



**MINUTES OF THE WAVERLEY COUNCIL MEETING  
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON  
TUESDAY, 20 SEPTEMBER 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	Manager, Internal Ombudsman's Office

*At the commencement of proceedings at 6.31 PM those present were as listed above with the exception of Cr Wakefield who arrived at 6.45PM.*

## 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 was received:

- 2.1 Cr Wy Kanak declared a less than significant, non-pecuniary interest in Item CM/7.11/16.0 - Update on 67A Bourke Road Alexandria (AIF). Cr Wy Kanak informed the meeting that he is in the process of acquiring some Macquarie Group shares.

### 3. Addresses to Council by Members of the Public

- 3.1 A McArthur - CM/8.2/16.09 - Request on progress for the Blue Bondi Green initiative to make Bondi Beach plastic bag free.
- 3.2 M Cox - CM/8.4/16.09 - Bondi Park Reserve Trust.

### 4. Confirmation and Adoption of Minutes

**CM/4.1/16.09 Confirmation of Minutes - Council Meeting - 16 August 2016 (SF16/406)**

#### MOTION / DECISION

Mover: Cr Mouroukas  
Seconder: Cr Goltsman

That the Minutes of the Council Meeting held on 16 August 2016 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting subject to the following correction:

1. Cr Guttman-Jones was not present for the vote on item CM/8.8/16.08 – Financial Contribution to Woollahra Council’s Court Case against Amalgamation.

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

**CM/4.2/16.09 Adoption of Minutes - Waverley Traffic Committee Meeting - 25 August 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 25 August 2016 be received and noted, and that the recommendations contained therein be adopted.

Save and except the following:

1. Waverley Traffic Committee Meeting Minutes – 25 August 2016 – TC/CV.01/16.08 – Sculpture by the Sea – Special Event – Transport Management Plan (A02/0216)

And that this item be dealt with separately below.

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

**CM/4.2.1/16.09 Waverley Traffic Committee Meeting Minutes – 25 August 2016 – TC/CV.01/16.08 – Sculpture By The Sea – Special Event – Transport Management Plan (A02/0216)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Kay  
Seconder: Cr Mouroukas

That the WTC recommendation for item TC/CV.01/16.08 Sculpture by the Sea – Special Event – Transport Management Plan be adopted subject to the following amendments:

1. Clause 1(a) be deleted.
2. Clause 1(b) be replaced with the following wording:

“Council installs a 15m long drop-off/pick-up zone 'No Stopping Council Authorised Area SxS Permit Holders Excepted Mon-Fri 9.30am-2.30pm, Sat & Sun 10am-5pm, 15 minutes only' on the western side of Pacific Avenue”.

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

**5. Mayoral Minute**

**CM/5.1/16.09 Bondi Pavilion Upgrade and Conservation Project (A15/0272)**

**MOTION**

Mover: Cr Betts

That:

1. Council notes that the following reports about the Bondi Pavilion Upgrade & Conservation Project will be provided later in 2016: Results of the further consultation period which is currently in progress; the community and cultural impact assessment; theatre programming; Fair Use Policy; music studios; pottery studios; business case; and commercial tender processes.
2. An additional report be provided to Council on the possibility of a staged implementation approach for

the project as follows:

2.1. First Stage work is proposed for the ground floor northern courtyard to include:

1. Construction of new public toilets and amenities;
2. Construction of expanded community space/s adjoining the northern courtyard which may include a relocated pottery studio and/or space allocated for a future music studio, with potential deletion of the proposed commercial space in that location;
3. Internal colonnades and landscaping of the northern courtyard;
4. Loading dock and relocated improved waste arrangements;
5. Heritage works including removal of front façade modern addition;
6. Renovation of the northern commercial space facing the beach, with consideration given to this being a single commercial tenancy rather than two tenancies as shown on the current concept plan;
7. Solar panels and other environmentally sustainable design measures;
8. Any other necessary works located on the ground floor northern side of the building;

2.2. Decisions on further stages of the project to take place following Council elections in September 2017.

3. The report to include information about implications for costs, funding, and development application and assessment processes should the staged approach be adopted as above.

#### AMENDMENT

Mover: Cr Wakefield  
 Seconder: Cr Strewe

That the Motion be adopted subject to:

1. Clause 2 being amended to read as follows:

‘An additional report be provided to Council on the possibility of a staged implementation approach for the project.’

2. Clause 2.1 being deleted.

THE AMENDMENT WAS PUT AND DECLARED LOST.

#### Division

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

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

THE 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.

#### Background

Everyone agrees that the Bondi Pavilion needs upgrade and repair, and everyone agrees we have to get it right.

Council set broad directions for Bondi Pavilion over 2013 and 2014 through the Bondi Park, Beach and Pavilion Plan of Management. This led to the scope for the Bondi Pavilion project being set in February 2015, with a concept design released for public consultation in December 2015. We had a period of consultation from December 2015 – March 2016 when some changes were made to the Plan, and we are

currently going through a further period of community consultation, in this case assisted by the independent community engagement consultants KJA.

Bondi Pavilion is very important to the local community and of course provides critical amenities to our visitors as well. Discussion and debate about the use of the first floor, the theatre, and the music studios are important and the business case is critical so I look forward to those reports as well as a report on the further community consultation so that some resolution of these issues can take place.

However in the meantime, residents and visitors deserve better facilities. There is a risk that unless Council makes a decision soon, no decision will be made at all until after September 2017 – which could see construction of improvement works not even commencing until late 2018 or even later. Council has of course spend considerable resources recently on the fire upgrade but no work on the public amenities.

This Mayoral Minute proposes that officers investigate prioritising and proceeding with one part of the proposed Upgrade & Conservation Project – the area around the northern courtyard which would deliver new toilets, change rooms and showers, along with new courtyard landscaping and new community spaces and most importantly an improved waste collection area.

The advantages and disadvantages of a staged approach would need to be considered after receiving the officer report. However, it does appear that prioritising the northern courtyard area in a staged approach could provide some key advantages:

- Most of the remaining Bondi Pavilion services and facilities could potentially continue operating while Stage 1 was built;
- Construction of new toilets could potentially take place with the current toilets still available to the public;
- Relocated pottery studio and space for a future music studio could be included;
- New courtyard space would be created;
- The new toilets would be available to the public sooner.

The remaining parts of the project could be decided later, after due consideration by Council of all the further officer reports and the updated business case and financial modelling. In the meantime, the other parts of the Pavilion could remain as is, until later stages of the project were decided.

## 6. Obituaries

Robert Fletcher  
Bill Ryan

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

## 7. Reports

### **CM/7.1/16.09 Report on Progress against 2013-17 Delivery Program (A15/0199)**

#### **MOTION / UNANIMOUS DECISION**

Mover: Cr Goltsman  
Seconder: Cr Burrill

That Council endorses progress to 30 June 2016 with respect to the deliverables detailed in the Delivery Program 2013–17 at Attached to this report.

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

**CM/7.2/16.09 Investment Portfolio Report - July 2016 (A03/2211)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Cusack  
Seconder: Cr Burrill

That Council:

1. Receives the investment Portfolio Report – July 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.

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

**CM/7.3/16.09 Sculpture by the Sea 2016 - Special Event - Transport Management Plan (A02/0216)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Kay  
Seconder: Cr Mouroukas

That Council receives and notes this report.

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

**CM/7.4/16.09 Purchase of five resource recovery trucks (A16/0333)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Goltsman  
Seconder: Cr Mouroukas

That Council:

1. Notes that units offered by the combination of Mercedes Benz/Bucher and Hino/Garwood are suitable for Waverley Council and meet all essential and desirable components of the specifications.
2. Approves the purchase of five Resource Recovery trucks.

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

**CM/7.5/16.09 Evaluation of Tender - Council Car Park Upgrade (A16/0307)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Cusack  
Seconder: Cr Burrill

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 Parking Sense for the design, supply and installation of a Parking Guidance System at Eastgate, Hollywood Avenue and the Library Car Parks.
3. Enters into a contract under clause 178 of the *Local Government (General) Regulation 2005* with G & B Services for the design, supply and installation of additional signage in Eastgate, Hollywood Avenue and the Library Car Parks.
4. Enters into a contract under clause 178 of the *Local Government (General) Regulation 2005* with Craftworks Project Management Pty Ltd for the cleaning and painting of Eastgate Car Park and the painting of Hollywood Avenue Car Park and the Library Car Park.
5. Enters into a contract under clause 178 of the *Local Government (General) Regulation 2005* with Lowa Lighting for the design, supply and installation of improved lighting systems in Eastgate and Hollywood Avenue Car Parks.
6. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

**CM/7.6/16.09 Evaluation of Tender- Maintenance of Water Harvesting and Reuse Systems (A16/0365)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Goltsman  
Seconder: Cr Mouroukas

That Council:

1. Treats the Evaluation of Findings report attached to Council's file as confidential as it contains information of the kind referred to 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 SAS Water Solutions Pty Ltd for the Maintenance of Council's Water Harvesting and Reuse Systems for 3 years with an option to extend for an additional 2 years.
3. In accordance with clause 179 of the *Local Government (General) Regulation 2005* notifies unsuccessful tenderers of the decision.

**CM/7.7/16.09 Review of Public Place Gardening Policy and promotion of low maintenance residential street gardens (A13/0054)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Kay  
Seconder: Cr Burrill

That Council:

1. Endorses the following minor amendments to the Public Place Gardening Policy (in Attachment 1 of the report) and Street Garden Guidelines (in Attachment 2 of the report): references to "Civic Pride" and "Civic Pride Coordinator" to be changed to "Local Communities" and "Local Communities Coordinator" respectively.

2. Identifies verges and nature strips to be planted with native species where mowing is unsafe, it would improve the 'look and feel', or where maintenance costs could be reduced, and undertakes a program of progressively planting these locations.
3. Updates the Public Domain Technical Manual 2016 to include a schedule of native plants.
4. Actively promotes Street Gardens and plantings in other public domain contexts in Waverley and any new merged Council, by developing directions and SMART targets, an Action Plan, and a Communications Strategy in consultation with the Environmental Sustainability Advisory Committee (ESAC) to include consideration of the following promotional ideas:
  - Council's 'Local Connections' project approach
  - Trial of 'Adopt a Street Garden' and 'Adopt a Street Garden Rebate' programs
  - Bi-annual street garden awards
  - Low cost plant provision
  - Design & planting assistance
  - Demonstration street gardens, and
  - any other initiatives.
5. Notes that to support the above promotional ideas, Council and ESAC may consider different methods by which they can be communicated to the community, including:
  - The Second Nature program, including public stalls
  - Cross promotion to the community with relevant workshops and programs, such as the upcoming 'Wild About You' workshops and 'Habitat Stepping Stones'
  - The Waverley Council Environmental E-news and social media
  - Advertising such as Flyers / posters, the Waverley Council Website, and precinct notices
  - Stories in the local media
  - Council Officer support and advice on appropriate plantings.
  - Ease and reduced cost of the application process to gain Council approval for street gardens and public place gardening so that the number of unauthorised street gardens and their undue impacts is reduced.
6. Undertakes a cost-benefit analysis of implementing a twice-yearly mowing service for all verges within the LGA, and reports back to Council on the outcomes.

**CM/7.8/16.09                      Smoke Free Trial - Bondi Junction    (A04/0512)**

**MOTION / DECISION**

Mover:        Cr Burrill  
Seconder:    Cr Cusack

That Council:

1. Declares as smoke-free between 7.00am and 9.00pm the area within Oxford Street Mall including Rowe Street Mall and adjoining ramps, Spring Street, adjoining footpaths of Bronte Rd and Newland Street on a permanent basis
2. Agrees to a further trial in Bondi Beach in the block of Curlewis Street between Campbell Parade and Gould Street, Gould Street, Hall Street, between Campbell Parade and 6 Ways (intersection of O'Brien Street, Cox Avenue, Hall Street, Glenayr Avenue and Roscoe Street) between 7.00am and 9.00pm commencing in March 2017.
3. Considers additional areas for smoke-free zones following resolution of the proposed merger of Councils, subject to adequate resourcing.



**CM/7.9/16.09 Planning Agreement associated with development application at 87-89 Glenayr Avenue, Bondi Beach (DA-547/2014)****MOTION / UNANIMOUS DECISION**

Mover: Cr Kay  
Seconder: Cr Clayton

That Council:

1. Endorses the draft Planning Agreement applying to the land at 87-89 Glenayr Avenue, Bondi Beach that contributes \$751,925 to Council for the upgrade of the park, public domain and plaza directly adjoining the site.
2. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council Seal to the documentation.

**Division**

**For the Motion:** Crs Betts, Burrill, Clayton, Cusack, Goltsman, Guttman-Jones, Kay, Masselos, Mouroukas, Strewé, Wakefield and Wy Kanak.

**Against the Motion:** Nil.

**CM/7.10/16.09 89 Bondi Rd Planning Agreement (DA-571/2015)****MOTION / DECISION**

Mover: Cr Kay  
Seconder: Cr Mouroukas

That Council:

1. Endorses the draft Planning Agreement attached to this report applying to the land at 89 Bondi Road, Bondi which contributes \$25,808 to Council for the public purpose benefit improvement of the Bondi area.
2. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council Seal to the documentation.

**Division**

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

**Against the Motion:** Cr Wy Kanak.

**CM/7.11/16.09 Update on 67A Bourke Road Alexandria (AIF) (A15/0096)****MOTION / DECISION**

Mover: Cr Betts  
Seconder: Cr Kay

That Council:

1. Notes the receipt of the Property Acquisition Notice from Roads and Maritime Services (RMS) for the acquisition of part Lot 16 DP 270785, AIF, 67a Bourke Rd Alexandria (Alexandria Integrated Facility) due to the construction of Westconnex M5 Motorway.

2. Authorises the General Manager to negotiate the resolution of the Property Acquisition Notice and any associated matters including compensation for the land and potential reimbursement of the associated costs pertaining to valuations, legal fees and disturbance costs pending final endorsement by Council.
3. Authorises the General Manager to object to the sum of compensation if it is deemed to be insufficient following advice from Council's legal advisors and valuers.

*Cr Wy Kanak asked that it be recorded in the minutes that he voted against the Motion.*

*Cr Clayton was not present for the vote on this item.*

**CM/7.12/16.09                      Waverley Cemetery Landslip and Coastal Walk Remediation (A16/0371)**

**MOTION / UNANIMOUS DECISION**

Mover:        Cr Burrill  
Seconder:    Cr Cusack

That Council:

1. Notes that the final engineering report for the Waverley Cemetery coastal walk and landslip restoration has identified that both projects must be constructed concurrently.
2. Notes that the current estimated cost of both projects is \$6 million.
3. Commits \$925,270 from the SAMP Cemetery Reserve to part fund the remediation program.
4. Commits \$700,000 from the Cemetery Operational Business Reserve to part fund the program.
5. Commits \$4,374,730 from the Centralised Reserve to fund the remaining project budget.
6. Notes that Council has commenced work on a Strategic Business Plan for Waverley Cemetery in 2016/2017 that will consider potential business models and income generating opportunities available to fund future cemetery work.
7. Notes that Council will commence the preparation of a new Conservation Management Plan and Plan of Management for Waverley Cemetery, pending an announcement of State Heritage Listing.
8. Notes advice from the Office of Local Government that has confirmed that the allocation of this funding is in accordance with the OLG Circular of 18th December 2015 Council decision making during merger proposal periods.
9. Erects signs at both end of the Cemetery walkway updating the public about the project, including the timeline and works involved.

**8. Notices of Motion****CM/8.1/16.09 Improvements to Varna Park (A06/0739)****MOTION**

Mover: Cr Burrill  
Seconder: Cr Cusack

That Council:

1. Notes that the Mayor Cr Sally Betts, Cr Bill Mouroukas and Council Officers visited Clovelly Public School on Friday 26 August 2016 to see presentations from Year 6 students and discuss potential improvements to Varna Park, other open spaces in the Waverley and Randwick LGAs, and potential grant funding from Council for school projects.
2. Notes a new play space was installed in Varna Park in 2011, with a projected life of 10-15 years, and that consultation on the Varna Park play space was conducted in 2013/14, which resulted in Varna Park being placed within the Play Space Strategy 2014-2029 as a long term priority to:
  - Include creative/imaginative play spaces
  - Investigate opportunities to incorporate wheeled play such as paths for scooters or bicycles
  - Investigate opportunities to incorporate outdoor tennis tables
  - Investigate low barrier fencing and compliance signage (near dog off leash areas), with Council continuing to monitor the use by dogs and dog owners. Continued education of the legal obligations and responsibilities of dog owners.
3. Installs a bush tucker and herb edible garden within Varna Park, subject to location, installation approach and timing, and a maintenance plan being discussed and agreed with the Clovelly Public School.
4. Thanks the Clovelly Public School students for their ideas, and sends a copy of this resolution to the School Principal and the Wentworth Courier.

**AMENDMENT**

Mover: Cr Wakefield  
Seconder: Cr Strewe

That the Motion be adopted subject to Clause 1 being amended to read as follows:

‘Notes that Council officers and the Mayor visited Clovelly Public School.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

**AMENDMENT**

Mover: Cr Wakefield  
Seconder: Cr Strewe

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

‘Notes that no invitation was extended by the Mayor to all Councillors.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

*Crs Masselos and Clayton were not present for the vote on the Amendment.*

AT 8.59 PM, THE MEETING WAS ADJOURNED DUE TO THE ABSENCE OF A QUORUM.

*Crs Clayton, Kay, Masselos, Strewe, Wakefield and Wy Kanak were not present in the chamber.*

AT 9.00 PM, THE MEETING RESUMED.

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

*Crs Clayton, Masselos, Strewe, Wakefield and Wy Kanak were not present for the vote on the Motion.*

**CM/8.2/16.09 Request on progress for the Blue Bondi Green initiative to make Bondi Beach plastic bag free (A05/1473)**

*A McArthur addressed the meeting.*

**MOTION / UNANIMOUS DECISION**

Mover: Cr Kay  
Seconder: Cr Goltsman

That:

1. Council Officers prepare a progress report on the Blue Bondi Green initiative to make Bondi Beach plastic bag free, and this report to include achievements to date, engagement methods adopted to produce a plastic bag free Bondi Beach, new measures that may be introduced to speed the change, updated timeline and SMART targets if appropriate, and potential initiatives to reduce plastic utilisation.
2. The Mayor writes a letter to the NSW Minister for Environment & Heritage Mark Speakman and the Federal Minister for the Environment and Energy Josh Frydenberg advocating for the introduction of new legislation to phase out the use of plastic bags.

**CM/8.3/16.09 Divestment Day 2016 (SF16/406)**

**MOTION (LAPSED DUE TO ABSENCE OF SECONDER)**

Mover: Cr Wy Kanak

That Council support Divestment Day 2016 (7, 8 October 2016) activities and provides community awareness information on the Council website and in the Mayor's Column about how Divestment Days focus information to bank customers on alternative investment strategies to support greener industry.

**CM/8.4/16.09 Bondi Park Reserve Trust (A05/1405)**

*M Cox addressed the meeting.*

**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield  
Seconder: Cr Kay

That the Council in its role as Bondi Park Reserve Trustee (D.500048) prepare a report consolidating and analysing the following items:

1. Register of Bondi Park Reserve Trust structures, facilities, other assets including the land itself.
2. Records of Bondi Park Reserve Trust financial management, asset, asset management, leases and licenses, meeting minutes and activities for which fees are collected.

3. Annual reports for the Bondi Park Reserve Trust submitted to the Minister.
4. Annual audits for the Bondi Park Reserve Trust conducted by a registered company auditor.

**CM/8.5/16.09 Remembrance of Black Deaths in Custody (A02/0424)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Wy Kanak

Seconder: Cr Burrill

That Council continues to fly its Aboriginal Flags at half-mast on 28 September, known as a day focusing on the Remembrance of Black Deaths in Custody, or if this is not a business day, on the closest business day prior to 28 September.

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

**CM/8.6/16.09 Waverley Aboriginal Cultural Heritage Assessment (A07/1307-02)**

**MOTION**

Mover: Cr Wy Kanak

Seconder: Cr Strewe

That Council include all the Recommendations from the 2009, Waverley Aboriginal Heritage Assessment in its LEP, and DCP, and continue to reconcile its land management policy with its care and custody relationship with contemporary Aboriginal Rights.

THE MOTION WAS PUT AND DECLARED LOST.

**Division**

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

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

**9. Urgent Business**

**CM/9.1/16.09 Bronte House Open Day (A02/0250-06)**

*Council resolved to deal with this item as an item of urgent business.*

**MOTION / UNANIMOUS DECISION**

Mover: Cr Strewe

Seconder: Cr Kay

That Council:

1. Congratulates Anna and Wes Van der Gardner on a very successful Bronte House open day.
2. Thanks staff for their assistance in making this day a success.

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

**CM/9.2/16.09 Compliments to General Managers, Directors and Staff (A02/0030)****MOTION / DECISION**

Mover: Cr Strewe

Seconder: Cr Kay

That Council thanks the General Managers, Directors and staff for their assistance and efforts over the past four years.

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

**10. Closed Session****CM/10/16.09 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 and none were received.*

**MOTION / DECISION**

Mover: Cr Goltsman

Seconder: Cr Burrill

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

CM/10.1/16.09 CONFIDENTIAL REPORT - Lease Shop 4, 276-278 Bronte Rd, Waverley 2024

This matter is considered to be confidential in accordance with Section 10A(2)(di) 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.

*Cr Wy Kanak asked that it be recorded in the minutes that he voted against the Motion.*

*At 9.19pm Council moved into closed session.*

**CM/10.1/16.09            CONFIDENTIAL REPORT - Lease Shop 4, 276-278 Bronte Rd, Waverley 2024  
(A10/0424)**

**MOTION / UNANIMOUS DECISION**

Mover:        Cr Cusack  
Seconder:    Cr Goltsman

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) 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 4, 276-278 Bronte Rd, Waverley on the terms and conditions 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/11/16.09            Resuming in Open Session**

**MOTION / DECISION**

Mover:        Cr Goltsman  
Seconder:    Cr Kay

That Council resumes in Open Session.

*At 9.24PM 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 9.25PM.**

.....  
**SIGNED AND CONFIRMED**  
**MAYOR**  
**18 OCTOBER 2016**