos, Strewe, Wakefield and Wy Kanak.
Against the Motion: Crs Betts, Burrill, Cusack, Goltsman, Kay and Mouroukas.

THE FORESHADOWED MOTION NOW BECAME THE SUBSTANTIVE MOTION AND WAS PUT AND DECLARED LOST.

Division

For the Substantive Motion: Nil.
Against the Substantive Motion: Crs Betts, Burrill, Clayton, Cusack, Goltsman, Kay, Masselos, Mouroukas, Strewe and Wy Kanak.

CM/8.9/16.08 Council Amalgamations – Legal Proceedings against State Government (A16/0248)**MOTION (LAPSED DUE TO THE ABSENCE OF A MOVER)**

That Council commences legal proceedings against the State Government in line with other Councils opposed to forced merger.

CM/8.10/16.08 Varna Park Master Plan (A06/0739)**MOTION**

Mover: Cr Masselos
Seconder: Cr Wakefield

That Council:

1. Investigates a Master Plan or other process to upgrade Varna Park.
2. As part of the consultation process, consults with the students of Clovelly State Primary School.

THE MOTION WAS PUT AND DECLARED LOST.

Division

For the Motion: Crs Clayton, Guttman-Jones, Masselos, Strewe, Wakefield and Wy Kanak.

Against the Motion: Crs Betts, Burrill, Cusack, Goltsman, Kay and Mouroukas.

CM/8.11/16.08 Bondi Pavilion Upgrade – Space Use Classifications and Square Meterage (A15/0272)

MOTION

Mover: Cr Strewe

Seconder: Cr Masselos

That Council officers verify and report on the space use classifications and square meterage for the Bondi Pavilion:

Proposed or Existing	Existing
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Sum of sqm Row Labels	Column Labels		
	Ground	First	Grand Total
Amenities	239	47	286
Commercially Leased - Indoor	1179	73	1252
Common Internal	331	246	577
Community Hireable	684	260	944
Council Use	464	111	575
Services/Plant	75	7	82
Theatre		437	437
Balcony First fl		204	204
Commercially Leased - Outdoor	507		507
Covered Outdoor & Colonnade	636		636
Grand Total	4115	1385	5500

Proposed or Existing	Proposed
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Sum of sqm Row Labels	Column Labels		
	Ground	First	Grand Total
Amenities	405	41	446
Commercially Leased - Indoor	857		857
Common Internal	401		401
Community Hireable	490		490
Council Use	189	91	280
Services/Plant	199	172	371
Theatre	581	95	676
Undecided		955	955
Balcony First fl		209	209
Commercially Leased - Outdoor	406		406

Covered Outdoor & Colonnade	1192	1192
Grand Total	4720 1563	6283

THE MOTION WAS PUT AND DECLARED LOST.

Division

For the Motion: Crs Clayton, Masselos, Strewe, Wakefield and Wy Kanak.

Against the Motion: Crs Betts, Burrill, Cusack, Goltsman, Kay and Mouroukas.

CM/8.12/16.08 Bondi Pavilion Upgrade – Process (A15/0272)

MOTION

Mover: Cr Wakefield

Seconder: Cr Masselos

That Council:

1. Acknowledges the ongoing concern among the community about the processes involved in selecting the proposal by Tonkin Zulaikha Greer Architects for the Bondi Pavilion in December 2015.
2. Notes the release under the *Government Information (Public Access) Act* ('GIPA Act') the Bondi Pavilion Commercial Review ('Urbis Report'), dated February 2015, which was presented to Councillors at its 17 February 2015 meeting as part of CM/10.2/15.02 – CONFIDENTIAL REPORT – Bondi Pavilion Upgrade Projects.
3. Be advised if the Urbis Report was provided to Tonkin Zulaikha Greer Architects as part of the briefing documents, and, if it was provided, under what caveats.
4. Notes that the Council resolution CM/10.2/15.02 in relation to the Bondi Pavilion Upgrade Projects did not endorse the Urbis Report or approve either the report or any of its contents.
5. Notes that part of the Council resolution CM/10.2/15.02 setting out Council's procedures for the selection of Council's preferred tender is as follows:
 5. *Authorises the commencement of an open, advertised expression of interest and selective tender process for the consultant on the basis of the above brief, and delegate to the General Manager the power to approve the list invited for select tender.*
 6. *Notes that later in 2015 Council will receive and consider a report recommending the awarding of the consultant's tender.*
 7. *Notes that after the consultants are appointed, a concept design will be presented for consideration by Council and for community consultation, after which a development application will be prepared.*
6. Requests the relevant officers to consider the urgent proactive release under the *GIPA Act* of all documents presented to the Councillors at its 17 February 2015 meeting as part of Council resolution CM/10.2/15.02.

THE MOTION WAS PUT AND DECLARED LOST.

Division

For the Motion: Crs Clayton, Masselos, Strewe, Wakefield and Wy Kanak.

Against the Motion: Crs Betts, Burrill, Cusack, Goltsman, Kay and Mouroukas.

CM/8.13/16.08 Bondi Pavilion Upgrade – Timeframe (A15/0272)

MOTION

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That Council instructs the General Manager to ensure that the advice currently being provided to the community in relation to the proposed \$38 million project for the Bondi Pavilion, that '[t]he development application for the project will not be progressed until after October 2016' (<http://haveyoursaywaverley.com.au/bondi-pavilion-upgrade>), be communicated to the architects contracted for the job, to ensure that no further funds are expended in this exercise.

THE MOTION WAS PUT AND DECLARED LOST.

Cr Guttman-Jones was not present for this item.

CM/8.14/16.08 Bondi Pavilion Upgrade – Further Community Consultation – Process (A15/0272)

MOTION

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That Council requires the agency conducting the current community consultation into the \$38 million proposal for the Bondi Pavilion to:

1. Liaise with community stakeholder groups during the process of collating, aggregating and correlating all data gathered from the various sources.
2. Be required to provide Council with the raw data from all consultations (i.e. note from meetings, conversations etc.).
3. Be required to accept written submissions as part of its data gathering.

THE MOTION WAS PUT AND DECLARED LOST.

Cr Guttman-Jones was not present for this item.

CM/8.15/16.08 Bondi Pavilion Upgrade – Further Community Consultation – Design of Community Survey (A15/0272)

MOTION (WITHDRAWN BY CR WY KANAK)

That Council improves the design of the Bondi Pavilion survey to remove any perceived push polling bias.

9. Urgent Business

CM/9.1/16.08 Serious Incident at Bondi Pavilion (A15/0272)

Council agreed to deal with this matter as an item of urgent business.

MOTION / DECISION

Mover: Cr Strewe
Seconder: Cr Masselos

That:

1. Council notes that the Mayoral Minute Item CM/5.1/16.08 – Serious Incident at Bondi Pavilion – refers to an allegation only; is a police investigation; and may or may not be proved.
2. A report come back to Council on the police investigation.

10. Closed Session

CM/10/16.08 Closed Session

Before the motion to close the meeting was put, the Chair provided an opportunity for members of the public to make representations as to whether this part of the meeting should be closed. None were received.

MOTION / DECISION

Mover: Cr Burrill
Seconder: Cr Kay

1. Council moves into closed session to deal with the matter listed below, which is classified as confidential under the provisions of section 10A(2) of the *Local Government Act 1993* for the reasons specified:

CM/10.1/16.08 CONFIDENTIAL REPORT - Shop 1, 276-278 Bronte Road, Waverley - Lease

This matter is considered to be confidential in accordance with Section 10A(2)(d)(i) of the *Local Government Act*, and the Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

2. Pursuant to section 10A(1), 10(2) and 10A(3) of the *Local Government Act 1993*, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) of the *Local Government Act 1993*.
3. The correspondence and reports relevant to the subject business be withheld from the media and public as provided by section 11(2) of the *Local Government Act 1993*.

At 12.16 am, Council moved into closed session.

**CM/10.1/16.08 CONFIDENTIAL REPORT - Shop 1, 276-278 Bronte Road, Waverley - Lease
(A16/0481)**

MOTION / UNANIMOUS DECISION

Mover: Cr Burrill
Seconder: Cr Cusack

That Council:

1. Treats this report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The report contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. Enters into the lease of Shop 1, 276-278 Bronte Road, Waverley, according to the proposal contained in this report.
3. Authorises the Mayor and General Manager to do all things necessary to enter into the lease.

11. Resuming in Open Session

CM/11/16.08 Resuming in Open Session

MOTION / DECISION

Mover: Cr Kay
Seconder: Cr Goltsman

That Council resumes in open session.

At 12.18 am, Council resumed in open session.

Resolutions from closed session made public

In accordance with Clause 253 of the Local Government (General) Regulation 2005, when the meeting resumed in open session the Chair announced the resolutions made by Council, including the names of the movers and seconders, while the meeting was closed to members of the public and the media.

12. Meeting Closure

THE MEETING CLOSED AT 12.18 AM.

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**SIGNED AND CONFIRMED
MAYOR
20 SEPTEMBER 2016**