



**WAVERLEY**  
COUNCIL

**MINUTES OF THE WAVERLEY COUNCIL MEETING  
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON  
TUESDAY, 21 NOVEMBER 2017**

**Present:**

Councillor John Wakefield (Mayor) (Chair)	Bondi Ward
Councillor Dominic Wy Kanak (Deputy Mayor)	Bondi Ward
Councillor Sally Betts	Hunter Ward
Councillor Angela Burrill	Lawson Ward
Councillor George Copeland	Waverley Ward
Councillor Tony Kay	Waverley Ward
Councillor Elaine Keenan	Lawson Ward
Councillor Steven Lewis	Hunter Ward
Councillor Paula Masselos	Lawson Ward
Councillor Will Nemes	Hunter Ward
Councillor Marjorie O'Neill	Waverley Ward

**Staff in attendance:**

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

*At the commencement of proceedings at 7.08 pm, those present were as listed above, with the exception of Cr Burrill, who arrived at 7.22 pm, and Cr Lewis, who arrived at 7.28 pm.*

**PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE**

The General Manager read the following Opening Prayer:

*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.*

The Mayor read the following Acknowledgement of Indigenous Heritage:

*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**

Apologies were received and accepted from Cr Goltsman.

**2. Declarations of Pecuniary and Non-Pecuniary Interests**

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

- 2.1 Cr Copeland declared a pecuniary interest in Item CM/7.6/17.11 – Bondi Pavilion Stakeholder Committee, and informed the meeting he would leave the chamber for this item.
- 2.2 Cr Lewis declared a less than significant non-pecuniary interest in Item CM/8.20/17.11 – Moriah College Community Consultative Committee, and informed the meeting that his son attends the college.

AT THIS STAGE IN THE PROCEEDINGS, THE FOLLOWING MOTION WAS MOVED BY CR KAY AND SECONDED BY CR BETTS:

That the audio recording of this meeting be uploaded in its entirety to Council's website and made available to the public within seven days of the meeting.

THE MOTION WAS PUT AND DECLARED CARRIED UNANIMOUSLY.

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

- 3.1 S Fosterling – CM/8.1/17.11 – Renewable Energy and Adani Carmichael Coal Mine.

**4. Confirmation and Adoption of Minutes****CM/4.1/17.11 Confirmation of Minutes - Operations Committee Meeting - 4 July 2017 (SF17/80)****MOTION / UNANIMOUS DECISION**

Mover: Cr Copeland  
Seconder: Cr Masselos

That the minutes of the Operations Committee Meeting held on 4 July 2017 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

**CM/4.2/17.11 Confirmation of Minutes - Extraordinary Council Meeting - 3 October 2017 (SF17/81)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos  
Seconder: Cr O'Neill

That the minutes of the Extraordinary Council Meeting held on 3 October 2017 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

**CM/4.3/17.11 Confirmation of Minutes - Council Meeting - 10 October 2017 (SF17/81)****MOTION / UNANIMOUS DECISION**

Mover: Cr Copeland  
Seconder: Cr Masselos

That the minutes of the Council Meeting held on 10 October 2017 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

**CM/4.4/17.11 Adoption of Minutes - Waverley Traffic Committee Meeting - 26 October 2017 (SF17/81)****MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield  
Seconder: Cr Kay

That Part 1 of the minutes of the Waverley Traffic Committee Meeting held on 26 October 2017 be received and noted, and that the recommendations contained therein be adopted.

## 5. Mayoral Minutes

### CM/5.1/17.11 Additional Amenities in Bondi Park (A17/0422)

#### MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council officers investigate the feasibility of additional toilet facilities within Bondi Park including, but not limited to:

1. Underneath Queen Elizabeth Drive, facing out to the existing promenade to the south of Bondi Lifeguard Tower.
2. Within the Biddigal Reserve embankment (noting the retaining wall requires a full replacement in the future).

#### Background

The Bondi Park, Beach and Pavilion Plan of Management 2014–2024 (Bondi POM) recognises the need to create new bathroom amenities without compromising the current visual amenity.

Bondi Park is a complex site with many gradient and level changes. These changes provide opportunities to build facilities into the slope. The Bondi POM identifies two locations that could accommodate facilities in such a way. The first being under Queen Elizabeth Drive, facing out to the existing promenade. The second location is within the retaining wall at Biddigal Reserve, which has a 3.5 metre level change with an opportunity to accommodate toilets and storage areas. It should be noted that the existing retaining wall at this location has been identified for full replacement within a few years.

The provision of additional toilet facilities in Bondi Park should be a priority. Despite the Bondi POM identifying the provision of new toilet facilities as a priority, there are no plans to undertake the investigations for additional toilet facilities in the near future. This mayoral minute proposes to bring these investigations forward to address the issue holistically throughout the park.

### CM/5.2/17.11 Creation of Satellite Depots in Waverley Local Government Area (A07/0041)

#### MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council officers investigate the available options and feasibility of one or more, smaller satellite depots within the Local Government Area (LGA) to improve service delivery, reduce travel times and improve staff and plant productivity. All available options will be considered with the exclusion of Hugh Bamford Reserve, Barracluff Reserve, Dudley Page Reserve and Rodney Reserve

#### Background

In 2007, Waverley Council endorsed a Depot Strategy as part of Council's Investment Strategy that was driven by the sale of Council's former works depot at Green Square.

The decentralised depot model comprised an out-of-LGA central depot to house waste collection, heavy fleet, mechanical workshops, stores, wash bays and administrative staff to support these functions. This central depot was to be supported by a number of smaller satellite depots within the Waverley LGA to better service the north, central and south precincts with space for staff amenities, equipment and material

storage.

In 2014, Council constructed the Alexandria Integrated Facility (AIF), which is a shared facility owned in partnership with Woollahra Council for our resource recovery, parks and maintenance and construction operations. Three satellite facilities have also been constructed at Syd Enfield Drive, Bondi Park sub-depot (temporary facility) and Waverley Park.

To ensure improved service delivery, reduced travel time and improved staff and plant productivity, one or more additional small facilities are required to realise the decentralised depot strategy vision. This mayoral minute requests officers to investigate options and feasibility within the LGA for one or more smaller satellite depots (with the stated exclusions), and report back to Council with the findings.

### **CM/5.3/17.11                      Corruption Prevention at Waverley (A07/0944)**

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

Mover:        Cr Wakefield  
Seconder:    Cr Wy Kanak

That Council, in light of the recent Independent Commission Against Corruption (ICAC) investigation into Botany Council:

1.     Reaffirms its commitment to an open and ethical Council with strong governance processes, transparency and accountability including the important role performed by the Internal Ombudsman.
2.     Calls for a report from the Internal Ombudsman to Council and the Audit Committee considering ways to:
  - (a)    Strengthen the independence and effectiveness of Council's internal audit functions and processes.
  - (b)    Ensure ongoing and mandatory awareness and training of Council staff and Councillors about corruption prevention, probity and conduct related matters.
  - (c)    Provide regular reporting to Council on complaints management, probity and corruption issues, and service and business improvement.
3.     And that the Mayor writes to ICAC thanking them for their recent briefing to Waverley Councillors.

#### **Background**

Since becoming Mayor, I have received complaints from residents alleging poor process and probity at Council. While many of these complaints may be ill founded, Councillors and Council need to ensure that the complaints are examined for either systematic process failure or for probity issues.

Councillors recently had the benefit of a presentation from Dr Andrew Howe, Senior Corruption Prevention Officer from the ICAC about the findings of serious corruption at the former Botany Council and Council suppliers. The conduct occurred over a long period of time and the total cost to Council and the community is not yet known, but is likely to be many millions of dollars.

The ICAC found serious and extensive administrative failures at Botany Council and made a series of corruption prevention recommendations.

**CM/5.4/17.11 Consulting the Community about Potential Changes to Parking Fees (A17/0529)****MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Burrill

That:

1. Council officers prepare a costs and benefits analysis report on the following potential changes to parking fees in Waverley:
  - (a) Providing a free Beach Parking permit for residents.
  - (b) All meters in Bondi Junction turned off after 6pm.
  - (c) All meters in Bondi Beach turned off after 7pm.
  - (d) 15 minute free parking in metered zone.
  - (e) 15 minute free 'drop in' zones near/in local shopping strips.
2. The costs and benefits analysis report be considered by Council prior to community consultation.

**6. Obituaries**

Luke Smidmore

Fira Goltsman

**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Burrill

That a letter of sympathy be forwarded to the families of the deceased named above expressing the condolences of the Mayor, Councillors and staff in the bereavement they have experienced.

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

**7. Reports****CM/7.1/17.11 Audited Financial Statements for the year ended 30 June 2017 (A17/0252)****MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Masselos

That Council:

1. In accordance with section 418 of the *Local Government Act*, Council receives and notes the Auditor's Report on the 2016/17 Annual Financial Statements (including General and Special Purpose Financial Statements and Special Schedules).

2. Refers any public submissions on the 2016/17 Annual Financial Statements (including General and Special Purpose Financial Statements and Special Schedules) to Council's Auditor, NSW Auditor General.
3. In light of information contained in a Confidential Memo about a legal matter which was distributed to Councillors separately to the agenda, a report be brought back to Council considering any financial consequences relating to prior year accounts, including 2016/17.

*Council resolved to lay this matter on the table so it could discuss clause 3 while the meeting was in closed session to deal with CM/9.2/17.11 – Confidential Legal Matter, which dealt with the same Confidential Memo. Subsequent to the discussion in closed session, the matter was carried unanimously.*

**CM/7.2/17.11                    1st Quarter 2017/18 Budget Review - September 2017 (A03/0346)**

**MOTION / UNANIMOUS DECISION**

Mover:        Cr Wakefield  
Seconded:    Cr Masselos

That Council adopts the variations to the 2017/18 Operating and Capital budgets in accordance with attachments 1, 2 and 3 of this report.

**CM/7.3/17.11                    Investment Portfolio Reports - September and October 2017 (A03/2211)**

**MOTION / DECISION**

Mover:        Cr Wakefield  
Seconded:    Cr Masselos

That Council:

1. Receives the Investment Portfolio Reports for September and October 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/7.4/17.11                    Annual Report 2016/17 (A17/0216)**

**MOTION / DECISION**

Mover:        Cr Wakefield  
Seconded:    Cr Masselos

That Council endorses the Annual Report 2016/17 attached to this report.

**CM/7.5/17.11 Bondi Beach Cultural Landscape Conservation Management Plan (A17/0073)****MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council:

1. Adopts the Bondi Beach Cultural Landscape Conservation Management Plan attached to this report for the purposes of guiding future works within the Bondi Beach Cultural Landscape area, and it be published on Council's website.
2. Submits the Bondi Beach Cultural Landscape Conservation Management Plan to the Office of Environment and Heritage for endorsement.

**CM/7.6/17.11 Bondi Pavilion Stakeholder Committee (A16/0431)**

*Cr Copeland declared a pecuniary interest in this item. Cr Copeland left the Chamber and was not present at, or in sight of, the meeting for the consideration and vote on this item.*

**MOTION / DECISION**

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council:

1. Treats the Expressions of Interest and Panel Recommendations attached to this report as confidential under section 10A(2) of the *Local Government Act 1993* as it contains personal information concerning particular individuals who are not Councillors.
2. Adopts the Bondi Pavilion Stakeholder Committee Terms of Reference as attached to the report subject to the following amendments:
  - (a) Clause 4 being changed to reflect the total number of representatives on the Committee.
  - (b) A new clause 4(h) be added to read 'One nominee of the Bondi Precinct'.
  - (c) At the end of the first sentence of clause 8, the following words be added: 'and will be made available on the Council website'.
3. Thanks all applicants for submitting an Expression of Interest in the Bondi Pavilion Stakeholder Committee.
4. Expands the Stakeholder Committee by inclusion of a traditional owner, a representative of the North Bondi Precinct, a TV and film specialist and a youth representative.
5. Approaches the Bondi Precinct to see if they wish to select a representative for membership on the Committee.
6. Appoints the following people to positions on the Bondi Pavilion Stakeholder Committee:

Michael Cohen  
Terence Jenkins  
Michael Lynch



Adrian Newstead  
 Neil Schofield  
 Di Smith  
 Faith Wieland Weisbrot  
 Peter Winkler  
 Rhonda Dixon Grosvenor  
 Leo Shaw-Voysey  
 Mark Gould  
 North Bondi Precinct Representative (TBC)  
 A representative from the Waverley Access Committee

7. Notes that Friends of Bondi Pavilion has appointed Gemma Deacon to the Bondi Pavilion Stakeholder Committee.

THE MOTION WAS PUT AND CARRIED ON A DIVISION.

**Division**

**For the Motion:** Crs Keenan, Lewis, Masselos, O'Neill, Wakefield and Wy Kanak.

**Against the Motion:** Crs Betts, Burrill, Kay and Nemesh.

**CM/7.7/17.11 Voluntary Planning Agreement - 701-707 Old South Head Road, Vaucluse (DA-482/2016)**

**MOTION / DECISION**

Mover: Cr Lewis

Seconder: Cr Masselos

That Council:

- Endorses the draft Planning Agreement attached to this report applying to land at 701-707 Old South Head Road, Vaucluse that provides a total contribution of \$517,537. Of this amount, \$465,783 is to be dedicated towards the upgrade and improvement of Diamond Bay Reserve, Vaucluse. The remaining \$51,754 (10%) is to be dedicated towards Waverley's Affordable Housing Program in accordance with the Waverley Planning Agreement Policy 2014.
- 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, Kay, Lewis, Masselos, Nemesh, O'Neill and Wakefield.

**Against the Motion:** Crs Copeland, Keenan and Wy Kanak.

**CM/7.8/17.11 Voluntary Planning Agreement - 2 Warners Avenue, North Bondi (DA-586/2015)**

**MOTION / DECISION**

Mover: Cr Lewis

Seconder: Cr Masselos

That Council:

- Endorses the draft Planning Agreement attached to this report applying to land at 2 Warners Avenue, North Bondi that provides a total contribution of \$419,773. Of this amount, \$377,796 is to be

dedicated towards the Baracluff Park and playground. The remaining \$41,977 (10%) is to be dedicated towards Waverley's Affordable Housing Program in accordance with the Waverley Planning Agreement Policy 2014.

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, Kay, Lewis, Masselos, Nemesh, O'Neill and Wakefield.

**Against the Motion:** Crs Copeland, Keenan and Wy Kanak.

**CM/7.9/17.11 Local Hero Award and Volunteer Week (A16/0639)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr O'Neill

Seconder: Cr Masselos

That Council:

1. Endorses the proposed changes to the Local Hero Awards as outlined in this report, specifically that:
  - (a) The awards categories listed in Table A of this report be trialled to recognise a broader cross section of the community.
  - (b) The award ceremony be integrated with Council's formal volunteer recognition event during Volunteer Week in May to improve appeal and reach.
  - (c) The 'Best of the Best' Local Hero award be made more broadly accessible to outstanding candidates (beyond the pool of previously recognised local heroes).
2. Appoints a judging panel for the current Council term, consisting of the Mayor or nominee, Cr Goltsman, Cr O'Neill and Cr Wy Kanak.

**CM/7.10/17.11 Tender Evaluation - Rodney Reserve Sports Field Upgrade (A10/0336)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Lewis

Seconder: Cr O'Neill

That Council:

1. Treats the Tender Evaluation Matrix attached to this report as confidential under section 10A(2) of the *Local Government Act 1993* as it 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. Under clause 178(1)(a) of the *Local Government (General) Regulation 2005*, accepts Renworx Pty Ltd as the preferred tenderer for Rodney Reserve Sports Field Upgrade for the sum of \$495,683.07 (excluding GST).
3. Authorises the General Manager, or delegated representative, to enter into contract on behalf of Council with Renworx Pty Ltd.

4. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.
5. Notes the scope of works does not include lighting.

**CM/7.11/17.11 Tender Evaluation - Composting Kits and Worm Farming Kits (A17/0203)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Wy Kanak  
Seconder: Cr Masselos

That Council:

1. Treats the Schedule of Prices and Tender Evaluation Matrices attached to this report as confidential under section 10A of the *Local Government Act 1993* as they contain information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
2. Under clause 178(1)(a) of the *Local Government (General) Regulation 2005*, accepts RELN Pty Ltd as the preferred tenderer for the supply of Composting Kits at a unit price of \$44.00 (including GST) and Worm Farming Kits at a unit price of \$88.55 (including GST).
3. Authorises the General Manager, or delegated representative, to enter into contract on behalf of Council with RELN Pty Ltd for a period of two years, with an optional one year extension.
4. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

**CM/7.12/17.11 Tender Evaluation - Bondi Pavilion High Tide Roof Replacement (A17/0490)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield  
Seconder: Cr Burrill

That Council:

1. Treats the Tender Evaluation Matrix attached to this report as confidential under section 10A(2) of the *Local Government Act 1993* as it 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. Under clause 178(1)(a) of the *Local Government (General) Regulation 2005*, accepts Murphy's Construction Pty Ltd as the preferred tenderer for the Bondi Pavilion High Tide Roof Replacement for the sum of \$130,949.01 (excluding GST).
3. Authorises the General Manager, or delegated representative, to enter into contract on behalf of Council with Murphy's Construction Pty Ltd.
4. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

**CM/7.13/17.11 Tender Evaluation - Sports Field Maintenance Services (A17/0478)****MOTION / UNANIMOUS DECISION**

Mover: Cr O'Neill  
Seconder: Cr Masselos

That Council:

1. Treats the Tender Evaluation Matrix attached to this report as confidential under section 10A(2) of the *Local Government Act 1993* as it 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. Under clause 178(1)(a) of the *Local Government (General) Regulation 2005*, accepts Green Options Pty Ltd as the preferred tenderer for the supply of Sports Field Maintenance Services for the sum of \$169,440.00 (excluding GST).
3. Authorises the General Manager, or delegated representative, to enter into contract on behalf of Council with Green Options Pty Ltd for a period of two years and eight months, with options of two, one (1) year extensions.
4. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

**CM/7.14/17.11 Tender Evaluation - Strategic Asset Management Plan Version 5 (SAMP5) (A17/0548)****MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield  
Seconder: Cr Wy Kanak

That Council:

1. Treats the Tender Evaluation Matrix attached to this report as confidential under section 10A(2) of the *Local Government Act 1993* as it contains information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
2. Under clause 178(1)(a) of the *Local Government (General) Regulation 2005*, accepts Morrison Low Consultants as the preferred tenderer for the supply of Waverley Council Strategic Asset Management Plan Version 5 (SAMP5) for the sum of \$428,757.00 (excluding GST).
3. Authorises the General Manager, or delegated representative, to enter into contract on behalf of Council with Morrison Low Consultants.
4. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

**CM/7.15/17.11 Council Meeting Dates 2018 (A04/1869)****MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council adopts the Schedule of Meeting Dates for Council, the Operations and Community Services Committee and the Strategic Planning and Development Committee 2018 as attached to this report.

**8. Notices of Motion****CM/8.1/17.11 City2Surf - Alcohol-free Event (A15/0543)**

*This Notice of Motion was withdrawn at the meeting by Cr Wy Kanak.*

**MOTION (WITHDRAWN)**

That Council writes to the City to Surf event organisers with a proposal for the 2018 City to Surf to be an alcohol-free event.

**CM/8.2/17.11 Nesting Swallows at South Bronte Amenities (A10/0741)****MOTION**

Mover: Cr Burrill

Seconder: Cr Kay

That Council officers:

1. Investigate the recent swallows nest being removed and consider options for the safe and localised relocation of the resident nesting swallows within the South Bronte Amenities in consultation with Birdlife Australia and other relevant organisations.
2. Prepare a report outlining current and planned actions to improve the quality and quantity of habitat for our local biodiversity across Waverley and our neighbouring Council areas. This report should include strategies and action plans for the protection, nesting conservation, habitat diversity, and water and food supply for native birds within the Waverley LGA, and make recommendations on producing an information and education package for our staff and residents.

**FORESHADOWED MOTION**

Mover: Cr Masselos

Seconder: Cr Keenan

That the Motion be adopted subject to the deletion of clause 1.

THE MOTION WAS PUT AND DECLARED LOST.

**Division**

**For the Motion:** Crs Betts, Burrill, Kay and Nemesh.

**Against the Motion:** Crs Copeland, Keenan, Lewis, Masselos, O'Neill, Wakefield and Wy Kanak.

THE FORESHADOWED MOTION NOW BECAME THE SUBSTANTIVE MOTION.

THE SUBSTANTIVE MOTION WAS THEN PUT AND DECLARED CARRIED.

**DECISION:** That the Substantive Motion be adopted.

*Cr Burrill requested that it be recorded in the minutes that she voted against the Substantive Motion.*

**CM/8.3/17.11 Light Rail in Waverley (A15/0491)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr O'Neill  
Seconder: Cr Masselos

That Council :

1. Explicitly rejects any proposal for light rail along the Bondi Road Corridor as it would negatively impact on the Oxford Street Mall and Bondi Road Shops, resulting in higher development density and loss of parking.
2. Supports the Waverley Strategic Transport Working Group (which includes representation from Roads and Maritime Services, Transport for NSW and the Greater Sydney Commission) in prioritising improved bus movements along the Bondi Road Corridor.

**CM/8.4/17.11 Live Streaming of Council Meetings (A17/0592)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Keenan  
Seconder: Cr Masselos

That Council:

1. Agrees in principle to the introduction of live audio and visual streaming of Council and Council Committee meetings as soon as practicable.
2. Officers prepare a report to Council which considers:
  - (a) The options available for live audio and visual streaming, considering the experiences of Councils already live streaming meetings.
  - (b) The likely cost to upgrade the equipment in the Council chamber to enable high quality video and sound recording, improved sound in the chamber and any other associated costs, for example site hosting/web costs.
  - (c) The implications of live streaming on members of the public wishing to record Council meetings.
  - (d) Any changes required to the Code of Meeting Practice and the process for doing so.
  - (e) Privacy implications.
  - (f) Copyright implications.
  - (g) Defamation implications.

- (h) Any implications under the *State Records Act*.

**CM/8.5/17.11 Public Access to Diaries (A09/1010)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Keenan  
Seconder: Cr Wakefield

That Council investigates how best to allow public reporting of the Mayor and senior staff appointment diaries on a monthly basis in relation to development matters (excluding meetings with residents or staffing matters), with a report to be received at the December or February Council meetings.

**CM/8.6/17.11 Separated Cycle Route - Bondi Beach to Rose Bay Wharf (A11/0267)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Keenan  
Seconder: Cr Wy Kanak

That Council:

1. Investigates building a separated bicycle path route from Bondi Beach (to our LGA boundary) to Rose Bay wharf as part of the Waverley's People, Movement and Places study – Signature Project 11 (Cycling Superhighways).
2. Notes that Woollahra Council has agreed to write to Mayor of Waverley Council seeking their support to deliver this route as a joint initiative.
3. Requests staff to liaise with Woollahra Council as appropriate, and prepare a report on the implementation of a separated route (including budget implications) for the Old South Head Road to Bondi Beach section of this route. The report to also consider any additional stormwater drainage that may be identified by the flood mitigation mapping project, and a joint Waverley Woollahra application for a funding grant from the RMS to prepare a feasibility study for the route.

**CM/8.7/17.11 Street Gardens in Laneways and Cul-de-sacs (A13/0054)**

**MOTION / DECISION**

Mover: Cr Kay  
Seconder: Cr Burrill

That Council:

1. Further to Council's resolution CM/8.5/17.10 on the streamlining of Council's Public Place Gardening Policy and Street Garden Guidelines, investigates the opportunity for greening laneways and cul-de-sacs in the Waverley LGA.
2. Prepares a report that recommends updates to the Policy, Guidelines, and Public Domain Technical Manual (PDTM) on treatments for laneways and cul-de-sacs by the community and/or Council so that these greening opportunities can be realised.
3. Within the above report, also identifies examples of potential laneway and cul-de-sac sites for greening with a recommended priority and community engagement approach.

**CM/8.8/17.11 National Broadband Network (NBN) in Waverley (A11/0780)****MOTION / UNANIMOUS DECISION**

Mover: Cr Wy Kanak

Seconder: Cr Keenan

That Council requests a public briefing from NBN Co Limited on its activities and plans for telecommunications infrastructure in the Waverley LGA and that NBN be asked to specifically address (Waverley LGA only):

1. The status of the rollout.
2. The mix of technologies and their proportions.
3. Performance differences between the technologies.
4. The age and condition of any existing infrastructure utilised by NBN (twisted copper, HFC cables, ducts, other).
5. Media reports and claims relating to installation difficulties, poor real world performance, bandwidth congestion, download/upload asymmetries, limitations due to co-existence with Foxtel on HFC, other?
6. The role of owners corporations in arrangements for installation of NBN infrastructure.
7. How NBN proposes to service Waverley's share of the significant continuing population and economic growth that underpins the Greater Sydney Commission's latest Greater Sydney Region Plan and locally the Eastern City District Plan.
8. The roadmap for future improvements to NBN infrastructure.
9. Technology Choice options available to Council, businesses, organisations, owners corporations, and residents.
10. Cost-effective suggestions for Council involvement in improvements/timing of improvements to NBN infrastructure.

**CM/8.9/17.11 Notts Avenue Shared Zone (A03/0764)****MOTION**

Mover: Cr Betts

Seconder: Cr Nemesh

That Council urgently commences the process of introducing a 10 km/hr shared zone in Notts Avenue, Bondi, in consultation with the RMS, the police and local residents.

**FORESHADOWED MOTION**

Mover: Cr Wakefield

Seconder: Cr Lewis

That Council notes the commencement of the process of introducing a 10 km/hr shared zone in Notts Avenue, Bondi, in consultation with the RMS, the Police and local residents.



THE MOTION WAS PUT AND DECLARED LOST.

THE FORESHADOWED MOTION NOW BECAME THE SUBSTANTIVE MOTION.

THE SUBSTANTIVE MOTION WAS THEN PUT AND DECLARED CARRIED.

**DECISION:** That the Substantive Motion be adopted.

**Division**

**For the Motion:** Crs Copeland, Keenan, Lewis, Masselos, O'Neill, Wakefield and Wy Kanak.

**Against the Motion:** Crs Betts, Burrill, Kay and Nemesh.

**CM/8.10/17.11 Murriverie Road (A08/0246)**

**MOTION**

Mover: Cr Lewis

Second: Cr Wakefield

That Council officers prepare a report:

1. Recommending road, traffic and parking changes to improve safety and prioritise bus movement through the intersection of Hardy, Murriverie and Mitchell Streets.
2. Outlining potential streetscape beautification, paving and pedestrian works at the Murriverie Road shopping strip.

**AMENDMENT**

Mover: Cr Nemesh

Second: Cr Betts

That the Motion be adopted subject to the deletion of clause 1.

THE AMENDMENT WAS PUT AND DECLARED LOST.

**Division**

**For the Amendment:** Crs Betts, Burrill, Kay and Nemesh.

**Against the Amendment:** Crs Copeland, Keenan, Lewis, Masselos, O'Neill, Wakefield and Wy Kanak.

THE MOVER AND SECONDER OF THE MOTION THEN ACCEPTED AN AMENDMENT WHEREBY CLAUSE 1 BECAME CLAUSE 2 AND ORIGINAL CLAUSE 2 BECAME CLAUSE 1.

A FURTHER AMENDMENT WAS THEN MOVED:

**AMENDMENT**

Mover: Cr Kay

Second: Cr Betts

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

'Council officers prepare a report recommending road, traffic and parking changes to improve safety and prioritise bus movement through the intersection of Hardy, Murriverie and Mitchell Streets and the resulting paving and pedestrian works that would be required.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

**Division****For the Amendment:** Crs Betts, Burrill, Kay and Nemesh.**Against the Amendment:** Crs Copeland, Keenan, Lewis, Masselos, O'Neill, Wakefield and Wy Kanak.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

**DECISION:** That the Motion be adopted.**CM/8.11/17.11 Old South Head Road (A03/0042-04)****MOTION / DECISION**

Mover: Cr Betts

Seconder: Cr Wakefield

That the matter be deferred to the December 2017 Council meeting.

**CM/8.12/17.11 Military Road (A16/0524)****MOTION / DECISION**

Mover: Cr Betts

Seconder: Cr Wakefield

That the matter be deferred to the December 2017 Council meeting.

**CM/8.13/17.11 Remembrance Day (A14/0251)****MOTION / DECISION**

Mover: Cr Betts

Seconder: Cr Wakefield

That the matter be deferred to the December 2017 Council meeting.

*At 10.24 pm, the meeting was adjourned for a short break on a motion moved by Cr Wakefield, seconded Cr Burrill.*

*At 10.28 pm, the meeting resumed on a motion moved by Cr Wakefield, seconded Cr Lewis.*

**CM/8.14/17.11 Clarke Street Reserve (A04/2119)****MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh

Seconder: Cr Betts

That:

1. Council notes the residential amenity and recreational importance of Clarke Street Reserve to the local community.
2. Officers investigate options to improve the safety and enhance Clarke Street Reserve with specific

regard to:

- (a) Providing a fenced area surrounding the playground.
  - (b) Erecting signage to deter dogs off leash.
  - (c) Reviewing the appropriateness and suitability of existing plantings and the positioning of rocks within the playground in order to prevent injury to children.
  - (d) Exploring options of additional play equipment in particular a slippery dip.
  - (e) Consulting the local precinct and residents.
3. Officers prepare a report to Council recommending improvements.

**CM/8.15/17.11 Commemorative Tributes (A02/0276)**

**MOTION / DECISION**

Mover: Cr Kay  
Seconder: Cr Betts

That the matter be deferred to the December 2017 Council meeting.

**CM/8.16/17.11 Live Audio Streaming of Council Meetings (A17/0592)**

**MOTION / DECISION**

Mover: Cr Burrill  
Seconder: Cr Kay

That the matter be deferred to the December 2017 Council meeting.

**CM/8.17/17.11 Code of Meeting Practice - Review (A02/0649)**

**MOTION / DECISION**

Mover: Cr Betts  
Seconder: Cr Wakefield

That the matter be deferred to the December 2017 Council meeting.

**CM/8.18/17.11 Boot Factory - State Heritage Listing (A17/0528)**

**MOTION / DECISION**

Mover: Cr Masselos  
Seconder: Cr O'Neill

That the matter be deferred to the December 2017 Council meeting.

**CM/8.19/17.11 Renewable Energy and the Adani Carmichael Coal Mine (A02/0131)**

*Cr Burrill informed the meeting that she did not wish to participate in the debate or vote on this item as she believed it was a Federal and Queensland State Government matter. Cr Burrill was not present for the consideration and vote on this item.*

*The Chair requested that it be recorded in the minutes that Cr Burrill left the Chamber for neither a pecuniary nor a non-pecuniary interest.*

**MOTION / DECISION**

Mover: Cr Wy Kanak

Seconder: Cr Masselos

That Council:

1. Supports and recognises a need for a transition from fossil fuels to renewable energy as soon as possible, and that government support and funding for new coal mines such as the Carmichael Mine renders farcical any sensible discussion about a transition to renewable energy.
2. Council objects in the strongest terms possible to government support and funding for new coal mines such as the Carmichael Mine. Council will do all that it can to engage with other Councils to communicate its objection to government support and funding for new coal mines such as the Carmichael Mine.
3. Resolves to prepare and send a letter to federal Members of Parliament on the terms of motion 1 as set out above.

**Division****For the Motion:** Crs Copeland, Keenan, Lewis, Masselos, O'Neill, Wakefield and Wy Kanak.**Against the Motion:** Crs Betts, Kay and Nemesh.

*S Fosterling addressed the meeting.*

**CM/8.20/17.11 Moriah College Community Consultative Committee (A03/1411)**

*Cr Lewis declared a less than significant non-pecuniary interest in this item, and informed the meeting that his son attends the college.*

**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Burrill

That:

1. Council supports the ongoing approach of Moriah College in holding regular meetings between the college and local residents via the Moriah Community Consultative Committee.
2. Council supports the meetings of the Moriah College Community Consultative Committee being held on a quarterly basis.
3. Ward Councillors be appointed to a new MCCC.
4. Council staff continue to provide technical assistance to the Moriah College Community Consultative Committee.

5. This Council resolution is tabled at the meeting of the Waverley Development Assessment Panel to be held on Wednesday 22 November 2017 that will be considering the development application for the early learning centre at Moriah College.

**Division**

**For the Motion:** Crs Betts, Burrill, Copeland, Kay, Keenan, Lewis, Masselos, Nemesh, O'Neill, Wakefield and Wy Kanak.

**Against the Motion:** Nil.

**9. Urgent Business**

**CM/9.1/17.11 White Ribbon Day Donation (A15/0451)**

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

**MOTION / UNANIMOUS DECISION**

Mover: Cr Keenan

Seconder: Cr Masselos

That Council supports White Ribbon day on 25 November by donating \$1,000 to the Bondi Beach Cottage.

*At 10.32 pm, during the debate on item 9.1, the Mayor relinquished the Chair and the Deputy Mayor assumed the Chair.*

*At 10.34 pm, during the debate on item 9.1, the Mayor assumed the Chair.*

**CM/9.2/17.11 Confidential Legal Matter (SF17/2593)**

*A confidential memo was distributed to Councillors prior to the meeting and separately to the agenda.*

**MOTION / DECISION**

Mover: Cr Wakefield

Seconder: Cr Copeland

That:

1. Council resolves to deal with the confidential legal matter as an item of urgent business.
2. The confidential legal matter be dealt with in closed session.

**10. Closed Session****CM/10/17.11 Closed Session****MOTION / DECISION**

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

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

**CM/9.2/17.11 Confidential Legal Matter**

This matter is considered to be confidential in accordance with section 10A(2)(g) 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 contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

*At 10.37 pm, Council moved into closed session.*

**CM/9.2/17.11 Confidential Legal Matter (SF17/2593)**

*At 10.37 pm, Council moved into closed session to deal with this item.*

**MOTION / DECISION**

Mover: Cr Wakefield

Seconder: Cr Masselos

That:

1. Council authorises the General Manager to negotiate with ISPT as outlined in Option B as set out in Attachment 1 of the Confidential Memo distributed to Councillors separately to the agenda.
2. A report on negotiations and investigations will come back to Council, with Council to make the final decision.

**CM/10.1/17.11 CONFIDENTIAL REPORT - Petition - Affordable Housing Tenancy Extension (A02/0391)**

*Council dealt with this item in open session.*

**MOTION / DECISION**

Mover: Cr Betts

Seconder: Cr Wakefield

That the matter be deferred to the December 2017 Council meeting.

**11. Resuming in Open Session**

**CM/11/17.11 Resuming in Open Session**

**MOTION / DECISION**

Mover: Cr Wakefield

Seconder: Cr Copeland

That Council resumes in open session.

*At 11.14 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 mover and seconder, while the meeting was closed to members of the public and the media.*

**12. Meeting Closure**

**THE MEETING CLOSED AT 11.16 PM.**

.....  
**SIGNED AND CONFIRMED**  
**MAYOR**  
**12 DECEMBER 2017**