



**MINUTES OF THE WAVERLEY COUNCIL MEETING  
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON  
TUESDAY, 6 DECEMBER 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 6.30PM those present were as listed above with the exception of Cr Wakefield who arrived at 6.43PM.*

**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.*

AT THIS STAGE IN THE PROCEEDINGS, THE FOLLOWING MOTION WAS MOVED BY CR WY KANAK AND SECONDED BY CR MASSELOS:

MOTION: That members of the public be allowed to film the items about the Bondi Pavilion.

THE MOTION WAS PUT AND DECLARED LOST.

*Cr Wakefield was not present for the vote.*

**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 KAY declared a significant non pecuniary interest in Item CM/8.4/16.12 – INTERIM HERITAGE ORDER - ABORIGINAL INDIGENOUS MURAL AT CHAPEL BY THE SEA, 95 ROSCOE STREET, BONDI BEACH and informed the meeting that his cousin was one of the artists who painted the mural. Cr Kay advised the meeting that he will leave the chamber for the debate and vote on the item.
- 2.2 Cr CLAYTON declared a less than significant non pecuniary interest in Item CM/8.1/16.12 – RESCISSION MOTION - COUNCIL MEETING - 15 NOVEMBER 2016 - CM/7.1/16.11 - BONDI PAVILION CONSULTATION AND ENGAGEMENT REPORT and informed the meeting that she is a user of the Bondi Pavilion.
- 2.3 Cr CLAYTON declared a less than significant non pecuniary interest in Item CM/8.2/16.12 - RESCISSION MOTION - COUNCIL MEETING - 15 NOVEMBER 2016 - CM/7.2/16.11 - BONDI PAVILION STAGED APPROACH and informed the meeting that she is a user of the Bondi Pavilion.
- 2.4 Cr WY KANAK declared a less than significant non pecuniary interest in Item CM/8.1/16.12 - RESCISSION MOTION - COUNCIL MEETING - 15 NOVEMBER 2016 - CM/7.1/16.11 - BONDI PAVILION CONSULTATION AND ENGAGEMENT REPORT and informed the meeting that he is a user of the Bondi Pavilion.
- 2.5 Cr WY KANAK declared a less than significant non pecuniary interest in Item CM/8.2/16.12 - RESCISSION MOTION - COUNCIL MEETING - 15 NOVEMBER 2016 - CM/7.2/16.11 - BONDI PAVILION STAGED APPROACH and informed the meeting that he is a user of the Bondi Pavilion.

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

- 3.1 D Frazer - CM/7.2/16.12 - Sport Improvement Upgrades to Rodney Reserve
- 3.2 L Rubinstein - CM/7.2/16.12 - Sport Improvement Upgrades to Rodney Reserve
- 3.3 G Benson - CM/7.2/16.12 - Sport Improvement Upgrades to Rodney Reserve
- 3.4 T Krouk - CM/7.2/16.12 - Sport Improvement Upgrades to Rodney Reserve
- 3.5 M Kofsky - CM/7.2/16.12 - Sport Improvement Upgrades to Rodney Reserve
- 3.6 S Cassells - CM/7.2/16.12 - Sport Improvement Upgrades to Rodney Reserve
- 3.7 R Belcher - CM/7.2/16.12 - Sport Improvement Upgrades to Rodney Reserve
- 3.8 A Dibdin (Eastern Suburbs Football Association) - CM/7.2/16.12 - Sport Improvement Upgrades to Rodney Reserve
- 3.9 S Robertson - CM/7.5/16.12 - Campbell Parade Streetscape Upgrade
- 3.10 Y London (Chief Petitioner) - CM/7.9/16.12 - Petition - Increase Height of Fences Fronting 20-32 Carrington Road, Waverley
- 3.11 P Enrieko - CM/7.9/16.12 - Petition - Increase Height of Fences Fronting 20-32 Carrington Road, Waverley
- 3.12 C Davitt (Chief Petitioner) - CM/7.10/16.12 - Petition - Retention of Bus Stops in Macpherson Street, Waverley
- 3.13 H Dedini (Chief Petitioner) - CM/7.11/16.12 - Petition - Retain Pottery Studio in its Current Location in the Bondi Pavilion
- 3.14 E Morel - CM/8.1/16.12 - RESCISSION MOTION - Council Meeting - 15 November 2016 - CM/7.1/16.11 - Bondi Pavilion Consultation and Engagement Report
- 3.15 E Brooks Maher (Crown Land Our Land) - CM/8.1/16.12 - RESCISSION MOTION - Council Meeting - 15 November 2016 - CM/7.1/16.11 - Bondi Pavilion Consultation and Engagement Report
- 3.16 K O'Brien - CM/8.2/16.12 - RESCISSION MOTION - Council Meeting - 15 November 2016 - CM/7.2/16.11 - Bondi Pavilion Staged Approach
- 3.17 M Begg - CM/8.2/16.12 - RESCISSION MOTION - Council Meeting - 15 November 2016 - CM/7.2/16.11 - Bondi Pavilion Staged Approach
- 3.18 A Ruwald - (The Bucket List) CM/8.2/16.12 - RESCISSION MOTION - Council Meeting - 15 November 2016 - CM/7.2/16.11 - Bondi Pavilion Staged Approach
- 3.19 G Holzman (Shir Madness) - CM/8.2/16.12 - RESCISSION MOTION - Council Meeting - 15 November 2016 - CM/7.2/16.11 - Bondi Pavilion Staged Approach
- 3.20 E Brooks Maher (Crown Land Our Land) - CM/8.2/16.12 - RESCISSION MOTION - Council Meeting - 15 November 2016 - CM/7.2/16.11 - Bondi Pavilion Staged Approach

3.21 M Cox - CM/8.3/16.12 - Bondi Park Picnic Shelters near Children's Playground

#### 4. Confirmation and Adoption of Minutes

##### **CM/4.1/16.12 Confirmation of Minutes - Council Meeting - 15 November 2016 (SF16/406)**

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

Mover: Cr Mouroukas

Seconder: Cr Goltsman

That the Minutes of the Council Meeting held on 15 November 2016 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

##### **CM/4.2/16.12 Adoption of Minutes - Waverley Traffic Committee Meeting - 24 November 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 24 November 2016 be received and noted, and that the recommendations contained therein be adopted.

Save and except the following:

1. Item TC/V.02/16.11 Campbell Parade, North Bondi - Proposed Change to Parking Restrictions.

And that this item be dealt with separately below.

##### **CM/4.2.1/16.12 Adoption of Minutes - Waverley Traffic Committee Meeting - 24 November 2016 - TC/V.02/16.11 Campbell Parade, North Bondi - Proposed Change to Parking Restrictions (A02/0637-02)**

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

Mover: Cr Burrill

Seconder: Cr Kay

That Council:

1. Approves the existing '½P 9.00am-4.00pm Mon- Fri' parking restrictions in Campbell Parade, both sides, between Hastings Parade and Brighton Boulevard to be altered to '½P 9.00am-7.00pm'.
2. The existing "Loading Zone : 9am-4pm Mon-Fri" on the eastern side of Campbell Parade immediately south of Hastings Parade be amended with the addition of "1/2P 9.00am-7.00pm Sat-Sun".
3. Prepares a further report to the February 2017 Waverley Traffic Committee that considers a mix of parking times for the precinct.
4. Notifies the residents and business operators of the street of the Council's decision prior to installing the signs.

**5. Mayoral Minute**

Nil.

**6. Obituaries**

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

**7. Reports****CM/7.1/16.12 Local Government Awards for Service by Councillors (SF16/406)****MOTION / DECISION**

Mover: Cr Mouroukas

Seconder: Cr Goltsman

That Council:

1. Notes that Councillors Clayton, Kay, Strewe, Wakefield and Wy Kanak have been awarded a Certificate of Service from Local Government NSW for their dedication and effort in serving the local Waverley Community for 12 years or more of service.
2. Notes that the Mayor, Councillor Sally Betts has been awarded an Outstanding Service Award for her dedication and effort in serving the local Waverly Community for over 20 years.
3. Notes that the General Manager will present the awards at this meeting.

**CM/7.2/16.12 Sport Improvement Upgrades to Rodney Reserve (A10/0336)****MOTION / UNANIMOUS DECISION**

Mover: Cr Betts

Seconder: Cr Goltsman

That Council:

1. Defers consideration of the report pending additional information to be provided to Council as follows:
  - (a) An additional concept design setting the amenities building into the western slope with a green roof.
  - (b) Investigation of reducing the size of the building through deletion of specific staff facilities and of canteen space, and any acceptable reduction in toilet, shower and change room space.
  - (c) A comprehensive traffic and impact study conducted during school term, to determine the impact of the improved sporting facilities on local roads and local amenity.
  - (d) Details of discussions held or input received from local RSLs in relation to the Dover Heights tunnels.

- (e) Information about the size of Hugh Bamford Reserve and a feasibility study relating to having a full size football ground at that location.
- 2. Holds a councillor workshop to discuss the above matters, as well as arranging a presentation of the new information to the Dover Heights Precinct, prior to consideration at a Council meeting.
- 3. Notes that lighting and grandstand seating are to be excluded from the project as requested by local residents.
- 4. Notes that no children's playground is to be built in Rodney Reserve as requested by local residents.
- 5. Confirms that the play equipment at the end of Liverpool Street is to be removed due to being unsafe and too close to the dogs off-leash area.
- 6. Notes that funds have been allocated from the SAMP Fences budget for the renewal of the cliff fence from Diamond Bay to Hugh Bamford Reserve, the concept plans for which will be provided to the precinct for consideration.
- 7. Undertakes an investigation for any Aboriginal sites that might exist on the reserve, in consultation with the La Perouse Local Aboriginal Land Council.
- 8. Undertakes an investigation into radio astronomy associated with Rodney Reserve and maps sites of significance in the Reserve.

*D Frazer, L Rubinstein, G Benson, T Krouk, M Kofsky, S Cassells, R Belcher and A Dibdin addressed the meeting.*

**CM/7.3/16.12                      Planning Proposal - 96-122 Ebley Street, Bondi Junction (PP-1/2016)**

**MOTION / DECISION**

Mover:        Cr Burrill  
Seconder:    Cr Cusack

That Council:

- 1. Supports the planning proposal lodged by Xpace Design Group to amend Waverley Local Environmental Plan 2012 (WLEP 2012) in respect of 96-122 Ebley Street, Bondi Junction, being submitted to the Department of Planning and Environment for a Gateway Determination to proceed to formal public exhibition, subject to the following:
  - (a) The proposed change in height from 32 to 39 metres is not supported.
  - (b) The proposed increase in floor space ratio from 4:1 to 5:1 at 96-108 Ebley Street, Bondi Junction is supported.
  - (c) The planning proposal is amended to provide an increased non-residential FSR from 2:1 to 3.5:1 to replace the current commercial floor space that would be lost as a result of this planning proposal and provide additional capacity for future growth in line with strategic planning objectives.
  - (d) Restrictions be placed on the non-residential FSR to prohibit certain uses such as serviced apartments which would be inconsistent with employment generating uses.

- (e) The proposed land dedication to Council – a 4.5m setback from the western boundary on Ann Street is expanded so as to apply across all floors of the development.
  - (f) The planning proposal and supporting documentation is to be updated to reflect the amendments to the initial Planning Proposal documentation received by Council on 3 and 7 June 2016 and recommended amendments as per (a) – (e) above.
  - (g) The proponent's offer and intent to enter into Planning Agreement negotiations is noted and that Council and the proponent will engage in the planning agreement negotiation process.
2. Places the planning proposal on public exhibition in accordance with any conditions of the Gateway Determination should that be approved by the Department of Planning and Environment.
  3. Accepts the role of Relevant Planning Authority from the Department of Planning and Environment, if offered, to exercise the delegations issued by the Minister under Section 59 of the *Environmental Planning and Assessment Act 1979* in relation to the making of the amendment.
  4. Investigates the potential for a non-residential FSR to be applied more broadly to B4 Mixed Use zoned land within Bondi Junction.
  5. Desires that the final development contains a minimum 60 per cent commercial floor space.

**Division****For the Motion:** Crs Betts, Burrill, Clayton, Cusack, Goltsman, Guttman-Jones, Kay and Mouroukas.**Against the Motion:** Crs Masselos, Wakefield and Wy Kanak.**CM/7.4/16.12 Planning Agreement - 637-639 Old South Head Road, Rose Bay (DA-575/2015)****MOTION / DECISION**

Mover: Cr Goltsman

Seconder: Cr Betts

That Council:

1. Endorses the draft Planning Agreement attached to this report applying to land at 637-639 Old South Head Road, Rose Bay, that contributes \$195,403 to Council for public works for the additional footpath, planter boxes and driveway improvements at Blake Street and Military Roads intersection, currently being undertaken through Council's Local Village Centres Public Domain Improvement Plan.
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 and Mouroukas.**Against the Motion:** Crs Masselos, Wakefield and Wy Kanak.

**CM/7.5/16.12 Campbell Parade Streetscape Upgrade (A14/0512)****MOTION / DECISION**

Mover: Cr Betts

Seconder: Cr Kay

That Council:

1. Adopts the final *Campbell Parade Streetscape Upgrade* (at Attachment A to this report) as the vision and conceptual design to guide detailed design and construction of future streetscape works within the subject area, subject to the following:
  - (a) Additional analysis of road and pedestrian safety, consultation with the State Transit Authority on bus issues, and further consultation with businesses and residents during the detailed design process of the North Bondi Terminus.
  - (b) Deletion of the following items in the *Campbell Parade Streetscape Upgrade* document:
    - i. Concept Plan 03. Delete “Lamrock” “Roundabout and concrete wall replaced with signalised intersection to improve safety of pedestrian crossing and manoeuvring through roundabout.”  
  
Therefore retain roundabout and investigate introducing a formal pedestrian crossing south of Lamrock Avenue.
    - ii. Concept plan 07: Delete “Investigate signalised QED intersection exit (replacing) the mid-block signals near North Bondi Surf Club”.  
  
Retain mid-block signals as pedestrians already use this signal to access the bus stop on eastern side of Campbell Parade and to access the beach walking between the North Bondi Surf Club and the North Bondi toilets.
2. Considers the inclusion of an additional \$1.4 million in the Long Term Financial Plan to cover the estimated project cost.
3. Considers the development of a signalised pedestrian crossing synchronisation plan for Campbell Parade.
4. Does not adopt the return on investment analysis included in the report.

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

*S Robertson addressed the meeting.*

**CM/7.6/16.12 Connected Corridors for Biodiversity (A16/0664)****MOTION / UNANIMOUS DECISION**

Mover: Cr Goltsman

Seconder: Cr Kay

That:

1. Council adopts the Connected Corridors for Biodiversity habitat corridor map attached to this report.
2. Council commits to enhancing habitat connectivity within the mapped corridors by undertaking on-



ground bush regeneration and habitat enhancement works and implementing targeted community engagement programs, including engagement with private property owners and the Stepping Stones programme.

3. The report be incorporated into the work processes of Council's Tree Preservation Officers.

*Cr Strewe was not present for the debate and vote on this item.*

**CM/7.7/16.12 Draft Bondi Junction Evening, Culture and Entertainment Strategy (A16/0262)**

**MOTION / DECISION**

Mover: Cr Burrill  
Seconder: Cr Cusack

That this item be deferred to the February 2017 Council meeting.

*Cr Strewe was not present for the debate and vote on this item.*

**CM/7.8/16.12 Waverley Artist Studios intake for February 2017 (A15/0089)**

**MOTION / DECISION**

Mover: Cr Burrill  
Seconder: Cr Goltsman

That Council approves :

1. The following artists for placement in the Waverley Artist Studios in February 2017 intake: Greg Semu, Newell Harry, Phil James, Nicola Smith and Anna John.
2. The following artists for the reserve list in the Waverley Artist studios intake for February 2017: Rebecca Gallo, Koji Ruyi and Cam Scott are placed on reserve for the February 2017 - January 2018 Waverley Artist Studios.
3. The period of residence for those artists to be extended from 6 months to 12 months (February 2017-January 2018) on a trial basis with the results and benefits of the extended period to be reported to Council.

*Cr Strewe was not present for the debate and vote on this item.*

**CM/7.9/16.12 Petition - Increase height of fences fronting 20-32 Carrington Road, Waverley (DA-351/2016)**

**MOTION / DECISION**

Mover: Cr Mouroukas  
Seconder: Cr Kay

That:

1. The petition requesting Council to increase the standard height of fences fronting 20-32 Carrington Road, Waverley, be forwarded to the Executive Manager, Shaping Waverley, for appropriate action.
2. Council officers give consideration to increasing the height of front fences in appropriate locations

and circumstances, and report back to Council.

*Y London (Chief Petitioner) and P Enrieko addressed the meeting.*

**CM/7.10/16.12          Petition - Retention of bus stops in Macpherson Street, Waverley (A02/0225-02)**

**MOTION / UNANIMOUS DECISION**

Mover:      Cr Cusack

Second:     Cr Burrill

That:

1. The petition requesting Council to retain the bus stops between Albion Street and Leichhardt Street on both sides of Macpherson Street, Waverley, and to cease further granting of street parking spots to St Catherine's be forwarded to the Executive Manager, Creating Waverley, for appropriate action.
2. Council, as a matter of urgency, makes strong representations to Sydney Buses in consultation with RMS and the Waverley Traffic Committee to retain the bus stops as above.
3. A report come back to Council at the March 2017 meeting that considers options for maintaining the existing street parking spots for residents and the status of representations to Sydney Buses in support of maintaining the existing bus stops.

*C Davitt (Chief Petitioner) addressed the meeting.*

**CM/7.11/16.12          Petition - Retain Pottery Studio in its current location in the Bondi Pavilion (A15/0272)**

**MOTION / DECISION**

Mover:      Cr Burrill

Second:     Cr Goltsman

That:

1. The petition requesting Council to retain the pottery studio in its current location in the Bondi Pavilion be received and noted.
2. Council notes that the Stage 1 approach endorsed at the 15 November 2016 Council Meeting confirms a new larger relocated pottery studio adjoining the northern courtyard of the Bondi Pavilion.

*H Dedini (Chief Petitioner) addressed the meeting.*

**CM/7.12/16.12          Investment Portfolio Report – October 2016 (A03/2211)**

**MOTION / DECISION**

Mover:      Cr Cusack

Second:     Cr Burrill

That Council:

1. Receives the investment Portfolio Report – October 2016.

- 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 Strewe was not present for the debate and vote on this item.*

**CM/7.13/16.12          Delegations over the 2016/17 Christmas Holiday Period    (A16/0008)**

**MOTION / UNANIMOUS DECISION**

Mover:      Cr Mouroukas  
Seconder:   Cr Burrill

That Council:

- Delegates the Mayor or, in the Mayor's absence, the Deputy Mayor (or Acting Mayor), in consultation with the General Manager, to determine any matter, excepting development applications, that would normally require a Council decision between the last ordinary meeting of Council for 2016 and the first ordinary meeting of Council for 2017, with any such matter so dealt with reported to the first available Council meeting.
- Notes that any urgent development assessment matters arising during the Christmas holiday period will be dealt with by the Waverley Development Assessment Panel.

*Cr Strewe was not present for the debate and vote on this item.*

**CM/7.14/16.12          Annual Code of Conduct Complaints Reporting    (A03/0385-02)**

**MOTION / DECISION**

Mover:      Cr Kay  
Seconder:   Cr Mouroukas

That Council receives and notes the attached annual report on Code of Conduct complaints about Councillors and the General Manager for 2015–2016.

*Cr Strewe was not present for the debate and vote on this item.*

**CM/7.15/16.12          Council Meeting Dates 2017    (SF16/406)**

**MOTION / UNANIMOUS DECISION**

Mover:      Cr Betts  
Seconder:   Cr Kay

That Council:

- Adopts the Schedule of Meeting Dates for Council and the Operations Committee 2017 as attached to this report except for a change to the 5 December meeting date to Tuesday 12 December 2017 as 5 December clashes with the Local Government Conference.
- Officers reconsider the 18 April Council Meeting date.

*Cr Strewe was not present for the debate and vote on this item.*

**CM/7.16/16.12 Council Operating Hours over Christmas and New Year 2016/17 (A16/0214)****MOTION / DECISION**

Mover: Cr Mouroukas  
Seconder: Cr Goltsman

That Council notes the proposed operating hours over the Christmas and New Year period of 2016/17 and endorses the suggested leave arrangement for staff.

*Cr Strewe was not present for the debate and vote on this item.*

**8. Notices of Motion****CM/8.1/16.12 RESCISSION MOTION - Council Meeting - 15 November 2016 - CM/7.1/16.11 - Bondi Pavilion Consultation and Engagement Report (A15/0272)**

*Crs Clayton and Wy Kanak declared less than significant non pecuniary interests in this item and informed the meeting that they are users of the Bondi Pavilion.*

**MOTION**

Mover: Cr Wakefield  
Seconder: Cr Masselos

That the Rescission Motion be adopted.

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.

*E Morel and E Brooks Maher (Crown Land Our Land) addressed the meeting.*

**CM/8.2/16.12 RESCISSION MOTION - Council Meeting - 15 November 2016 - CM/7.2/16.11 - Bondi Pavilion Staged Approach (A15/0272)**

*Crs Clayton and Wy Kanak declared less than significant non pecuniary interests in this item and informed the meeting that they are users of the Bondi Pavilion.*

**MOTION**

Mover: Cr Wakefield  
Seconder: Cr Masselos

That the Rescission Motion be adopted.

THE MOTION WAS PUT AND DECLARED LOST.

**Division**

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

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

*K O'Brien, M Begg, A Ruwald, G Holzman (Shir Madness) and E Brooks Maher (Crown Land Our Land) addressed the meeting.*

**CM/8.3/16.12 Bondi Park Picnic Shelters near Children's Playground (A15/0436)**

**MOTION /UNANIMOUS DECISION**

Mover: Cr Goltsman

Seconder: Cr Burrill

That Council brings forward funding in the Long Term Financial Plan for replacement of the two picnic shelters located near the children's playground in Bondi Park (next to Bondi Surf Club) to allow construction to commence this financial year and to be completed prior to summer 2017, and that funding be considered as part of the Quarterly 2 Budget Review.

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

*M Cox addressed the meeting.*

**CM/8.4/16.12 Interim Heritage Order - Aboriginal Indigenous Mural at Chapel by the Sea, 95 Roscoe Street, Bondi Beach (DA-428/2016)**

*Cr Kay declared a significant non pecuniary interest in this item and informed the meeting that his cousin was one of the artists who painted the mural. Cr Kay was not in, or in sight of, the chamber for the debate and vote.*

**MOTION (WITHDRAWN):**

That Waverley Council seeks an Interim Heritage Order for the 'From Little Things Big Things Grow' Aboriginal Indigenous Mural at Gould Lane, Chapel by the Sea, Wayside Uniting Church, 95 Roscoe Street, Bondi Beach, or alternatively, Waverley Council supports an Interim Heritage Order for this internationally impactful reconciliation public art mural that is celebrating the social justice rights victories of now deceased Indigenous elders from across our country, including the depiction of land and structures of spiritual, cultural and heritage significance to the community, especially the youth of Bondi, New South Wales and Australia.

**MOTION**

Mover: Cr Wy Kanak

Seconder: Cr Wakefield

That Council expresses its disappointment at the loss and painting over of the 'From Little Things Big Things Grow' Aboriginal Indigenous Mural at Gould Lane, Chapel by the Sea, Wayside Uniting Church, 95 Roscoe Street, Bondi Beach.

THE MOTION WAS PUT AND DECLARED LOST.

**Division**

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

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

*Crs Clayton, Kay and Strewe were not present for the vote on this item.*

**CM/8.5/16.12 Supporting the Eastern Region Local Government Aboriginal Torres Strait Islander Forum (A15/0528)****MOTION / DECISION**

Mover: Cr Wy Kanak  
Seconder: Cr Wakefield

That Council:

1. Continues to support and financially resource the Eastern Region Local Government Aboriginal Torres Strait Islander Forum into the future and through any amalgamated scenarios.
2. Notes the recent Memorandum of Understanding signed and supported by the NSW Minister for Aboriginal Affairs, Local Government NSW (LGNSW), the NSW Aboriginal Lands Council and the NSW Reconciliation Council at a special breakfast forum during the 2016 Annual LGNSW Conference at Wollongong.
3. Provides Councillors and community with resources to support all Councillors in furthering the intent of this MoU and continues this resourcing in the event of Waverley Council being placed into any amalgamated Council scenario.

**Division**

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

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

*Cr Strewé was not present for the debate and vote on this item.*

**CM/8.6/16.12 Royal Commission into Aboriginal Deaths in Police and Prison Custody (A02/0424)****MOTION**

Mover: Cr Wy Kanak  
Seconder: Cr Wakefield

That Waverley Council work with the Member for Vaucluse, NSW Attorney General, Hon Gabrielle Upton, in implementing the recommendations from the Royal Commission into Aboriginal Deaths in Police and Prison Custody, especially those recommendations that allow a Local Government connection.

THE MOTION WAS PUT AND DECLARED LOST.

**Division**

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

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

*Cr Strewé was not present for the debate and vote on this item.*

**9. Urgent Business**

There were no items of Urgent Business.

**10. Closed Session****CM/10/16.12 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 Kay

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/10.1/16.12 CONFIDENTIAL REPORT - Lease - Mill Hill Kiosk - Mill Hill Community Centre, 31-33 Spring Street, Bondi Junction

This matter is considered to be confidential in accordance with Section 10A(2)(c) 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 information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

CM/10.2/16.12 CONFIDENTIAL REPORT - Lease - Airspace relating to the balcony of the Ravesis Hotel, 118 Campbell Parade, Bondi Beach

This matter is considered to be confidential in accordance with Section 10A(2)(c) 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 information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

CM/10.3/16.12 CONFIDENTIAL REPORT - Lease - Metro Storage - 65 Ebley Street, Bondi Junction

This matter is considered to be confidential in accordance with Section 10A(2)(c) 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 information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

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 10.18PM Council moved into closed session.*

*Cr Strewe was not present for the debate and vote on this item.*

**CM/10.1/16.12                    CONFIDENTIAL REPORT - Lease - Mill Hill Kiosk - Mill Hill Community Centre, 31-33 Spring Street, Bondi Junction (A16/0591)**

**MOTION / DECISION**

Mover:        Cr Cusack

Seconder:    Cr Burrill

That Council:

1. Treats this report as confidential as it relates to a matter specified in section 10A(2)(c) of the Local Government Act 1993. The report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
2. Approves entering into a lease with Holdsworth Community Ltd on the terms and conditions contained in this report.
3. Authorises the Mayor and/or General Manager to sign all necessary documentation as required.

*Cr Strewe was not present for the debate and vote on this item.*

**CM/10.2/16.12                    CONFIDENTIAL REPORT - Lease - Airspace relating to the balcony of the Ravesis Hotel, 118 Campbell Parade, Bondi Beach (A02/0328)**

**MOTION / DECISION**

Mover:        Cr Cusack

Seconder:    Cr Goltsman

That Council:

1. Treats this report as confidential as it relates to a matter specified in section 10A(2)(c) of the Local Government Act 1993. The report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
2. Approves a lease to Debilu Pty Ltd, on the terms and conditions contained in this report
3. Authorises the Mayor and/or General Manager to complete all necessary documentation as required.

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

*Cr Strewe was not present for the debate and vote on this item.*

**CM/10.3/16.12                    CONFIDENTIAL REPORT - Lease - Metro Storage - 65 Ebley Street, Bondi Junction (A02/0256)**

**MOTION / DECISION**

Mover:        Cr Cusack

Seconder:    Cr Burrill

That Council:



1. Treats this report as confidential as it relates to a matter specified in section 10A(2)(c) of the Local Government Act 1993. The report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
2. Approves a further five year lease for Ebley Street Holdings Pty Ltd, trading as Metro Storage, lower level 65 Ebley Street, Bondi Junction on the terms and conditions contained in this report.
3. Authorises the Mayor and /or General Manager to complete all documents necessary to finalise the lease.

*Cr Strewe was not present for the debate and vote on this item.*

## **11. Resuming in Open Session**

### **CM/11/16.12 Resuming in Open Session**

#### **MOTION / DECISION**

Mover: Cr Kay  
Seconder: Cr Goltsman

That Council resumes in Open Session.

*At 10.30PM 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 10.30PM.**

.....  
**SIGNED AND CONFIRMED**  
**MAYOR**  
**21 FEBRUARY 2017**