



WAVERLEY
COUNCIL

**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
WEDNESDAY, 12 APRIL 2017**

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

Staff in attendance:

Cathy Henderson	Acting General Manager
Linda Bathur	Acting Director, Waverley Life
Peter Monks	Director, Waverley Futures
Emily Scott	Acting 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 Crs Strewe and Wakefield, who arrived at 6.31 pm. Cr Wy Kanak was absent.

At 8.56 pm, before the consideration of Item CM/7.9/17.04, the Mayor, Cr Betts, vacated the Chair, and the Deputy Mayor, Cr Kay, assumed the Chair. Cr Betts then left the Chamber and was not present at, or in the sight of, the meeting for the consideration and vote on this item.

At 9.00 pm, after the vote on Item CM/7.9/17.04, Cr Kay relinquished the Chair. Cr Betts returned to the Chamber and assumed the Chair.

At 9.33 pm, Cr Burrill 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 an interest in Item CM/7.9/17.04 – Small Grants Program 2016/17 (Round 2), and informed the meeting that she is a member of the Waverley Community and Seniors Association, and the Waverley Historical Society; and that she is also on the Bondi Beach Public School Committee. Cr Clayton advised that she will be leaving the Chamber for this item.
- 2.2 Cr Clayton declared an interest in Item CM/7.10/17.04 – Introduction of Venue Hire Grant Program, and informed the meeting that she is on the committee of the Justices Association, and that she will be leaving the Chamber for this item.
- 2.3 Cr Betts declared a significant non-pecuniary interest in Item CM/7.9/17.04 – Small Grants Program 2016/17 (Round 2), and informed the meeting that she is on the management committee of WAYS. Cr Betts advised that she will be leaving the Chamber for this item.
- 2.4 Cr Clayton declared an interest in Item CM/8.6/17.04 – Council Amalgamations, and informed the meeting that she knows the speaker very well, and that he has been the campaign manager for the Liberal Party. Cr Clayton advised that she will be leaving the Chamber for this item.
- 2.5 Cr Wakefield declared a less than significant non-pecuniary interest in Item CM/8.6/17.04 – Council Amalgamations, and informed the meeting that he knows the speaker.

3. Addresses to Council by Members of the Public

- 3.1 R Fazzari – CM/7.1/17.04 – Draft 2017/18 Budget and Long Term Financial Plan 4.4 Forecasts.
- 3.2 A Ford (chief petitioner) – CM/7.15/17.04 – Petition – Tree Swing outside 65 Gardyne Street, Bronte.
- 3.3 L Heath (on behalf of Community for Local Options for Secondary Education) – CM/8.5/17.04 – Current and Projected School Enrolments.

3.4 B Morrow – CM/8.6/17.04 – Council Amalgamations.

4. Confirmation and Adoption of Minutes

CM/4.1/17.04 Confirmation of Minutes - Council Meeting - 21 March 2017 (SF17/81)

MOTION / DECISION

Mover: Cr Mouroukas
Seconder: Cr Goltsman

That the minutes of the Council Meeting held on 21 March 2017 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

CM/4.2/17.04 Adoption of Minutes - Waverley Traffic Committee Meeting - 23 March 2017 (SF17/98)

MOTION / DECISION

Mover: Cr Mouroukas
Seconder: Cr Kay

That Part 1 of the Minutes of the Waverley Traffic Committee Meeting held on 23 March 2017 be received and noted, and that the recommendations contained therein be adopted.

5. Mayoral Minutes

CM/5.1/17.04 High Tide Room, Bondi Pavilion - Investigation of Options for the Repair or Replacement of the Roof (A03/0929-04)

MOTION / UNANIMOUS DECISION

Mover: Cr Betts
Seconder: Cr Burrill

That Council:

1. Agrees to investigate options for the repair or replacement of the roof of the High Tide room at the Bondi Pavilion.
2. Agrees that a report come back to Council outlining the benefits and costs of the two options at the soonest opportunity.

Background

The High Tide room roof located in the South Western wing of the Bondi Pavilion is a much-loved and well-utilised community facility. The roof of the building has been leaking for some time during the wet weather events, and this has impacted on the activities taking place in the room and has resulted in a number of community complaints.

Contractors have been engaged on many occasions in recent years to carry out repairs to try and seal the roof and prevent water ingress. It was felt a large capital investment to repair the roof was not appropriate given the planned full upgrade of the Bondi Pavilion building.

Council has now approved a staged approach to the Pavilion upgrade. As the extent and timing of stage 2,

which would include this section of the building is yet to be determined, a longer term solution to prevent the leaks needs to be found.

After discussions with relevant staff, two available options have been identified for the treatment of the roof to address the issue:

1. Replacement of sections of the roof that are in the worst condition and resealing all joints.
2. Full replacement of the roof.

CM/5.2/17.04 Waverley Oval - Installation of Cricket Sight Screen (A10/0864)

MOTION / DECISION

Mover: Cr Betts

That Council installs new cricket sight screens at Waverley Oval, with adaption to make it suitable as a ball net for winter football codes.

Background

Eastern Suburbs Cricket Club have generated financial support for this project, with a \$10,000 contribution from the Community Building Partnership Program and \$25,000 from Cricket NSW. The Cricket Club and Council are also in discussions with AFL ACT/NSW about a contribution towards the ball net portion of the infrastructure. Council will provide the balance of approximately \$45,000–\$55,000 depending on final quotes, from the existing budget.

Easts Cricket approached Council regarding concerns with the existing sight screens in 2015. The current sight screens are heavy, aged and cumbersome to move around. Council looked to replace these at the time, but issues around the suitability of regular sight screens at Waverley Park meant the order had to be cancelled. There has been difficulty finding a suitable solution that is safe, easy to use and fit for purpose due to the high winds in the exposed nature of the Oval. In late 2016, in a meeting with Cricket NSW and Eastern Suburbs Cricket Club, the outcome suggested a permanent framed structure along the boundary fence similar to other grounds of first grade stature.

The sight screens in cricket are an important piece of equipment that addresses safety concerns in the game. The screens are usually white, to contrast against the red cricket ball, and is set up behind the bowler to allow the batter better vision of the ball being bowled. Balls bowled in first grade cricket can reach speeds over 150 km/h.

Recently, there has been higher awareness of the importance of safety measures for cricket after the tragedy of a cricket player losing his life after impact from a cricket ball while batting. A direct blow to the body can cause significant injury. The rising ball can cause injury to the eye, face, hand and wrist or soft tissue injury to shoulder and upper arm.

The current sight screens are small, antiquated and not compliant with high performance standards, and extremely difficult to move. Sight screens continually need to be moved throughout the game and the current screens need three players to move it each time.

Waverley Council are responsible to maintain and repair the sight screens as part of the long-term agreement with Eastern Districts Cricket Club. With options to extend, this license is due to expire in 2027. If a framed structure was built onto the fence at Waverley Oval, there is the option to make an adaption to allow a ball net for AFL and Rugby in the winter. This option means the structure would have year-round use, and would increase safety not only for those playing within the field, but reduce loose balls outside the

field and not running onto Bondi Road, as currently can occur.

CM/5.3/17.04 Audit of Phasing of Pedestrian Lights (A03/0042-04)

MOTION / DECISION

Mover: Cr Betts

That Council:

1. Requests RMS to assess crossing times at signalised pedestrian crossings in the Waverley LGA to determine whether they meet the standards and community expectation for time to cross the road, especially for the elderly and mobility-impaired, and that a report come back to Council indicating outcomes achieved.
2. Requests that the audit commence with the traffic lights in Bondi Junction.
3. Requests that, where appropriate, the maximum permissible phasing for pedestrians be instituted.

Background

Council has received quite a few complaints, mainly in Bondi Junction, that it is difficult for elderly people to cross at the pedestrian lights before they change. As there is a standard, these standards should be checked. Enhanced pedestrian safety is to be emphasised in the request to the RMS with the following locations being priorities because of the amount of pedestrians crossing at these pedestrian lights: Spring Street, Bronte Road and Oxford Street, Bondi Junction.

6. Obituaries

There were no 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/7.1/17.04 Draft 2017/18 Budget and Long Term Financial Plan 4.4 Forecasts (A03/2236)

MOTION

Mover: Cr Cusack
Seconded: Cr Burrill

That Council:

1. Adopts, for purposes of public exhibition, the draft budget estimates of income and expenditure, including capital expenditure, for the financial year 2017/18 for inclusion in the Draft Operational Plan, for community consultation.
2. Notes the Draft Long Term Financial Plan (LTFP4.4) for an 11 year period from 2017/18 to 2027/28 including Income Statement, Balance Sheet, Statement of Cash Flows, Reserve Balances, Assumptions and Sensitivity Analysis.

3. Brings forward the re-sheeting of Shaw Street, North Bondi, due to severe deterioration of the road, and adds the project to the draft 2017/18 Capital Works Program prior to public exhibition.
4. Investigates the inclusion of an additional Bondi Park picnic shelter in Biddigal Reserve adjacent to the children's playground in the draft 2017/18 Capital Works Program while on public exhibition, and reports back as part of the budget process.

AMENDMENT 1

Mover: Cr Masselos
 Seconder: Cr Wakefield

That the Motion be adopted subject to the deletion of line item 28 (Civic Heart Project) in Attachment 3.

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

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

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

AMENDMENT 2

Mover: Cr Wakefield
 Seconder: Cr Masselos

That the Motion be adopted subject to the deletion of the \$10,962,890 allocated to Stage 2 of the Bondi Pavilion Upgrade and Conservation Project in line item 10 (2021/22) in Attachment 3.

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

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

Against the Amendment: 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 and Mouroukas.

Against the Motion: Crs Masselos, Strewe and Wakefield.

DECISION: That the Motion be adopted.

R Fazzari addressed the meeting.

**CM/7.2/17.04 Draft Operational Plan 2017/18 and Proposed Pricing Policy, Fees and Charges
 2017/18 (A17/0149)**

MOTION

Mover: Cr Kay
 Seconder: Cr Burrill

That Council:

1. Adopts the Draft Operational Plan 2017–18 and the proposed Pricing Policy, Fees and Charges 2017–18 for placement on public exhibition as in Attachments 1 and 2 in accordance with section 405 of the *Local Government Act 1993*, subject to the following amendments:

- (a) The following item be added to the section entitled 'Permit Classification Residents' Visitor Parking Permit' on page 35 (page 148 of the agenda) of the Pricing Policy, Fees and Charges:

Tradesperson's Permit (for RPS non-metered areas) – fee \$90 per week.

2. Adopts for placement on public exhibition the Rating Structure for 2017–18 contained on page 59 of the Operational Plan 2017–18 in Attachment 1, together with the proposed Pricing Policy, Fees and Charges 2017–18 as in Attachment 2, in accordance with sections 497, 516, 518, 529(2)(d), 534, 535 and 548(3) of the *Local Government Act*, making the following rates and charges for every parcel of rateable land within the Waverley Council Local Government Area for the period of 1 July 2017 to 30 June 2018:
- (a) That an ordinary rate of zero point one one zero two three cents (0.11023) in the dollar subject to a minimum rate in accordance with section 548(3) of the Act, of xxx per assessment on all rateable land categorised Residential in accordance with section 516 of the Act and sub-categorised Ordinary in accordance with section 529(2)(b) of the Act be now made for the period 1 July 2017 to 30 June 2018.
- (b) That an ordinary rate of zero point five one seven eight one cents (0.51781) in the dollar on all rateable land categorised Business in accordance with section 518 of the Act and sub-categorised Ordinary in accordance with section 529(2)(d) of the Act be now made for the period 1 July 2017 to 30 June 2018.
- (c) That an ordinary rate of zero point eight three six zero zero zero cents (0.83600) in the dollar on all rateable land categorised Business in accordance with section 518 of the Act and sub-categorised Bondi Junction in accordance with section 529(2)(d) of the Act be now made for the period 1 July 2017 to 30 June 2018.
- (d) That in accordance with section 496 of the *Local Government Act*, the charge for the Domestic Waste Management Service is set at \$515.00 per service per annum for the period 1 July 2017 to 30 June 2018.

AMENDMENT

Mover: Cr Masselos
 Seconder: Cr Wakefield

That the Motion be adopted subject to the following amendment to the Pricing Policy, Fees and Charges:

Bondi Junction Eastgate Car Park: delete the \$1.00 fee for 0-1 hour, and replace with \$0.

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Masselos, Strewe and Wakefield.

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

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION: That the Motion be adopted.

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

CM/7.3/17.04 Waverley Mall Public Art Commission Recommendation (A03/0161)**MOTION / UNANIMOUS DECISION**

Mover: Cr Burrill
Seconded: Cr Goltsman

That Council endorses the Public Art Committee recommendation that Jade Oakley be awarded the public art commission for Waverley Mall.

CM/7.4/17.04 Security Bond System for Footpath Seating and Commercial Waste Customers (A05/1181-02)**MOTION / UNANIMOUS DECISION**

Mover: Cr Cusack
Seconded: Cr Wakefield

That Council:

1. Notes the security bond system currently in place for Footpath Seating licences.
2. Does not introduce a security bond system for Commercial Waste services.
3. Notes that Council has previously resolved to investigate the use of a credit reporting agency for commercial waste payment defaults, and that a report be prepared for the May 2017 Council Meeting with recommendations and findings on what actions can be taken.

CM/7.5/17.04 Investment Portfolio Report – March 2017 (A03/2211)**MOTION / UNANIMOUS DECISION**

Mover: Cr Cusack
Seconded: Cr Burrill

That Council:

1. Receives the Investment Portfolio Report – March 2017.
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/7.6/17.04 Draft Central District Plan and Towards our Greater Sydney 2056 - Submission (A16/0717)**MOTION / UNANIMOUS DECISION**

Mover: Cr Kay
Seconded: Cr Betts

That Council endorses the draft submission to the Greater Sydney Commission on the draft Central District Plan and 'Towards our Greater Sydney 2056', subject to the following amendments:

1. Under the issue of Affordable Housing on page 7 of the submission (page 223 of the agenda), the last sentence of the third paragraph be amended to read as follows:

‘This represents approximately 5% of uplift.’

2. Under the issue of Affordable Housing on page 7 of the submission (page 223 of the agenda), the fourth paragraph be amended to read as follows:

‘The GSC target therefore needs to be a more aggressive and informed policy position. As an alternative, the affordable housing target should apply to all “major” residential flat building (RFB) development, and not just where there is value uplift through rezoning, if the GSC hopes to meet the annual affordable housing requirements stated in the CDP.’

CM/7.7/17.04 Proposed Changes to the Environmental Planning and Assessment Act 1979 - Submission (A11/0500)

MOTION / UNANIMOUS DECISION

Mover: Cr Kay
 Seconder: Cr Betts

That Council endorses the submission to the Department of Planning and Environment on the proposed changes to the *Environmental Planning and Assessment Act 1979*.

CM/7.8/17.04 Draft Bondi Junction Evening, Entertainment and Culture Strategy (A16/0262)

MOTION / UNANIMOUS DECISION

Mover: Cr Kay
 Seconder: Cr Burrill

That Council:

1. Notes amendments to the draft Bondi Junction Evening, Culture and Entertainment Strategy, additional information provided and further stakeholder engagement undertaken, as per the Operations Committee resolution on 7 February 2017.
2. Authorises the public exhibition of the Draft Bondi Junction Evening, Culture and Entertainment Strategy for a period of 28 days, subject to the following additional amendments to the Strategy:

- (a) Page 6 (page 257 of the agenda) amended to reflect the following:

‘Place Curator and Coordinator Function’, paragraph one is amended to start: ‘In the short and medium term...’

‘Alfresco Dining Incentives’, paragraph two is amended to read: ‘Current Context: The cost of permits within the Waverley Council area includes a refundable bond and an annual fee depending on street location, which may not be compatible with other Councils.’

‘Alfresco Dining Incentives’, change the end of second recommendation to read: ‘...response times and streamline the process.’

‘Alfresco Dining Incentives’, new recommendation to read: ‘Investigate new locations for alfresco dining.’

- (b) Page 7 (page 258), first sentence of the final recommendation be amended to read: ‘Design an

illustrated map that uncovers all the secrets of Bondi Junction evening activities and builds upon the existing Public Art Walking Trail Map.'

- (c) Page 8 (page 259), 'Entertainment and Live Music':

First recommendation be amended to end as follows: '...throughout the Bondi Junction commercial area.'

Fifth recommendation, second sentence be amended to end as follows: '...and later spread out into other areas of the commercial centre.'

- (d) Page 10 (page 261), 'Transport & Access Improvements', third recommendation be amended to start as follows: 'A pilot strategy should investigate the provision of free parking, with an emphasis on off-street public parking, during special events...'

- (e) Page 13 (page 264), 'Public Toilets', third paragraph, amended as follows:

Second sentence, 'This should focus on the area around Oxford Street Mall.'

End of third sentence to read as follows: '...in the evenings, and include how private developments might be incentivised to provide publicly accessible toilets in future development applications.'

- (f) Page 14 (page 265), add a new third section titled 'Rowe Street Public Art' as follows:

'Rowe Street Public Art

The Rowe Street ramp links Tiffany Plaza and the Bus Rail Interchange with Oxford Street Mall and various arcades, such as Bronka Arcade, which provide pedestrian connectivity through to Spring Street and the Eastgate Carpark. The permeability of Oxford Street Mall and the role of Rowe Street to deliver commuters and pedestrians to this space means that the intersection of Rowe Street and Oxford Street Mall represents a significant pedestrian/commuter focal point. This can be celebrated through provision of a major public art initiative as already provided on the walls alongside the Rowe Street ramp and as outlined in the Public Art Masterplan. Rowe Street provides an excellent space for interaction and public art. Installation of the 'Hanging Sculpture', as identified in the Public Art Masterplan, is a key priority.'

- (g) Page 18 (page 269), 'Norman Lee Place', second recommendation be amended to read:

'Investigate the potential as a key location for pop up events, performances and food trucks to activate the space, subject to a risk assessment and residential survey to ensure residential amenity is not adversely affected.'

- (h) Page 19 (page 270), 'Eastgate Car Park', fourth paragraph, end of sentence be amended to read:

'...risk assessments and residential surveys to ensure that there is no adverse impact on residential amenity.'

- (i) Page 21 (page 272), amended to reflect the following:

'Tailgate Party/Night Markets', first paragraph, change the end of the third sentence to read: '...or the commercial section of Bronte Road at the end of Allens Parade, subject to a risk assessment and residential survey to ensure residential amenity is not adversely affected.'

'Parklets', the first sentence to read: 'To assist with providing more alfresco dining opportunities, individual Parklets could be installed following a risk assessment, where appropriate; each one should be limited in size to one or two parking spaces, should be well lit, and include public art and plantings to help create a public asset with a relaxed atmosphere.'

- (j) Page 23 (page 274), amended to reflect the following:

'Westfield', the second sentence to read: 'The following activities could be managed by Westfield to develop and promote greater interaction...'

Third dot point, first sentence, 'Fund significant art pieces, including investigating a hanging artwork suspended between the two Westfield buildings.'

Add a fourth dot point as follows: 'The Westfield artwork, potentially including a lighting element, will involve negotiations with Westfield which, if successful, will necessitate a risk and safety assessment.'

3. Approves that the public exhibition of the Draft Bondi Junction Evening, Culture and Entertainment Strategy will be launched with a pilot project titled 'After Dark in the Junction', subject to the following matters:
 - (a) Events are not to include activation of the Eastgate rooftop car park; alternative locations at ground level are to be identified.
 - (b) The use of the residential section of Allens Parade is not permitted; activation is to be limited to the commercial part of Bronte Road only.
 - (c) The Mayor (and/or Mayor's delegate) and Lawson Ward Councillors are to be consulted on the planning process of the project, including which events are to proceed.
 - (d) A risk assessment is to be undertaken for all demonstration projects to ensure that residential amenity is not adversely affected.
4. Notes that a report will be presented to Council following the public exhibition period, which summarises the outcomes of the public exhibition and includes a revised Bondi Junction Evening, Culture and Entertainment Strategy for formal adoption.

CM/7.9/17.04 Small Grants Program 2016/17 (Round 2) (A16/0850)

Cr Clayton declared an interest in this item, and informed the meeting that she is a member of the Waverley Community and Seniors Association, and the Waverley Historical Society; and that she is also on the Bondi Beach Public School Committee. Cr Clayton was not present at, or in the sight of, the meeting for the consideration and vote on this item.

Cr Betts declared a significant non-pecuniary interest in this item, and informed the meeting that she is on the management committee of WAYS. Cr Betts vacated the Chair, and was not present at, or in sight of, the meeting for the consideration and vote on this item. Cr Kay assumed the Chair for this item.

MOTION / UNANIMOUS DECISION

Mover: Cr Goltsman
 Seconder: Cr Mouroukas

That Council approves grants to the value of \$48,738 to organisations and individuals as set out in Table 1

of this Report, under its Small Grants Program (Round 2) 2016/17, with conditions where specified in Attachment 1.

CM/7.10/17.04 Introduction of Venue Hire Grant Program (A13/0273)

Cr Clayton declared an interest in this item, and informed the meeting that she is on the committee of the Justices Association. Cr Clayton was not present at, or in the sight of, the meeting for the consideration and vote on this item.

MOTION / DECISION

Mover: Cr Goltsman
Seconder: Cr Mouroukas

That Council:

1. Introduces a Venue Hire Grant Program under s 356 of the *Local Government Act* to provide financial assistance to community groups to support the cost of hiring Council's community venues, commencing 1 July 2017.
2. Under s 356 of the *Local Government Act*, provides the financial assistance as set out in Attachment 1 to this report to support those listed organisations with venue hire costs until 30 June 2017.

CM/7.11/17.04 Bronte Cutting Free Parking in Winter - Conclusion of Trial (A03/0083)

MOTION / UNANIMOUS DECISION

Mover: Cr Cusack
Seconder: Cr Burrill

That Council:

1. Notes the outcome of the two-year trial of free parking in winter months at Bronte Cutting as mentioned in the report.
2. Provides free parking in the Bronte Cutting car park from 1 June to 31 August each year.

CM/7.12/17.04 Ausgrid Tree Pruning (A16/0670)

MOTION / UNANIMOUS DECISION

Mover: Cr Kay
Seconder: Cr Cusack

That Council:

1. Receives and notes this report on progress against Council resolutions CM/8.3/16.11 and CM/8.1/17.03 with regard to Ausgrid tree pruning processes to meet safety standards.
2. Notes correspondence sent by the General Manager to the Chief Executive Officer, Ausgrid, Mr Richard Goss, requesting changes to current Ausgrid tree pruning practices.
3. Notes correspondence sent by the Mayor to the NSW Minister for the Environment and Heritage, NSW Minister for Local Government, and Member for Vaucluse, Ms Gabrielle Upton MP, and

Member for Coogee, Mr Bruce Notley-Smith, requesting support in advocating improved practices with regard to Ausgrid tree pruning.

CM/7.13/17.04 Evaluation of Tenders - Truck-Mounted Water Jetting Machine (with Truck) and a Portable Crawler Kit (A16/0576)

MOTION / UNANIMOUS DECISION

Mover: Cr Mouroukas
Seconder: Cr Goltsman

That Council:

1. Treats the Evaluation of Findings and preferred tenderer's price attached to this report as confidential as they contain 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 Spoutvac Industries Pty Ltd for the supply and delivery of a truck-mounted water jetting machine (with truck) and a portable crawler kit.
3. In accordance with clause 179 of the *Local Government (General) Regulation 2005*, notifies unsuccessful tenderers of the decision.

CM/7.14/17.04 Evaluation of Tenders - Bondi Park Picnic Shelters - Stage 2 (A15/0436)

MOTION / DECISION

Mover: Cr Goltsman
Seconder: Cr Mouroukas

That Council:

1. Treats the Evaluation of Findings and preferred tenderer's price attached to this report as confidential as they contain 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 Fleetwood Urban Pty Ltd for Principal Construction Services for the Bondi Park Picnic Shelters Stage 2.
3. In accordance with clause 179 of the *Local Government (General) Regulation 2005*, notifies unsuccessful tenderers of the decision.

CM/7.15/17.04 Petition - Tree Swing outside 65 Gardyne Street, Bronte (A11/0022)

MOTION / UNANIMOUS DECISION

Mover: Cr Cusack
Seconder: Cr Burrill

That the petition requesting the reinstatement of the tree swing outside 65 Gardyne Street, Bronte, be forwarded to the Executive Manager, Clean and Attractive Waverley, for appropriate action.

A Ford (chief petitioner) addressed the meeting.

CM/7.16/17.04 Evaluation of Tenders - Tamarama Park Upgrade - Stage 2 (A16/0434)

MOTION / UNANIMOUS DECISION

Mover: Cr Mouroukas

Seconder: Cr Kay

That Council:

1. Treats the Evaluation of Findings and preferred tenderer's price attached to this report as confidential as they contain information specified in section 10A(2)(c) of the *Local Government Act 1993*.
2. Transfers the \$128,000 savings identified in the 2016/17 Capital Works Program from the Bronte Pool Pump Replacement program to this project to fund the budget shortfall.
3. Enters into a contract under clause 178 of the *Local Government (General) Regulation 2005* with Design Landscapes Pty Ltd for Principal Construction Services for the Tamarama Park Upgrade – Stage 2.
4. In accordance with clause 179 of the *Local Government (General) Regulation 2005*, notifies unsuccessful tenderers of the decision.

CM/7.17/17.04 Evaluation of Tenders - Supply and Installation of Marquees for City2Surf (A16/0771)

MOTION / UNANIMOUS DECISION

Mover: Cr Goltsman

Seconder: Cr Mouroukas

That Council:

1. Treats the Evaluation of Findings and preferred tenderer's price attached to this report as confidential as they contain 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 Exponet Pty Ltd for the Supply and Installation of Marquees for City2Surf for an initial period of 2 years with the option of extending in 3 one year periods.
3. In accordance with clause 179 of the *Local Government (General) Regulation 2005*, notifies unsuccessful tenderers of the decision.

8. Notices of Motion**CM/8.1/17.04 Remnant Bushland (A14/0059)****MOTION / DECISION**

Mover: Cr Strewe
Seconded: Cr Masselos

That Council officers:

1. Prepare a brief e-mail for Councillors that provides an interim report on progress in protecting and managing Waverley's small number of remnant native bushland areas, including any ongoing loss or degradation of such areas.
2. Include further information on Council's urban ecology programs, including remnant restoration works, in Councillor Bulletins.

Cr Burrill was not present for the consideration and vote on this item.

CM/8.2/17.04 Bronte Park - Northern Toilets (A16/0168)**MOTION**

Mover: Cr Strewe
Seconded: Cr Masselos

That Council undertakes maintenance of the public toilets and change rooms at the northern end of Bronte Beach. The maintenance will include:

1. Lights fixed.
2. Ceiling, walls cleaned and painted.
3. Shower taps changed for timed push button, as per the southern Bronte Beach change rooms.
4. Accessible toilet properly lined with a light coloured material.
5. Investigating whether the prefabricated doors and walls can be replaced with a lighter coloured material.
6. A bench seat placed near the eastern wash troughs at a higher level for those in need.
7. Tactile directional paving to toilets if required.
8. Braille signs at hand level for male and female toilets.

AMENDMENT

Mover: Cr Cusack
Seconded: Cr Kay

That the Motion be adopted subject to the shower taps being replaced with untimed taps.

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Cr Cusack.

Against the Amendment: Crs Betts, Clayton, Goltsman, Guttman-Jones, Kay, Masselos, Mouroukas, Strewé and Wakefield.

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION: That the Motion be adopted.

Cr Burrill was not present for the consideration and vote on this item.

CM/8.3/17.04 Bronte House and Grounds - Heritage Listing (A13/0628)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Wakefield

That:

1. Council investigates listing Bronte House and Grounds on the Australian National Heritage List (formerly the Register of the National Estate).
2. Officers report back to Council with their recommendations.

Cr Burrill was not present for the consideration and vote on this item.

CM/8.4/17.04 Bronte Park - Land Audit and Consolidation (A16/0168)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Strewé

That Council:

1. Undertakes an audit of all parcels of land that form 'Bronte Park' including land that is legally part of the park and land that is integrated into the park but which may not be gazetted as being part of the park (e.g. DP 5347, which encompasses part of the southern escarpment and coastal walk, the eastern untitled parcel off Bronte Marine Drive, and adjacent grassed over unmade roads).
2. Details methods and actions necessary to consolidate individual lots into one legal land title under Waverley Council ownership, and/or Crown Reserve, including any unmade roads integral to the park.
3. Receives a report in conjunction with the finalisation of the current Bronte Park Plan of Management.
4. Undertakes a similar audit of land parcels forming Tamarama Park and Gully to establish whether these lots can also be consolidated into one title and/or reserve, including the reclassification of the rear of 362 Birrell Street to community land, with a report coming back to Council on the results of the investigation.

Cr Burrill was not present for the consideration and vote on this item.

CM/8.5/17.04 Current and Projected School Enrolments (A14/0170)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Masselos

That Council:

1. Undertakes an update to its April 2014 resolution 'CRD.23/14 – Current and Projected School Enrolments (A14/0170)', and reports back to Council.
2. Incorporates an analysis of apartment and housing construction estimates into this analysis.
3. Supports the following recommendations of the NSW Legislative Council General Purpose Standing Committee No. 3 – 'Inner city public primary school enrolment capacity and redevelopment of Ultimo Public School':

Recommendation 4: That the NSW Department of Education share its demographic projections with councils in appropriate cases and on a confidential basis, to ensure a cohesive and consistent approach to city planning.

Recommendation 5: That the Minister for Education consider strengthening whole of government oversight and support for the NSW Department of Education in future land negotiations for schools.

Recommendation 6: That the NSW Government conduct an audit of public land in all areas of significant population growth in New South Wales to identify suitable locations for new schools and expansion of existing schools.

4. Calls on the Minister for Education to implement these recommendations as it will improve co-ordination between state and local government in the vital area of primary and secondary education.

L Heath (on behalf of Community for Local Options for Secondary Education) addressed the meeting.

CM/8.6/17.04 Council Amalgamations (A16/0248)

Cr Clayton declared an interest in this item, and informed the meeting that she knows the speaker very well, and that he has been the campaign manager for the Liberal Party. Cr Clayton was not present at, or in the sight of, the meeting for the consideration and vote on this item.

Cr Wakefield declared a less than significant non-pecuniary interest in this item, and informed the meeting that he knows the speaker.

MOTION

Mover: Cr Wakefield

Seconder: Cr Strewé

That Council, in light of the recent decision of the Court of Appeal in the case *Ku-ring-gai Council v Garry West as delegate of the Acting Director-General, Office of Local Government* [2017] NSWCA 54:

1. Agrees that the merger process has not been conducted in a credible way.
2. Investigates the possibility of Waverley Council initiating legal proceedings against Dr Rob Lang as delegate of the Director-General, Office of Local Government, for failing to fulfil his statutory

function under section s 263(3)(a) of the *Local Government Act*, of considering the proposal having regard to the financial advantages and disadvantages to the residents and ratepayers of the Waverley, Woollahra and Randwick, without access to the withheld KPMG documents.

3. Receives the report on the investigation at the May 2017 Council meeting.
4. Informs the Minister for Local Government, the Hon. Gabrielle Upton, of this resolution.

THE MOTION WAS PUT AND DECLARED LOST.

Division

For the Motion: Crs Guttman-Jones, Masselos, Strewé and Wakefield.

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

B Morrow addressed the meeting.

9. Urgent Business

There were no items of urgent business.

10. Closed Session

CM/10/17.04 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 Goltsman

Seconder: Cr Mouroukas

That:

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/10.1/17.04 CONFIDENTIAL REPORT - Commercial Waste - Fees and Charges - 2017/18

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/10.2/17.04 CONFIDENTIAL REPORT - Waverley Cemetery - Fees and Charges - 2017/18

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 sections 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 Burrill was not present for the consideration and vote on this item.

At 10.04 pm, Council moved into closed session.

**CM/10.1/17.04 CONFIDENTIAL REPORT - Commercial Waste - Fees and Charges - 2017/18
(A02/0162)**

MOTION / UNANIMOUS DECISION

Mover: Cr Goltsman
Seconder: Cr Mouroukas

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)(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. Adopts the proposed fees and charges for commercial waste services for the period 1 July 2017 to 30 June 2018.

Cr Burrill was not present for the consideration and vote on this item.

**CM/10.2/17.04 CONFIDENTIAL REPORT - Waverley Cemetery - Fees and Charges - 2017/18
(A14/0165)**

MOTION / UNANIMOUS DECISION

Mover: Cr Cusack
Seconder: Cr Kay

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)(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. Adopts the proposed fees and charges for Cemetery services for the period 1 July 2017 to 30 June 2018.

Cr Burrill was not present for the consideration and vote on this item.

11. Resuming in Open Session**CM/11/17.04 Resuming in Open Session****MOTION / DECISION**Mover: Cr Kay
Seconder: Cr Mouroukas

That Council resumes in open session.

Cr Burrill was not present for the consideration and vote on this item.

At 10.05 pm, 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 10.06 PM.**

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SIGNED AND CONFIRMED
MAYOR
16 MAY 2017