



WAVERLEY
COUNCIL

**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 8 AUGUST 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
Councillor Dominic Wy Kanak	Bondi Ward

Staff in attendance:

Cathy Henderson	Acting General Manager
Linda Bathur	Acting Director, Waverley Life
Emily Scott	Director, Waverley Renewal
Jane Worthy	Internal Ombudsman
Lee Kosnetter	Manager, Development Assessment (South)

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

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

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

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

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

1. Apologies/Leaves of Absence

There were no apologies.

2. Declarations of Pecuniary and Non-Pecuniary Interests

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

- 2.1 Cr Clayton declared a less than significant non-pecuniary interest in Item CM/4.2/17.08 – Adoption of Minutes – Waverley Traffic Committee Meeting – 27 July 2017 (TC/V.03/17.07 – Oakley Road, North Bondi – ‘P Motor Bikes Only’), and informed the meeting that she lives nearby.
- 2.2 Cr Clayton declared a significant non-pecuniary interest in Item CM/4.2/17.08 – Adoption of Minutes – Waverley Traffic Committee Meeting – 27 July 2017 (TC/V.02/17.07 – North Bondi – New Resident Preferential Parking Scheme Area), and informed the meeting that the scheme covers the street in which she lives. Cr Clayton advised that she will leave the Chamber for this item.
- 2.3 Cr Wy Kanak declared a pecuniary interest in Item CM/9.3/17.08 – Local Government Aboriginal Network Conference, and advised that he will leave the Chamber for this item.

3. Addresses to Council by Members of the Public

- 3.1 C Davitt – CM/4.2/17.08 – Adoption of Minutes – Waverley Traffic Committee Meeting – 27 July 2017.
- 3.2 P Paech – CM/7.15/17.08 – Bondi Pavilion Project Communications.
- 3.3 M Cox – CM/7.15/17.08 – Bondi Pavilion Project Communications.
- 3.4 D Lewkovitz – CM/7.15/17.08 – Bondi Pavilion Project Communications.
- 3.5 T Gross – CM/8.4/17.08 – Replacement of Trees on Private Property.
- 3.6 D Samios – CM/8.4/17.08 – Replacement of Trees on Private Property.
- 3.7 M Armstrong – CM/8.4/17.08 – Replacement of Trees on Private Property.

- 3.8 L Selten – CM/8.4/17.08 – Replacement of Trees on Private Property.
- 3.9 P Paech – CM/8.5/17.08 – Impact of Council Amalgamations.
- 3.10 P Paech – CM/8.7/17.08 – Council Amalgamations – Reimbursement of Costs.

4. Confirmation and Adoption of Minutes

CM/4.1/17.08 Confirmation of Minutes - Council Meeting - 18 July 2017 (SF17/81)

MOTION

Mover: Cr Goltsman
Seconder: Cr Mouroukas

That the minutes of the Council Meeting held on 18 July 2017 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

AMENDMENT (WITHDRAWN)

Mover: Cr Wy Kanak
Seconder: Cr Wakefield

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

‘That the minutes of the Council Meeting held on 18 July 2017 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting after the hearing of the rescission motion later in the agenda.’

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

That this item be deferred until after the hearing of the rescission motion later in the agenda.

THE PROCEDURAL MOTION WAS PUT AND DECLARED CARRIED.

THE SUBSTANTIVE MOTION WAS THEN LATER PUT AND DECLARED CARRIED.

Division

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

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

DECISION: That the Substantive Motion be adopted.

CM/4.2/17.08 Adoption of Minutes - Waverley Traffic Committee Meeting - 27 July 2017 (SF17/98)

Cr Clayton declared a less than significant non-pecuniary interest in Item TC/V.03/17.07, and informed the meeting that she lives nearby. Cr Clayton also declared a significant non-pecuniary interest in Item TC/V.02/17.07, and informed the meeting that the scheme covers the street in which she lives. Cr Clayton was not present at, or in sight of, the meeting for the consideration and vote on the minutes.

MOTION / DECISION

Mover: Cr Kay
Seconder: Cr Mouroukas

That Part 1 of the minutes of the Waverley Traffic Committee Meeting held on 27 July 2017 be received and noted, and that the recommendations contained therein be adopted.

Save and except the following:

1. TC/C.07/17.07 – Macpherson Street, Waverley – Proposed Relocation of Pedestrian Crossing and Bus Zone at St Catherine’s School.

And that this item be dealt with separately below.

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

C Davitt addressed the meeting.

CM/4.2.1/17.08 Adoption of Minutes - Waverley Traffic Committee Meeting - 27 July 2017 - TC/C.07/17.07 - Macpherson Street, Waverley - Proposed Relocation of Pedestrian Crossing and Bus Zone at St Catherine’s School (PD-16/2013)**MOTION / DECISION**

Mover: Cr Burrill
Seconder: Cr Kay

That the matter be reconsidered by the Traffic Committee for safety and desire lines of local residents.

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

5. Mayoral Minute**CM/5.1/17.08 Support for the Jewish Community (DA-134/2016)****MOTION**

Mover: Cr Betts

That:

1. Council is disappointed that the Jewish community has been distressed by inaccurate information being spread by the media in relation to the refusal by the Land and Environment Court (LEC) of Friends of Refugees of Eastern Europe’s (FREE’s) development application (DA) for two three-storey blocks of units and a place of worship.
2. Council confirms that the LEC refusal relates to a development application for a number of buildings

and is not a discussion about freedom of religion in Australia.

3. Council confirms that Council did not refuse the DA for a synagogue as has been widely reported, and reaffirms Council's continued support for the Jewish community, who are an essential and integral part of the Waverley community.
4. Council notes that Council has approved added security measures for many Jewish organisations, synagogues and schools without the DAs being taken to court and without much publicity.
5. Council notes that all DAs are subject to rigorous assessment under planning controls and State government legislation and that no DAs are assessed on religious grounds.
6. Council notes the applicant submitted a Preliminary Risk and Threat Analysis report that included significant security risks for the subject property and did not satisfactorily address impacts upon passers-by or adjoining properties, and that led the LEC Commissioner to conclude that 'a more sophisticated risk assessment process could be required for matters such as a potential terrorist threat...Having found that Contention 3 identifies a potential unacceptable risk of threat and there is a factual basis for the contention, the onus to address the contention rests with the applicant' (paragraphs 63 and 64 of the judgement).
7. Council advises Councillors that the Mayor approached Rabbi Ulman and FREE, and they have agreed to meet with Council tomorrow with the General Manager and a Senior Planner to talk through their options in the future and to see if, jointly, Council and FREE can reassure our community that Waverley is a safe and friendly place to live.
8. To minimise any probity issues related to the presence of the Mayor at the proposed meeting, Council officers take minutes that are subsequently distributed under confidential cover to all Councillors.

Background

Recent media coverage of the Land and Environment Court decision related to 105 Wellington Street has seen media stories that Council does not support synagogues or the Jewish community.

This is false. The Court decision was about a development application for two three-storey blocks of units and a place of worship, and not about Council giving in to terrorists or about religious freedom in Australia.

All development applications are treated fairly and equally by Council—and if any development application identified significant security risks, as in this case, Council would be similarly required to ensure that the risks were properly assessed and addressed. The Land and Environment Court judgement in this case confirms that it is a responsibility of consent authorities to ensure safety and security in a development.

Council has a proud history of working with and supporting the Jewish community and this will continue. For instance, in late August Waverley Library is hosting the wonderful Sydney Jewish Writers Festival. Recently, we were proud that Jewish House took up a subsidised community tenancy with Council in order to provide much needed community services. We look forward to our annual Chanukah celebrations held at Council Chambers. These are just examples of some of the work we do in partnership with the Jewish community.

AT THIS STAGE IN THE PROCEEDINGS, THE FOLLOWING PROCEDURAL MOTION WAS MOVED BY CR GUTTMAN-JONES AND SECONDED BY CR WY KANAK:

That this item lay on the table until Urgent Business arises later in the agenda.

THE PROCEDURAL MOTION WAS PUT AND DECLARED LOST.

Division

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

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

AMENDMENT 1

Mover: Cr Wy Kanak

Seconder: Cr Strewé

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

‘At the meeting referred to in clause 7, any interested Councillors or Ward Councillors be invited and be able to attend.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

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

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

AMENDMENT 2

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That the Motion be adopted subject to clause 7 being amended to read as follows:

‘Council advises that Council staff will meet with the applicant to talk through their options in the future and to see if, jointly, Council and FREE can reassure our community that Waverley is a safe and friendly place to live.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

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

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

THE SUBSTANTIVE MOTION WAS THEN PUT AND DECLARED CARRIED.

Division

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

Against the Substantive Motion: Cr Wy Kanak.

DECISION: That the Substantive Motion be adopted.

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

6. Obituaries

Les Murray

Dr G Yunupingu

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

7. Reports

CM/7.1/17.08 Carry Overs from 2016/17 to 2017/18 (A03/0346)

MOTION / UNANIMOUS DECISION

Mover: Cr Kay
Seconder: Cr Cusack

That Council:

1. Approves the carrying forward of budget funds from the 2016/17 financial year to the 2017/18 financial year, as presented in Attachment 1 to this report.
2. Approves the budget adjustments to the Complete Street projects as detailed in table 4 in this report.

CM/7.2/17.08 Evaluation of Tender - Waverley Cemetery Landslip and Coast Walk Remediation (SF17/1192)

MOTION / UNANIMOUS DECISION

Mover: Cr Cusack
Seconder: Cr Burrill

That Council:

1. Treats the Tender Evaluation Matrix attached to this report as confidential in accordance with 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. Enters into a contract under clause 178 of the *Local Government (General) Regulation 2005* with Hibernian Contracting for the Waverley Cemetery Landslip and Coast Walk Remediation.
3. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

CM/7.3/17.08 Evaluation of Tender - Panel of Waste Suppliers (A17/0147)**MOTION / UNANIMOUS DECISION**

Mover: Cr Goltsman
Seconder: Cr Mouroukas

That Council:

1. Declines to accept any of the tenders for the Panel of Waste Suppliers, in accordance with clause 178 (1)(b) of the *Local Government (General) Regulation 2005*.
2. Invites fresh tenders for Waste Disposal Services, in accordance with clauses 178(3)(b) and 167 of the *Local Government (General) Regulation 2005* to ensure full disclosure of the proposed waste management practices to be used.

CM/7.4/17.08 Evaluation of Tender - Niblick Street Reserve Remediation Works (A17/0277)**MOTION / UNANIMOUS DECISION**

Mover: Cr Betts
Seconder: Cr Goltsman

That Council:

1. Treats the Tender Evaluation Matrix attached to this report as confidential in accordance with 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. Enters into a contract under clause 178 of the *Local Government (General) Regulation 2005* with RMA Contracting Pty Ltd for the Niblick Street Reserve Remediation Works.
3. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

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

CM/7.5/17.08 Evaluation of Tender - Stephen Street Reserve Upgrade (SF17/962)**MOTION / UNANIMOUS DECISION**

Mover: Cr Mouroukas
Seconder: Cr Kay

That Council:

1. Treats the Tender Evaluation Matrix attached to this report as confidential in accordance with 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. Enters into a contract under clause 178 of the *Local Government (General) Regulation 2005* with Kyora Landscapes Pty Ltd for the Stephen Street Reserve Upgrade.
3. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local*

Government (General) Regulation 2005.

CM/7.6/17.08 Evaluation of Tender - Bondi Beach Mobile Vendor Licences (A17/0055)

MOTION / DECISION

Mover: Cr Goltsman
Seconder: Cr Betts

That Council:

1. Treats the Tender Evaluation Matrix attached to this report as confidential in accordance with 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. Enters into mobile vendor licences with the following individuals and/or companies in accordance with the terms and conditions detailed in this report and their tender proposals:
 - (a) Messina Events Pty Ltd.
 - (b) David Pearson (trading as Tropical Snow).
 - (c) Polar Cones Pty Ltd.
3. Authorises the Mayor and the General Manager to execute all necessary documents to complete the matter.
4. In accordance with clause 179 of the *Local Government (General) Regulation 2005*, notifies unsuccessful tenderers of the decision.

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

CM/7.7/17.08 Bondi Beach Mobile Vendor Services Location (A17/0055)

MOTION / UNANIMOUS DECISION

Mover: Cr Betts
Seconder: Cr Goltsman

That Council:

1. Formalises the additional beach location for the provision of mobile beach equipment hire services, as outlined in this report.
2. Calls for tenders for the provision of mobile beach equipment hire services with two locations under one licence for a period of between three and five years.
3. Undertakes a review of the number and locations of mobile vending licences in the LGA with a view to identifying possible additional opportunities, including sufficient provision of food and drink services on Bondi Beach during the upgrade of Bondi Pavilion.

CM/7.8/17.08 Local Road Improvement Program - Additional Funding from the NSW Government (A17/0190)**MOTION / UNANIMOUS DECISION**

Mover: Cr Kay
Seconder: Cr Mouroukas

That Council:

1. Accepts the grant of \$370,000 from the NSW Government for the Local Road Improvement Program within the Waverley LGA.
2. Approves the Local Road Improvement Program for sections of Farrellys Avenue, Flood Street, Zarita Avenue, Ray Street and Birrell Street, as shown in Attachment 2.

CM/7.9/17.08 Draft Disability Inclusion Action Plan (DIAP) (A16/0674)**MOTION / UNANIMOUS DECISION**

Mover: Cr Burrill
Seconder: Cr Mouroukas

That Council endorses for public exhibition the draft Randwick and Waverley Regional Disability Inclusion Framework and Action Plan (DIAP).

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

CM/7.10/17.08 End of Term Report 2017 (A17/0215)**MOTION / UNANIMOUS DECISION**

Mover: Cr Betts
Seconder: Cr Kay

That Council receives and notes the End of Term Report 2017.

CM/7.11/17.08 Progress Report on Delivery Program 2013–17 (A15/0199)**MOTION / UNANIMOUS DECISION**

Mover: Cr Kay
Seconder: Cr Burrill

That Council receives and notes progress to 30 June 2017 with respect to the deliverables detailed in the Delivery Program 2013–17 as per Attachment 1 to this report.

CM/7.12/17.08 Investigation into Strata Parking Agreements (A16/0559)**MOTION / UNANIMOUS DECISION**

Mover: Cr Mouroukas

Seconder: Cr Kay

That Council:

1. Conducts a trial of strata/community parking area agreements for a period of up to six months with owners corporations.
2. Receives a report on the outcomes of the strata/community parking area agreement trial.

CM/7.13/17.08 Youth Employment Scheme (A16/0374)**MOTION / UNANIMOUS DECISION**

Mover: Cr Mouroukas

Seconder: Cr Kay

That Council demonstrates leadership in improving employment opportunities and pathways (Youth Employment Scheme) for young people by:

1. Developing an integrated framework that supports opportunities for work experience, volunteering, internships, traineeships and apprenticeships.
2. Including the recommendations from the NSW Local Government Workforce Strategy into the framework:
 - (a) Increase employment of apprentices and trainees, and develop partnerships with other sectors of government and private industry.
 - (b) Attract vocational and educational funding to address skills gaps.
 - (c) Work with universities to increase graduate pathways and research the feasibility of establishing a local government graduate program (LGNSW 2016:12).
3. Continuing to seek grants for young people's entry level skills development.
4. Working with community partners including local business to improve employment and training opportunities for young people.

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

CM/7.14/17.08 Code of Meeting Practice Review (A02/0649)**MOTION / UNANIMOUS DECISION**

Mover: Cr Kay
Seconded: Cr Goltsman

That Council:

1. Receives and notes this report.
2. Agrees to postpone a comprehensive review of its Code of Meeting Practice until after the release of the Model Code of Meeting Practice by the Office of Local Government late in 2017.

CM/7.15/17.08 Bondi Pavilion Project Communications (A15/0272)

Immediately following the meeting, a motion to rescind this decision was lodged with the General Manager. The Rescission Motion will be considered at the October Council Meeting.

MOTION

Mover: Cr Goltsman
Seconded: Cr Cusack

That Council:

1. Receives and notes the report.
2. Notes the following statements from the report: 'It is important the community is aware that Council does not intend to privatise Bondi Pavilion. The intention of the Bondi Pavilion Upgrade and Conservation Project has always been to restore the building's heritage, whilst upgrading its amenities and community spaces for future generations to use and enjoy. Bondi Pavilion will remain a cultural and community centre.'

AT THIS STAGE IN THE PROCEEDINGS, THE FOLLOWING PROCEDURAL MOTION WAS MOVED BY CR WAKEFIELD AND SECONDED BY CR CLAYTON:

That this item be deferred to the first sitting of the new Council.

THE PROCEDURAL MOTION WAS PUT AND DECLARED LOST.

Division

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

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

AMENDMENT (WITHDRAWN)

Mover: Cr Wakefield
Seconded: Cr Strewe

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

'Notes that only approximately one third of the building is incorporated in Stage 1, and that the information provided in this report in terms of space use, renovation and refurbishment only relates to that element.'

AT THIS STAGE IN THE PROCEEDINGS, AND IN ACCORDANCE WITH CL 11.15 OF THE CODE OF MEETING PRACTICE, CR KAY MOVED A PROCEDURAL MOTION THAT THE MOTION BE NOW PUT.

THE PROCEDURAL MOTION WAS PUT AND DECLARED CARRIED ON THE CASTING VOTE OF THE CHAIR.

Division

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

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

THE SUBSTANTIVE MOTION WAS THEN PUT AND DECLARED CARRIED.

Division

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

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

DECISION: That the Substantive Motion be adopted.

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

P Paech, M Cox and D Lewkovitz addressed the meeting.

CM/7.16/17.08 Petition - Parking Restrictions, Oakes Place, North Bondi (A15/0307)

MOTION / UNANIMOUS DECISION

Mover: Cr Goltsman

Seconder: Cr Kay

That the petition requesting the introduction of parking restrictions in Oakes Place, North Bondi, be forwarded to the Executive Manager, Creating Waverley, for appropriate action.

8. Notices of Motion

CM/8.1/17.08 Opposition to Council Merger (A16/0248)

This Notice of Motion was last considered by Council at the Extraordinary Meeting held on 7 February 2017. Debate on the item was adjourned to this meeting. The Notice of Motion was then withdrawn at the meeting by Crs Strewe and Masselos.

MOTION (WITHDRAWN)

Mover: Cr Strewe

Seconder: Cr Masselos

That Council calls on the new Minister for Local Government and Member for Vaucluse Ms Gabrielle Upton to recognise Waverley Council's opposition to a merger and its strong financial position and to reject plans to merge Waverley, Woollahra and Randwick Councils.

**CM/8.2/17.08 RESCISSION MOTION - Council Meeting - 18 July 2017 - CM/4.1/17.07 -
Confirmation of Minutes - Council Meeting - 20 June 2017 (SF17/81)**

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, Strewé, Wakefield and Wy Kanak.

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

CM/8.3/17.08 Lighting of Pedestrian Pathways in Waverley Park (A05/1258)

MOTION / UNANIMOUS DECISION

Mover: Cr Kay
Seconder: Cr Mouroukas

That Council:

1. Installs lighting on the shared path through Waverley Park between Council Chambers and Waverley Pavilion.
2. Investigates the requirement for additional lighting on the remaining sections of the shared pathway, including auditing the location and operation of existing lights.
3. Reviews the lighting on the exterior of the Waverley Pavilion to assess excess intensity and light spill so that the amenity of local residents is not impacted unduly, and takes appropriate action.
4. Ensures effective night time use of the Waverley Pavilion CCTV cameras by lighting on pathways and the building.
5. Ensures that the lighting is designed so as not to negatively impact on nocturnal animals.

CM/8.4/17.08 Replacement of Trees on Private Property (A02/0745)

MOTION / UNANIMOUS DECISION

Mover: Cr Cusack
Seconder: Cr Burrill

That Council officers:

1. Without delay, approve the removal of the following trees subject to an undertaking that a replacement tree will be planted to the reasonable satisfaction of Council's Tree Officer:
 - (a) One eucalypt at the rear of 6 View Street, Queens Park, that is causing extensive damage to the property stormwater and sewerage system, as well as being a safety risk dropping limbs on neighbouring properties.
 - (b) One eucalypt at 3 Manning Street, Queens Park, that is causing extensive damage to the

property stormwater and sewerage system, as well as being a safety risk dropping limbs on neighbouring properties.

- (c) Two palm trees at 3 Ashton Street, Queens Park, that are causing significant health issues for the occupier, including allergic reactions and injuries following falls on palm fronds and berries.
2. Prepare a report for Council outlining the changes required to the Tree Policy so situations like this can be more easily dealt with at an officer level.

T Gross, D Samios, M Armstrong and L Selten addressed the meeting.

CM/8.5/17.08 Impact of Council Amalgamations (A16/0248)

MOTION

Mover: Cr Strewe
Seconder: Cr Wakefield

That Council notes that elected representatives of Council have wasted time and money and focus on anti-democratic amalgamations, which has harmed and disappointed the community.

FOLLOWING DEBATE ON THIS ITEM, AND IN ACCORDANCE WITH CL 11.15 OF THE CODE OF MEETING PRACTICE, CR KAY MOVED A PROCEDURAL MOTION THAT THE MOTION BE NOW PUT.

THE PROCEDURAL MOTION WAS PUT AND DECLARED CARRIED.

THE SUBSTANTIVE MOTION WAS THEN PUT AND DECLARED LOST.

P Paech addressed the meeting.

CM/8.6/17.08 Tamarama Surf Life Saving Club Bus (A04/1456)

MOTION / DECISION

Mover: Cr Strewe
Seconder: Cr Clayton

That Council liaises with Tamarama Surf Life Saving Club on the proposed Indigenous programme to establish whether assistance can be offered or is required, such as use of a community bus. Assistance that may ensure the programme advances.

CM/8.7/17.08 Council Amalgamations - Reimbursement of Costs (A16/0248)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield
Seconder: Cr Burrill

That:

1. Council seeks reimbursement from the NSW State Government for all costs incurred by Waverley Council in preparing to merge with Woollahra and Randwick Councils that was subsequently discontinued by the State Government.

2. Council notes that the General Manager and the Mayor met with the Minister for Local Government on 8 June 2017 to discuss issues relating to restrictions on employing senior staff during the merger period and took the opportunity to discuss the costs that Waverley had incurred as part of the amalgamation process. The General Manager and the Mayor advised the Minister that, should amalgamations not go ahead, Council would be seeking reimbursement from the State Government for costs associated with any work done by Waverley as part of the amalgamation process.
3. That staff time and associated costs spent on the amalgamation process be factored into the figure for reimbursement.

P Paech addressed the meeting.

9. Urgent Business

CM/9.1/17.08 Proposed Synagogue at 105 Wellington Street, Bondi Beach (DA-134/2016)

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

MOTION / UNANIMOUS DECISION

Mover: Cr Guttman-Jones
Seconder: Cr Clayton

That Council, in light of the Land and Environment Court decision on the 105 Wellington Street development application:

1. Requests an urgent briefing to be conducted with the Councillors on why the Land and Environment Court refused the development application on security grounds.
2. Reaffirms Council's support of the Jewish community and its vital contribution to Waverley life.
3. Takes immediate steps to restore the confidence of the Jewish community of both Waverley and the greater Jewish community of Sydney through a major communications campaign.
4. Requests that the General Manager arranges a confidential briefing for Councillors following the close of tonight's meeting.

Background

Last week's ruling in the Land and Environment Court has sent shockwaves through the Jewish community, not just in Sydney but through Jewish communities around the world. The story of the refusal of the synagogue on security grounds has been reported in America, Israel, England, Scotland and New Zealand. There has been almost irreparable damage done to the reputation of Waverley Council. The accusation that we Councillors refused this application has taken most of the Councillors by surprise.

CM/9.2/17.08 Interim Heritage Orders on Complying Development in Lugar Street, Bronte (A02/0184)

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

MOTION / DECISION

Mover: Cr Masselos
Seconder: Cr Wy Kanak

That Council officers investigate the making of an interim heritage order in relation to the properties at 7, 9 and 11 Lugar Street, Bronte, and that a report be prepared as soon as possible for Council outlining the relevant issues, process and timeframes for making such an interim heritage order.

Cr Cusack requested that it be recorded in the minutes that he voted against the Motion.

CM/9.3/17.08 Local Government Aboriginal Network Conference (A03/0027)

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

MOTION (WITHDRAWN)

Mover: Cr Wy Kanak
Seconder: Cr Wakefield

That, subject to an investigation as to whether it is legally possible, the General Manager be delegated to provide the necessary expenses to Dominic Wy Kanak to attend the Local Government Aboriginal Network Conference in Albury.

AT THIS STAGE IN THE PROCEEDINGS, CR WY KANAK DECLARED A PECUNIARY INTEREST IN THIS ITEM, WITHDREW THE MOTION AND LEFT THE CHAMBER. CR WY KANAK WAS NOT PRESENT AT, OR IN SIGHT OF, THE MEETING FOR THE FURTHER CONSIDERATION AND VOTE ON THIS ITEM. THE FOLLOWING MOTION WAS THEN MOVED:

MOTION

Mover: Cr Wakefield
Seconder: Cr Strewé

That, subject to an investigation as to whether it is legally possible, the General Manager be delegated to provide the necessary expenses to Dominic Wy Kanak to attend the Local Government Aboriginal Network Conference in Albury.

THE MOTION WAS PUT AND DECLARED LOST.

Division

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

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

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

10. Closed Session**CM/10/17.08 Closed Session**

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

MOTION / DECISION

Mover: Cr Mouroukas

Seconder: Cr Goltsman

That:

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

CM/10.1/17.08 CONFIDENTIAL REPORT - Affordable Housing - 8-10 Roberts Avenue, Randwick - Deeds and Refurbishment

This matter is considered to be confidential in accordance with section 10A(2)(c) of the *Local Government Act*, and 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 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*.

At 11.31 pm, Council moved into closed session.

CM/10.1/17.08 CONFIDENTIAL REPORT - Affordable Housing - 8-10 Roberts Avenue, Randwick - Deeds and Refurbishment (A14/0349)**MOTION / DECISION**

Mover: Cr Clayton

Seconder: Cr Cusack

That Council:

1. Treats this report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(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. Authorises the Mayor and General Manager to do all things necessary to sign the attached Deed of Co-Ownership and Management Deed.
3. Accepts Bridge Housing's fee proposal for managing the property, included in Schedule 2 of the

Management Deed.

4. Authorises officers to deposit \$5,000 into a joint operating account for the property, as soon as Bridge Housing establishes the account and following the execution of the Management Deed, to enable Bridge to carry the costs associated with managing the property.
5. Approves the proposal for refurbishment of the property as outlined in this report, and authorises the Mayor and the General Manager to sign the attached Refurbishment Agreement.

11. Resuming in Open Session

CM/11/17.08 Resuming in Open Session

MOTION / DECISION

Mover: Cr Goltsman
Seconder: Cr Kay

That Council resumes in open session.

At 11.32 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 11.33 PM.

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SIGNED AND CONFIRMED
MAYOR
10 OCTOBER 2017