



**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 12 DECEMBER 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 Leon Goltsman	Bondi Ward
Councillor Elaine Keenan	Lawson Ward
Councillor Steven Lewis	Hunter Ward
Councillor Paula Masselos	Lawson Ward
Councillor Will Nemesh	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 7.02 pm, those present were as listed above, with the exception of Crs Copeland, Nemesh and Keenan who arrived at 7.03 pm, 7.06 pm and 7.07 pm respectively.

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

There were no apologies.

2. Declarations of Pecuniary and Non-Pecuniary Interests

The Chair called for declarations of interest and none were received.

3. Addresses to Council by Members of the Public

- 3.1 A Chee (on behalf of the applicant) – CM/7.15/17.12 – Voluntary Planning Agreement – 59–69 Oxford Street, Bondi Junction.
- 3.2 M Smidmore – CM/8.4/17.12 – Commemorative Tributes.
- 3.3 J Barnes – CM/8.9/17.12 – Preserving Waverley’s Public and Residential Amenity and Open Space.

4. Confirmation and Adoption of Minutes

CM/4.1/17.12 Confirmation of Minutes - Council Meeting - 21 November 2017 (SF17/81)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

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

CM/4.2/17.12 Confirmation of Minutes - Extraordinary Council Meeting - 28 November 2017 (SF17/81)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That the minutes of the Extraordinary Council Meeting held on 28 November 2017 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

CM/4.3/17.12 Adoption of Minutes - Waverley Traffic Committee Meeting - 23 November 2017 (SF17/98)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

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

5. Mayoral Minutes**CM/5.1/17.12 Support for Establishment of New Public High School (A12/0030)****MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

That Council:

1. Supports the establishment of a new comprehensive co-educational public high school in Sydney's East.
2. Commends Woollahra Council on its 27 November 2017 decision in regard to identifying opportunities for a High School in the Edgecliff Commercial Corridor.
3. Undertakes to participate with Woollahra Council to identify an appropriate site for a Public High School in the Eastern Districts.
4. Requests the State Government to work with Council to identify suitable sites for a new public High School.

CM/5.2/17.12 Events Policy (A11/0687)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

That:

1. Council officers review all high impact events delivered since the introduction of the Events Management Policy and Guidelines in 2015 in terms of compliance with the Policy and Guidelines, with a particular focus on waste, noise and traffic management.

2. Council receives a report on the Review including any recommendations for changes to and compliance with the current restrictions.
3. Council officers provide a quarterly report to the Strategic Planning Committee including:
 - (a) Numbers of requests for events.
 - (b) Number of events held in the previous quarter, including related issues and outcomes of events held.
4. All future proposed high impact events (as defined in the Events Management Policy) be submitted to Council for approval.

6. Obituaries

Noel Mayes

Graham Price

Harold Hunter

Uncle Lester Bostock

Uncle Dennis Walker

Uncle Sol Bellear

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/7.1/17.12 Leave of Absence - Cr Tony Kay (SF17/81)

MOTION / UNANIMOUS DECISION

Mover: Cr Betts

Seconder: Cr Wakefield

That Council grants Cr Tony Kay leave of absence for the period from Tuesday 12 December 2017 to Wednesday 3 January 2018, inclusive. This includes the Council meeting on 12 December 2017.

CM/7.2/17.12 Bronte Road, Waverley and Gould Street, Bondi Beach - Changes to Parking Restrictions (A02/0637-02)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield
Seconded: Cr Masselos

That Council:

1. Removes the existing 28 metre '1/4P 8.30am-6pm Mon-Fri' zone outside the Waverley Court House in Bronte road and extends the existing 'No Stopping Police Vehicles Excepted' zone in front of the Police Station 28 metres south to replace it, as per Figure 3.
2. Extends the existing 'No Stopping Police Vehicles Excepted' zone adjacent to the Police Station in Gould Street, Bondi Beach a further 12 metres south west, as per Figure 6.

CM/7.3/17.12 Thomas Hogan Reserve Stage 2 - Results of Community Consultation (SF17/2444)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wy Kanak
Seconded: Cr Copeland

That Council:

1. Receives and notes the responses by the community on the proposed Thomas Hogan Reserve Stage 2 Works.
2. Based on community responses, adopts the actions proposed by Council officers in the report, including amending the design to:
 - (a) Consider alternative materials that are currently proposed as concrete.
 - (b) Reconsider the extent of lawn and garden bed.
 - (c) Consider removing the provision of a specific Council maintenance parking bay, and incorporating a DDA parking bay in lieu of on street provision (action identified in PoM).
 - (d) Amend the alignment of the Martin's Avenue stairs to balance the need of direct access and extent of central lawn.
 - (e) Include locations of replacement trees and specify native species.
 - (f) Minimise trees being removed in this stage of works.
 - (g) Include a planting list in accordance with the VMP, consisting of all natives endemic to the area and in the classified ecological class, and subject to a chemical analysis of the soil.
 - (h) Consider Kempsey Council's sustainable camphor laurel removal plan.
3. Proceeds with the development of a staged Ecological Restoration Action Plan for Thomas Hogan Reserve, which is cognisant of the heritage status of the reserve, to be presented to Council for adoption.

CM/7.4/17.12 Residential Parking Permit Fees - Proposed Amendments (SF17/2867)

A late attachment to this report was issued to Councillors and published on Council's website prior to the meeting.

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield
Seconder: Cr Lewis

That Council:

1. Receives and notes the community submissions on the proposed amendments to the Residential Parking Permit Fees section of Pricing Policy, Fees and Charges 2017/18.
2. Notes that the response from the community was too small to draw valid conclusions based on the short time frame, and conducts further community consultation regarding the removal of the fee for the first residential parking permit as part of the wider parking review.
3. Officers include the removal of the fee for the first residential parking permit in the costs and benefits analysis report requested by Council at its meeting on 21 November 2017.

CM/7.5/17.12 Impounding Fees - Proposed Amendments (A17/0149)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That Council:

1. Receives and notes the community submissions made in relation to the proposed amendments to the Impounding section of Pricing Policy, Fees and Charges 2017/18 as set out in Table 3 of this report.
2. Adopts the proposed amendment to the impounding fees in the Pricing Policy, Fees and Charges 2017/18 as set out in Table 2 of this report effective immediately.

CM/7.6/17.12 Bondi Rescue - Season 13 (A17/0641)

A confidential late attachment to this report containing the filming agreement was issued to Councillors prior to the meeting.

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield
Seconder: Cr Goltsman

That Council:

1. Agrees in principle to the request from Cordell Jigsaw Zapruder (CJZ) to film Season 13 of Bondi Rescue during the 2017-18 summer.
2. Authorises the General Manager to enter into contract on behalf of Council with CJZ for the filming of Season 13 of Bondi Rescue on the following terms:

- (a) CJZ will pay Council a fee of \$115,000 plus 5% of net profits for the series.
- (b) Filming will last for a total of 9 weeks with an option to extend if required, with an additional fee payable to Council.

And subject to an agreement between CJZ and Council's Lifeguard's for an additional payment to Council's Lifeguards for promotional services.

3. Notes the request from CJZ is to film only one season of Bondi Rescue during the 2017-18 summer and that any further filming proposals must be approved by Council.

CM/7.7/17.12 Bronte House - National Heritage Listing (A13/0628)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Burrill

That Council not proceed with a nomination for National Heritage Listing of Bronte House at this time.

CM/7.8/17.12 New Councillor Expenses and Facilities Policy (A17/0452)

MOTION (WITHDRAWN)

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That Council:

1. Adopts the attached draft Councillor Expenses and Facilities Policy for the purposes of public exhibition pursuant to s 253(1) of the *Local Government Act 1993*.
2. Extends the exhibition period until 26 January 2018.
3. Receives a further report following the closure of the exhibition period.

MOTION / DECISION

Mover: Cr Wakefield
Seconder: Cr Goltsman

That this matter be deferred.

CM/7.9/17.12 Waverley Artist Studios - Appointments - February 2018– January 2019 (A05/0416)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Burrill

That Council:

1. Approves the following artists for placement in the Waverley Artist Studios in the February 2017 intake for the period February 2018 to January 2019: Wendy Murray, Harriet Body, Adam Norton, Julian Talarico and Mason Kimber.

2. Approves the following artists for the reserve list in the Waverley Artist Studios in the February 2017 intake for the period February 2018 to January 2019: Meng Yu Yan, Sarah Rodigari and Lucas Abela.

Cr Wy Kanak was not present for the vote on this item.

CM/7.10/17.12 Waverley Public Art Committee - Terms of Reference - Review (A05/0416)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Burrill

That Council:

1. Adopts the Terms of Reference for the Waverley Public Art Committee attached to this report.
2. Calls for expressions of interest for new committee members to be appointed for the period March 2018 to February 2020.

CM/7.11/17.12 Waverley's People, Movement and Places - Adoption (SF17/2809)

MOTION / UNANIMOUS DECISION

Mover: Cr O'Neill
Seconder: Cr Burrill

That Council:

1. Adopts 'Waverley's People, Movement and Places: a study of where we go and how we get there – Final Summary 2017' attached to this report.
2. Notes the documents have been amended to reflect Council's resolution on 21 November 2017 that the light rail is not supported as a public transport option for the Bondi Road Corridor.
3. Notes that the next stages are to develop business cases and feasibilities for the signature projects and implementation actions.
4. Places on Council's website the following final documents: (1) Final Summary, (2) Strategy Report by Bitzios, (3) Key Issues Paper by Bitzios, and (4) Feedback on Draft Report.
5. Notes that the Waverley Strategic Transport Working Group has been established between Council staff and relevant state government agencies (TfNSW, RMS and GSC) to progress projects which require partnership with state government.

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

CM/7.12/17.12 Submissions on Draft Greater Sydney Region Plan, Revised Draft Eastern City District Plan and Future Transport 2056 (A16/0717)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That Council:

1. Endorses the submission on the 'Draft Greater Sydney Region Plan' and 'Revised Draft Eastern City District Plan'.
2. Notes the submission made on 'Future Transport 2056' and advises whether there are any additional issues to be added to the submission.

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

CM/7.13/17.12 Planning Agreement Policy 2014 - Update (A15/0046)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield
Seconder: Cr Lewis

That Council:

1. Adopts Waverley Planning Agreement Policy 2014 (Amendment No. 2) attached to this report for the purposes of public exhibition for a period of 28 days.
2. Notes the purpose of this amendment to the Waverley Planning Agreement Policy 2014 is to implement pre-scheduled development contribution rates, implement and clarify the process for applying planning agreements to planning proposals in order to fund public infrastructure needs and housekeeping updates.
3. Notes that the proposed amendments relating to standardised, pre-scheduled development contribution rates are consistent with the value sharing principles that have been applied to Planning Agreements negotiated to date.
4. Notes that the proposed amendments relating to a planning proposal are consistent with the principles which have been applied to planning agreements negotiated for development applications, with the latter providing certainty for the community and development industry.

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

CM/7.14/17.12 Voluntary Planning Agreement - 109-119 Oxford Street, Bondi Junction (DA-569/2015/A)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield
Seconder: Cr Burrill

That Council:

1. Endorses the draft Planning Agreement attached to this report applying to land at 109–119 Oxford

Street, Bondi Junction that provides a total contribution of \$2,844,438. Of this amount, \$2,559,994 is to be dedicated towards the Bondi Junction *Complete Streets* Program and \$284,444 (10%) towards Waverley's Affordable Housing Program in accordance with Council's 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, Copeland, Lewis, Masselos, Nemesh, O'Neill and Wakefield.

Against the Motion: Crs Keenan and Wy Kanak.

CM/7.15/17.12 Voluntary Planning Agreement - 59-69 Oxford Street, Bondi Junction (DA-585/2015/A)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Burrill

That Council:

1. Endorses the draft Planning Agreement attached to this report applying to land at 59–69 Oxford Street, Bondi Junction, that provides a total contribution of \$4,713,956. Of this amount, \$4,242,560 is to be dedicated towards the Bondi Junction *Complete Streets* Program and \$471,396 (10%) towards Waverley's Affordable Housing Program in accordance with Council's 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, Copeland, Goltsman, Lewis, Masselos, Nemesh, O'Neill and Wakefield.

Against the Motion: Crs Keenan and Wy Kanak.

A Chee (on behalf of the applicant) addressed the meeting.

CM/7.16/17.12 SSROC Suppliers Panels for Temporary Staff and Plants and Trees (SF17/2878)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Burrill

That Council:

1. Treats the attachments to this report as confidential in accordance with section 10A(2)(c) of the *Local Government Act 1993*. The attachments contain 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 SSROC approved suppliers panels listed below for Waverley Council, for the following services:

- (a) Supply and Management of Temporary Staff, for a period of three + two extensions of one year, with commencement date of 1 September 2017. The Panel comprises:
- Adecco Australia Pty Ltd.
 - Allstaff Australia Pty Ltd.
 - Cox Purtell Staffing Services Pty Ltd.
 - Drake International.
 - Hays Specialist Recruitment (Australia) Pty Ltd.
 - Hoban Recruitment Pty Ltd.
 - Inspired Management Pty Ltd t/a Inspired Staffing.
 - Labour Co-operative Ltd.
 - Logo Management Pty Ltd.
 - McArthur (NSW) Pty Ltd.
 - Pulse Staffing Australia Pty Ltd.
 - Randstad Pty Ltd.
 - Recruitment Edge.
 - RNTT Pty Ltd t/a Excel Recruitment.
 - Rubicor Workforce Pty Ltd.
- (b) Supply and Delivery of Plants and Trees for a period of three + two extensions of one year, with commencement date of 15 September 2017. The Panel comprises:
- Alpine Nurseries Sales Pty Ltd.
 - Andreasens Green Wholesale Nurseries.
 - Greening Australia (NSW) Limited.

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

CM/7.17/17.12 Tender Evaluation - Eastgate Carpark Lift Upgrade (A17/0204)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

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 Otis Elevator Company as the preferred tenderer for Eastgate Carpark Lift Upgrade works for the sum of \$193,600 excluding GST.
3. Authorises the General Manager, or delegated representative, to enter into contract on behalf of Council with OTIS Elevator Company.
4. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

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

CM/7.18/17.12 Tender Evaluation - Waverley Park Water Harvesting Scheme Upgrade (A17/0525)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield
Seconder: Cr Burrill

That Council:

1. Declines to accept any of the tenders for the Waverley Park Water Harvesting Scheme Upgrade, in accordance with clause 178 (1)(b) of the *Local Government (General) Regulation 2005*.
2. Invites fresh tenders for Waverley Park Water Harvesting Scheme Upgrade, in accordance with clauses 178(3)(b) and 167 of the *Local Government (General) Regulation 2005*.
3. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

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

CM/7.19/17.12 Model Code of Conduct - Submission on Draft Code (A03/0385-02)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That Council:

1. Endorses the submission on the Draft Model Code of Conduct for Local Councils in NSW and associated Draft Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW attached to this report.
2. Forwards the submission to the Office of Local Government.

CM/7.20/17.12 Annual Returns Disclosing Interests of New Councillors (A17/0427)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield
Seconder: Cr Burrill

That Council receives and notes the returns by new Councillors disclosing interests.

CM/7.21/17.12 Annual Code of Conduct Complaints Reporting (A03/0385-02)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield
Seconder: Cr Burrill

That Council receives and notes the attached annual report on Code of Conduct complaints about Councillors and the General Manager for 2016–2017.

CM/7.22/17.12 Trade Debtors Debt Write-Off (SF17/299)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Second: Cr Burrill

That Council approves the write-off of bad trade debts amounting to \$46,388.77 as irrecoverable pursuant to clause 213(3) of the *Local Government (General) Regulation 2005*, subject to the Mayor and General Manager writing to a senior officer of Jemena to request that they honour their debt.

8. Notices of Motion**CM/8.1/17.12 Old South Head Road (A03/0042-04)****MOTION / DECISION**

Mover: Cr Lewis

Second: Cr Wakefield

That Council officers prepare a report examining potential for right-hand turn capacity improvement on Old South Head Road between Gilgandra Road and Strickland Street travelling north-east, and for a right-hand turn off Old South Head Road into Newcastle Street travelling south-west. The report should provide an action list for specific works programs for more detailed investigation and specific issues which may require consultation with the RMS and Woollahra Council.

Division**For the Motion:** Crs Copeland, Keenan, Masselos, O'Neill, Lewis, Wakefield and Wy Kanak.**Against the Motion:** Crs Betts, Burrill, Goltsman and Nemes.**CM/8.2/17.12 Military Road (A16/0524)****MOTION**

Mover: Cr Lewis

Second: Cr Wakefield

That Council officers prepare a reporting examining potential road widening works along Military Road, Kobada Road and Wallis Parade. Traffic pinch points will be a special focus of the report. The report to be presented to Council no later than April 2018.

AMENDMENT

Mover: Cr Nemes

Second: Cr Goltsman

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

'That Council officers investigate the installation of traffic calming devices as part of the report in order to ensure community safety.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

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

THE MOVER AND SECONDER OF THE MOTION THEN ACCEPTED AMENDMENTS TO THE MOTION SUCH THAT

IT NOW READ AS FOLLOWS:

That Council officers prepare a reporting examining potential road widening works along Military Road. Traffic pinch points will be a special focus of the report. The report to be presented to Council no later than April 2018.

THE MOTION AS AMENDED WAS PUT AND DECLARED CARRIED.

DECISION: That the Motion be adopted.

CM/8.3/17.12 Remembrance Day (A14/0251)

MOTION / UNANIMOUS DECISION

Mover: Cr Nemesh

Seconder: Cr Burrill

That Council:

1. Recognises that the year 2018 marks the 100th anniversary of Remembrance Day.
2. Notes that 416,809 Australian men enlisted to serve in World War One, with more than 60,000 killed and 156,000 wounded, and of those killed over 500 were from the Waverley municipality.
3. Acknowledges the special significance of Remembrance Day for all Australians, including the residents of Waverley.
4. Notes the enduring legacy of the RSLs in commemorating Remembrance Day each year and for providing support to ex-servicemen and women, including the Bondi Junction Counselling Centre treating the stress disorders of veterans returning from Afghanistan and Iraq.
5. Officers investigate a special event to mark the 100th anniversary of Remembrance Day and provide a report for Council consideration by March 2018 that includes but is not limited to:
 - (a) Consultation with the Presidents and other senior officials of the local RSL clubs, appropriate ANZAC nursing organisations and the NSW Indigenous Veterans' Committee.
 - (b) Options for an alternative location, if not Waverley Park.
 - (c) Inviting dignitaries to attend, including the Governor-General, the Governor of NSW, the Prime Minister, the Minister for Veterans' Affairs and the local members for Vaucluse and Coogee.
 - (d) Unveiling a memorial plaque that would include recognition of all Australians killed in war, including Aboriginal and Islander peoples who resisted invasion of their traditional lands and waters.
 - (e) Event funding.
 - (f) The contribution of nurses during World War 1, and of Indigenous Australians and Torres Strait Islanders.

CM/8.4/17.12 Commemorative Tributes (A02/0276)**MOTION / UNANIMOUS DECISION**

Mover: Cr Goltsman

Seconded: Cr Burrill

That Council:

1. Investigates creative options for the installation in public places of commemorative tributes that recognise deceased local family members or those with a strong connection to Waverley that have passed away.
2. Reports back to Council no later than the June 2018 Council meeting with an outline of:
 - (a) Potential locations and types of commemorations that could be installed, whilst ensuring that they are placed discreetly and sensitively.
 - (b) Suggested criteria for the application and fee structures.
3. Consults with the Public Art Committee on the locations and built forms that might be appropriate in Waverley.

*M Smidmore addressed the meeting.***CM/8.5/17.12 Live Audio Streaming of Council Meetings (A17/0592)***This Notice of Motion was withdrawn at the meeting by Cr Goltsman.***MOTION (WITHDRAWN)**

That Council:

1. Requests the General Manager to:
 - (a) Undertake a 12-month trial of live audio streaming of all formal Council meetings, including the Operations & Community Services and the Strategic Planning & Development Committees, such that the trial commences no later than the first meeting of Council in March 2018, with the view to making the process permanent in 2019.
 - (b) Ensure all live streams are archived permanently for direct public access from Council's web site.
 - (c) Widely publicise the trial with a permanent and prominent first page notice on Council's web site, letter box drops to all residents and businesses, social media and other appropriate media.
 - (d) Ensure that the recording equipment is able to record words of each speaker clearly so that they are audible to all listening to the broadcast.
2. Amends Council's Code of Meeting Practice to enable the live streaming of Council meetings.

CM/8.6/17.12 Code of Meeting Practice - Review (A02/0649)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wy Kanak

Seconder: Cr Wakefield

That Council:

1. Notes the Office of Local Government (OLG) released its draft Model Code of Meeting Practice for public consultation on 6 December 2017 with a closing date for submissions of 16 March 2018.
2. Notes Waverley's proposed new Code of Meeting Practice will be presented to Council following OLG's release of the final Model Code.
3. Officers ensure the draft Waverley Code of Meeting Practice includes the following:
 - (a) An Order of Business for Council that has Questions with Notice and places Notice of Motions at the beginning of the paper before staff reports.
 - (b) An 'Open Forum' of no more than 15 minutes' duration to allow members of the public to address Council on matters of public importance, prior to the commencement of the meeting.
 - (c) A three-minute limit on each address by a member of the public.
 - (d) Recent Council decisions affecting the Code.

CM/8.7/17.12 Boot Factory - State Heritage Listing (A17/0528)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Initiates action to have the Boot Factory considered for State Heritage Listing.
2. Investigates funding avenues that heritage listing makes available for restoration/refurbishment of old buildings of significance.

CM/8.8/17.12 Interim Shared Path on Oxford Street between York Road & The Nelson Street Crossing (A14/0193)**MOTION**

Mover: Cr Burrill

Seconder: Cr Goltsman

That Council officers, as a matter of urgency, investigate and implement safety improvements to the footpath on the south side of Oxford Street, Bondi Junction, between York Road and the Nelson Street crossing including:

1. Formalising this length of footpath as a shared path with additional regulatory and informative signage, and pavement markings.

2. Adding an additional kerb ramp on the south west corner of Oxford Street and York Road so that there are two coloured and signposted kerb ramps, one for pedestrians and one for cycles.
3. Replacing the large bus shelter with a slim line shelter in consultation with State Transit and our bus shelter provider.
4. Implement a communication campaign about the changes with all users.
5. An education program is developed on using shared paths.

THE MOTION WAS PUT AND DECLARED LOST.

Division

For the Motion: Crs Betts, Burrill, Goltsman and Nemesh.

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

CM/8.9/17.12 Preserving Waverley's Public and Residential Amenity and Open Space (A03/0943)

MOTION / DECISION

Mover: Cr O'Neill

Seconder: Cr Lewis

That Council:

1. Notes the State Government's failure to engage in meaningful community consultation and its unwillingness to commission and/or release the relevant strategic business cases.
2. Agrees to collaborate with neighbouring councils as well as State and Federal representatives to work together in order to effect an immediate moratorium on the progression of following proposals ('Proposals'):
 - (a) The rebuilding of the Allianz Stadium at Moore Park and encroachment and expansion into Moore Park open and green space on at an anticipated cost to taxpayers of \$705 million.
 - (b) The Alexandria to Moore Park road widening. The Roads and Maritime Services' (RMS) 'preliminary concept design' for the Alexandria to Moore Park Connectivity Upgrade includes the redesign of the Anzac Parade, Dacey Ave and Alison Road intersection. Estimated to cost \$500 million, the continuous flow intersection will be largest non-motorway intersection in NSW, bringing thousands of more cars into the area and likely resulting in more compulsory parkland acquisitions and the loss of a further 100 trees and greater traffic congestion into our municipality.
3. Calls for a moratorium on the Proposals to remain in place until, in consultation with the affected councils and the community, each of the above proposals are fully and adequately assessed for their impact on:
 - (a) Open public green space, trees and heritage.
 - (b) The implications on Driver Ave and Kippax Lake and the implications on our ANZAC memorial.
 - (c) Local traffic congestion and car parking facilities and flow on impact into our municipally and on the Waverley local community.

- (d) Public transport capacity.
 - (e) Community amenities, especially those located in the surrounding parklands of Moore Park and Centennial Park parklands.
 - (f) The long-term effect of further commercialisation of public land.
 - (g) Any other issues that may impact on the area's character, amenity and sustainability.
4. Calls on the NSW Upper House to hold an Inquiry into the Proposals, specifically focusing on the appropriateness of the NSW Department of Planning decision-making processes with regard to long-held community standards of transparency and accountability of the use of public monies.
 5. Calls on the newly elected LGNSW leadership team to campaign for the funds set aside for the stadium rebuild to instead be used for public community infrastructure, including hospitals, education, community sport and other public assets and to do this in partnership with councils, community groups and local sporting clubs across NSW.

Division

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

Against the Motion: Crs Betts, Burrill, Goltsman and Nemesh.

J Barnes addressed the meeting.

CM/8.10/17.12 Amplified Music - Bronte Park (A13/0161)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr O'Neill

That:

1. Council reaffirms its policy concerning no amplified music being allowed in Bronte Park, Tamarama Park and Bondi Park without a permit.
2. Compliance to this policy be strictly implemented, especially over the imminent summer holiday season.

CM/8.11/17.12 'Bondi Badlands' Bashing Victims' Memorial Monument (A02/0276)

MOTION / DECISION

Mover: Cr Masselos

Seconder: Cr Wakefield

That:

1. Council notes the decision of:
 - (a) The December 2014 Council meeting that 'endorses in principle the commissioning of a public artwork for Hunter Sculpture Park in remembrance of the victims of homophobic violence, with costs to be met by the Aids Council of NSW (ACON)'

- (b) The May 2016 Council meeting that ‘...Council proceeds with the installation of a memorial artwork to commemorate the gays who were murdered as referenced in the *Bondi Badlands* book between Bondi and Marks Park in the 1980s.’
2. An investigation be undertaken to:
- (a) Identify possible appropriate sites in the Waverley LGA for the location of this monument, including Hunter Sculpture Park, Marks Park and other locations.
- (b) Consider the cultural, social and historical context of the proposed sites.
- (c) Consult with the Public Art committee.
- (d) Be in accordance with Waverley’s Public Art Policies and guidelines.
- (e) Be cognisant of Sculptures by the Sea.
3. A report come to Council detailing recommendations and rationale.

Division

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

Against the Motion: Nil.

CM/8.12/17.12 Bronte Park - Bins (A16/0168)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr O’Neill

That Council reinstates the bins that have been removed from Bronte Park as a matter of urgency and in time for the summer holiday period.

CM/8.13/17.12 Cities Power Partnership (A17/0645)**MOTION / UNANIMOUS DECISION**

Mover: Cr Copeland

Seconder: Cr Wy Kanak

That:

1. Council notes that Waverley Council has nominated to be included in round two of the Cities Power Partnership (CCP).
2. Should Council be successful in being included in round two, Council will then be required to choose five pledge items within six months from a list of 38 options that form part of the program.

Cr O’Neill was not present for the consideration and vote on this item.

CM/8.14/17.12 Security of Crowded Places (A02/0421)**MOTION / UNANIMOUS DECISION**

Mover: Cr Betts
Seconder: Cr Goltsman

That Council:

1. Notes the requirements in the recently released Commonwealth document 'Australia's Strategy for Protecting Crowded Places from Terrorism' for local government as an owner and operator of 'crowded places'.
2. Notes that Council has a responsibility to undertake a risk assessment and/or vulnerability objectives for our 'crowded places'.
3. In light of our responsibility, immediately prioritises the preparation of a municipality wide risk assessment of our buildings and open spaces, with a view to identifying contingency plans and mitigation actions as soon as possible. This assessment must recognise the progress made by neighbouring councils, and involve appropriate State and Federal agencies, including the Federal and NSW State Police.
4. In preparing the Community Plan, takes into consideration any cost implications of delivering added protection for our community in 'crowded places'.
5. Prepares a report outlining how the WLEP and WDCP need to be and can be amended to improve security in the public domain and where large groups of people can congregate for all new large developments. This could include increased CCTV coverage.
6. Prepares a report that includes the outcomes of the risk assessment and outlines anticipated costs over each of the next few years associated with protecting our residents and visitors who congregate in 'crowded places' and outlining options for sourcing that funding.
7. Approaches relevant federal government departments to seek funds for the implementation of any actions or projects that result from this motion.
8. Refers the matter to the Community Safety Advisory Committee.

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

CM/8.15/17.12 City2Surf - Alcohol-free Marquees (A17/0601)**MOTION**

Mover: Cr Wy Kanak
Seconder: Cr Copeland

That Council officers investigate the possibility of the Council-run Beach Marquee Program for the 2018 City2Surf event becoming alcohol-free.

THE MOTION WAS PUT AND DECLARED LOST.

Crs Wy Kanak and Copeland requested that it be recorded in the minutes that they voted for the Motion.

CM/8.16/17.12 City2Surf - Indigenous Marathon Foundation (A17/0649)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wy Kanak

Seconder: Cr Wakefield

That Council, in negotiations for the 2018 City to Surf, and future City to Surf Agreements, requests Fairfax Media to invite a team of up to eight athletes from the Indigenous Marathon Program to participate in the 2018 event and future events, and that these athletes are sponsored by Fairfax Media and other participating and/or supporting organisations, and that sufficient funds are provided by sponsors for athletes' travel and expenses including accommodation in Sydney for the weekend of the event.

9. Urgent Business

There were no items of urgent business.

10. Closed Session**CM/10/17.12 Closed Session****MOTION / DECISION**

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

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/10.1/17.12 CONFIDENTIAL REPORT - Petition - Affordable Housing Tenancy Extension

This matter is considered to be confidential in accordance with section 10A(2)(b) 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 discussion in relation to the personal hardship of a resident or ratepayer.

CM/10.2/17.12 CONFIDENTIAL REPORT - 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 deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

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 10.07 pm, Council moved into closed session.

**CM/10.1/17.12 CONFIDENTIAL REPORT - Petition - Affordable Housing Tenancy Extension
(A02/0391)**

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Goltsman

That:

1. Council treats this report as confidential in accordance with section 10A(2)(b) of the *Local Government Act 1993*. The report contains information about the personal hardship of a resident or ratepayer.
2. The petition requesting Council to consider extending the lease of the tenant referred to in the report for a further three years be forwarded to the Executive Manager, Caring Waverley, for appropriate action.

CM/10.2/17.12 CONFIDENTIAL REPORT - Confidential Legal Matter (SF17/2901)

Two confidential late attachments to this report were issued to Councillors prior to the meeting.

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council:

1. Treats this report as confidential in accordance with section 10A(2)(g) of the *Local Government Act 1993*. The report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
2. Receives and notes this report providing an update on the ongoing negotiations with ISPT regarding the operations of Eastgate Car Park.

11. Resuming in Open Session

CM/11/17.12 Resuming in Open Session

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Goltsman

That Council resumes in open session.

At 10.09 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 10.11 PM.

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SIGNED AND CONFIRMED
MAYOR
20 FEBRUARY 2018