



**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 20 FEBRUARY 2018**

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 Tony Kay	Waverley 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:

Peter Monks	Acting General Manager
Cathy Henderson	Director, Waverley Life
George Bramis	Acting Director, Waverley Futures
Emily Scott	Director, Waverley Renewal
Jane Worthy	Manager, Internal Ombudsman's Office

At the commencement of proceedings at 7.04PM, those present were as listed above.

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 the following were received:

- 2.1 Cr COPELAND declared a pecuniary interest in Item CM/5.1/18.02 - Bondi Pavilion Interim Works. Cr Copeland did not provide a description of the interest.
- 2.2 Cr COPELAND declared a pecuniary interest in Item CM/7.1/18.02 - Bondi Pavilion Stakeholder Committee Report. Cr Copeland did not provide a description of the interest.
- 2.3 Cr O'NEILL declared a less than significant non-pecuniary interest in Item CM/7.9/18.02 - Waverley Development Assessment Panel (WDAP) - Changes and Membership and informed the meeting that she is a member of Local Government NSW.

3. Addresses to Council by Members of the Public

- 3.1 E Morel - CM/7.1/18.02 - Bondi Pavilion Stakeholder Committee Report.
- 3.2 S Choularton - CM/7.2/18.02 - Petition - Bondi Junction Village Markets, Oxford Street Mall.
- 3.3 L Savvas - CM/7.2/18.02 - Petition - Bondi Junction Village Markets, Oxford Street Mall.
- 3.4 Y Zagaj - CM/7.2/18.02 - Petition - Bondi Junction Village Markets, Oxford Street Mall.
- 3.5 L Savvas - CM/7.3/18.02 - Market Operations In Oxford Street Mall, Bondi Junction.
- 3.6 T Lynch - CM/7.3/18.02 - Market Operations In Oxford Street Mall, Bondi Junction.
- 3.7 E White - CM/7.3/18.02 - Market Operations In Oxford Street Mall, Bondi Junction.
- 3.8 C Rosario - CM/7.11/18.02 - Latin American Festival Bondi.

- 3.9 J Mcalpin (On Behalf Of Charing Cross Precinct) - CM/8.1/18.02 - Charing Cross Street Festival.
- 3.10 T Silverwood - CM/8.4/18.02 - Plastic-Free Education At Our Beaches.
- 3.11 T Silverwood - CM/8.5/18.02 - Waverley Businesses Purchasing Co-Operative For Alternatives To Single-Use Plastic Products.
- 3.12 T Matthews - CM/8.6/18.02 - Pilot Pedestrianisation Of Selected Streets/Lanes To Play Spaces.

4. Confirmation and Adoption of Minutes

CM/4.1/18.02 Confirmation of Minutes - Council Meeting - 12 December 2017 (SF17/81)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That the minutes of the Council Meeting held on 12 December 2017 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting subject to the decisions recorded at items CM/7.14/17.12 and CM/7.15/17.12 being changed from 'unanimous' to 'decision' to reflect the accuracy of the noted divisions.

AT THIS STAGE IN THE PROCEEDINGS, THE FOLLOWING MOTION MOVED BY CR GOLTSMAN, SECONDED BY CR WY KANAK WAS DECLARED CARRIED UNANIMOUSLY:

That the meeting recording be made available on Council's website within seven days of the meeting.

CM/4.2/18.02 Confirmation of Minutes - Extraordinary Council Meeting - 6 February 2018 (SF18/215)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That the minutes of the Council Meeting held on 6 February 2018 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

5. Mayoral Minute

CM/5.1/18.02 Bondi Pavilion Interim Works (A15/0272)

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

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

That Council:

1. Undertakes as soon as practical renovation of the three sets of public toilets in the main central section of the Bondi Pavilion. This could include a re-paint, repair of fixtures, and a mural or display or information presentation appropriate for the Pavilion.

2. Implements a comprehensive cleaning and maintenance regime to ensure the toilets are kept clean and maintained to a proper standard.
3. Replants all planter boxes in internal courtyard and considers seeking heritage exemption for the removal of the planter box in the foyer.
4. Investigates the painting of a mural on either the north internal or the western internal wall, in conjunction with the Public Art Committee.
5. Develops a youth band concert program for Autumn 2018 to be held within the northern internal courtyard.
6. Investigates expanding the 'Winter Magic' busking program to include the Bondi Pavilion forecourt and internal courtyards.
7. Notes that the High Tide Room roof and awning are scheduled for refurbishment and that all window and door wood joinery throughout the Pavilion will be repaired and re-painted over the next three months
8. Prepares a new media campaign including a new display to inform the public about ongoing progress in the refurbishment of the Pavilion.
9. Undertakes industrial bleaching of tiles and pre-emptive eeling to remove smell from the toilets.

CM/5.2/18.02 Dockless Bikes (A17/0445)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

That Council:

1. Utilises its powers under the Impounding Act 1993 to impound any bikes that are considered by Council staff to be abandoned or left unattended from Council's streets, parks and beaches.
2. In exercising its powers under the Impounding Act 1993 Council will deem to be attended dockless bikes standing upright with a suitable bicycle helmet attached and not causing an obstruction or a public safety hazard.
3. Seeks legal advice on use of a dumped rubbish clean up order under the Protection of the Environment Act to have the owners of dockless bikes remove their polluting property.
4. Identifies broken and discarded dockless bikes in Council's streets, parks and beaches and takes action to ensure their removal.
5. Affirms support for the share bike economy and encourages operators of docked bicycle systems to establish in Waverley, providing that they manage their operation in such a way that does not cause public disruption, and the collection and redistribution of bikes is a priority activity for the operator.

CM/5.3/18.02 Place Managers (A04/2016)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

That:

1. Council officers prepare a report of Council's operational and staffing structure to incorporate the role of 'Place Managers' to oversee service delivery for improved public place cleansing and maintenance at a local level.
2. Staffing, resource and financial implications be considered.

CM/5.4/18.02 Dumped Rubbish (A06/1732)**MOTION**

Mover: Cr Wakefield

That Council officers investigate the operational changes required to remove illegally dumped rubbish from Waverley streets within 48 hours of reporting, assess the potential impacts of these changes, and report back to Council with the assessment and a media strategy for promotion of these changes.

AMENDMENT

Mover: Cr Kay

Seconder: Cr Betts

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

"That the proposal to remove illegally dumped rubbish within 48 hours be considered as part of the report to review Council's approach to illegal dumping (see CM/8.4/17.07), which also requires that strategic waste targets will not be compromised".

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Betts, Burrill, Goltsman, 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 UNANIMOUSLY.

Background

Over the years, Council officers have spent significant time working on ways to solve the illegal dumping problem on Waverley streets including education programs, compliance, enforcement, investing in the Regional Illegal Dumping (RID) squad program, to the eventual clean-up of the unwanted household items.

Many Councils, including City of Sydney, North Sydney, and Blacktown Councils, are increasing clean-up services offered to residents as a way to minimise illegally dumped rubbish on the streets and improving source separation of the unwanted materials at the kerbside, to ensure resource recovery rates are maximised.

The purpose of this motion is for Council officers to investigate what changes to our services would be required to enact such a change, what are the implications of such a change, and then report back with the findings.

CM/5.5/18.02 Employment and Apprenticeship Program (A16/0374)

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

MOTION / DECISION

Mover: Cr Wakefield

That:

1. Council examines currently allocated funds spent on temporary staff and consultants to find opportunities:
 - (a) For reduction in overall costs.
 - (b) For the appointment of permanent job placements.
 - (c) For expansion of Council's current traineeship and apprenticeship program.
2. A workshop of Councillors be held on the financial and industrial relations aspects of this proposal.
3. A report on all aspects of the proposal be prepared for consideration of Council.

CM/5.6/18.02 Rainbow Flags on Council Buildings (A03/0416)

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

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

That Council flies the rainbow flag on its Council Chambers and Bondi Pavilion buildings to mark the 2018 annual Gay and Lesbian Mardi Gras Festival. This will help promote an important cultural event in our region and support and celebrate the diversity of our residents, staff members, family and friends who are LGBTQI.

Background

At the May 2016 Council meeting, Council resolved to fly the rainbow flag on Council buildings until such time as same sex marriage was passed into law. Council took this decision to show its support for the Lesbian, Gay, Bisexual, Transgender, Queer and/or Intersex (LGBTQI) community in Waverley and for the Marriage Equality campaign.

Council was delighted to play its part in the successful marriage equality campaign. With same sex marriages law came into effect on 9 December 2017. The flags on Councils buildings have remained in place since the first marriages were carried out around the country from 9 January 2018.

Council has also resolved in the recent years to fly the rainbow flag to mark the Gay and Lesbian Mardi Gras Festival. It is fitting that Council continue to fly the flags until the end of this year's festival on Sunday 4 March, when they will be lowered.

6. Obituaries

Bev Hopkins
George Caruana

Desmond O'Brien
Jack Sparrow
Violet Hougie

MOTION / DECISION

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That Council sends a letter of condolence to the deceased named above.

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

7. Reports**CM/7.1/18.02 Bondi Pavilion Stakeholder Committee Report (A16/0431)**

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

E Morel addressed the meeting.

MOTION

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That Council:

1. Thanks and acknowledges the members of the Bondi Pavilion Stakeholder Committee for their excellent work in preparing the report into recommended and desired uses and functions of the Bondi Pavilion.
2. Receives and notes the report from the Stakeholder Committee.
3. Prepares a draft brief for the architects for Council's endorsement with reference to the Stakeholder Committee report's recommendations and incorporating:
 - (a) Retention and refurbishment in their current positions: the music rooms, theatre, bar, High Tide Room and Sea Gull Room.
 - (b) Renovate all amenities (toilets and showers).
 - (c) Increased female amenities, a parents' room and accessible shower and toilets.
 - (d) Adequate provision of waste capacity.
 - (e) Adequate provision of storage.
 - (f) Future-proofing for technological enabling.
 - (g) Adequate plumbing be ensured.
4. Notes the Stakeholder Committee will consider the uses and functions of the Pavilion forecourt, the Pavilion curtilage and the Theatre with a further report to be presented to Council for consideration for incorporation into a final design.

5. Notes the Stakeholder Committee's program for phase two, and that a further report will come to Council in relation to a vision statement and advice on the development of future cultural programming and artistic direction at the Bondi Pavilion.
6. Withdraws the previously submitted development application for the Bondi Pavilion project (known as the 'Stage One' project).
7. Prepares information materials for public consultation.

AMENDMENT

Mover: Cr Goltsman

Seconder: Cr Kay

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

"Reconfirms that, in relation to clause 3(b), all consideration of toilets in the Pavilion must include:

(a) An increase to the number of currently available toilets in the Pavilion.

(b) Consideration of best access of both users of the Pavilion and beachgoers to the toilets".

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

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

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

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

Division

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

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

CM/7.2/18.02 Petition - Bondi Junction Village Markets, Oxford Street Mall (A18/0108)

S Choularton, L Savvas and Y Zagaj addressed the meeting.

MOTION / DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That:

1. The petition requesting that the Bondi Junction Village Markets remain open until a new tender agreement has been implemented, be forwarded to the Executive Manager, Enriching Waverley, for appropriate action.
2. A second petition supporting the continued operation of the markets, handed to the Mayor in his capacity as Chair of the meeting, be received by Council.

CM/7.3/18.02 Market Operations in Oxford Street Mall, Bondi Junction (A09/0737)

L Savvas, T Lynch and E White addressed the meeting.

MOTION / DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That:

1. Council notes that the existing market operator in Oxford Street Mall, Bondi Junction, My Local Markets Pty Ltd, has given notice of its intention to cease trading from 2 March 2018.
2. Council investigates long-term options for day time markets in Oxford Street Mall as a matter of urgency, taking into account the work currently being undertaken on Council's Night Time Activation Strategy.
3. Council investigates options for Council to operate the current markets in the interim, with a report to come to the Operations and Community Services Committee Meeting on 6 March 2018.
4. Until such time as Council has had an opportunity to consider long-term options for the day time markets in Oxford Street Mall, Council assumes responsibility for the market from 2 March 2018 such that the terms of trade with the stallholders continue on their current term, and that each stallholder maintains all public liability insurance and makes their payments directly to Council in a manner and form to be directed by Council; or a temporary operator be engaged; or other options be examined.

CM/7.4/18.02 Q2 Budget Review - December 2017 (A03/0346)

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

MOTION / UNANIMOUS DECISION

Mover: Cr Wy Kanak

Seconder: 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/7.5/18.02 Six Monthly Progress Report against Delivery Program (A17/0149)

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

MOTION / UNANIMOUS DECISION

Mover: Cr Wy Kanak

Seconder: Cr Masselos

That Council receives and notes progress to 31 December 2017 with respect to the deliverables detailed in the Delivery Program as per Attachment 1 to this report.

CM/7.6/18.02 Investment Portfolio Report - January 2018 (A03/2211)

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

MOTION / UNANIMOUS DECISION

Mover: Cr Lewis
Seconder: Cr Copeland

That Council:

1. Receives and notes the Investment Portfolio Report for January 2018.
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/7.7/18.02 Corruption Prevention and Audit Committee Review - Update (A18/0084)

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

MOTION / UNANIMOUS DECISION

Mover: Cr Lewis
Seconder: Cr Wy Kanak

That Council:

1. Notes that the review of the Audit Committee will form part of the report on corruption prevention requested by Council.
2. Extends the appointment of Mr Martin Bass and Mr Noel Hall as the independent members of the Audit Committee until the review is complete and Council determines the future of the Committee.

CM/7.8/18.02 Live Streaming of Council Meetings (A17/0592)

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

MOTION

Mover: Cr Keenan
Seconder: Cr Masselos

That Council:

1. Adopts the draft Live Streaming of Council Meetings Policy attached to this report.
2. Agrees to commence live streaming and the posting of meeting recordings on Council's website from the March Council meeting.
3. Includes additional provisions for the live streaming of Council meetings when it reviews its Code of Meeting Practice following the release of the Office of Local Government's Model Code of Meeting Practice later in the year.

AMENDMENT

Mover: Cr Copeland
Seconder: Cr Wy Kanak

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

"Endorses the operation of the live streaming as proposed in the report subject to the two side cameras being positioned in such a way that prevents recording of the public gallery. This could be that the two side

cameras are positioned more towards the rear of the Councillors' table and/or the cameras have a 'blinker' attached to their gallery sides".

THE AMENDMENT WAS PUT AND DECLARED LOST.

THE MOVER AND SECONDER OF THE MOTION THEN ACCEPTED AMENDMENTS SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That Council:

1. Adopts the draft Live Video Streaming of Council Meetings Policy attached to this report.
2. Agrees to commence live video streaming and the posting of meeting recordings on Council's website from the March Council meeting.
3. Includes additional provisions for the live streaming of Council meetings when it reviews its Code of Meeting Practice following the release of the Office of Local Government's Model Code of Meeting Practice later in the year.
4. Officers introduce risk control measures to prevent live steaming and video recordings from being edited, like a time stamp.

AT THIS STAGE IN THE PROCEEDINGS THE MAYOR RELINQUISHED THE CHAIR AND THE DEPUTY MAYOR ASSUMED THE CHAIR.

A FURTHER AMENDMENT WAS THEN MOVED:

AMENDMENT (WITHDRAWN)

Mover: Cr Kay
Secunder: Cr Goltsman

That the Motion be adopted subject to the following words being added to the end of clause 1:

"subject to it being complementary to the Code of Meeting Practice".

THE MOVER AND SECONDER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE ONE OF THE MOTION SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That Council:

1. Adopts the draft Live Video Streaming of Council Meetings Policy attached to this report, subject to it being complimentary to the Code of Meeting Practice.
2. Agrees to commence live video streaming and the posting of meeting recordings on Council's website from the March Council meeting.
3. Includes additional provisions for the live streaming of Council meetings when it reviews its Code of Meeting Practice following the release of the Office of Local Government's Model Code of Meeting Practice later in the year.
4. Officers introduce risk control measures to prevent live steaming and video recordings from being edited, like a time stamp.

AT THIS STAGE IN THE PROCEEDINGS THE MAYOR RESUMED THE CHAIR.

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

**CM/7.9/18.02 Waverley Development Assessment Panel (WDAP) - Changes and Membership
(A13/0229)**

Cr O'Neill declared a less than significant non-pecuniary interest in this item and informed the meeting that she is a member of Local Government NSW.

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

MOTION / DECISION

Mover: Cr Lewis
Seconder: Cr Masselos

That Council:

1. Notes that decision-making Independent Hearing and Assessment Panels (IHAPs) will become mandatory from 1 March 2018 for all Sydney councils, and that the current Waverley Development Assessment Panel (WDAP) will continue under its current name and transition to the new model on that date.
2. Notes the appointment of The Hon. Paul Stein as the Chair and The Hon. Angus Talbot and Ms Annelise Tuor as alternate Chairs of the WDAP by the NSW Minister for Planning and Environment.
3. Endorses the appointment of Annelise Tuor, Peter Brennan, Michael Harrison, Professor Helen Lochhead, Stuart McDonald, Gabrielle Morrish, Jan Murrell, and Ian Stapleton as the expert members of the new Waverley Development Assessment Panel.
4. Notes that:
 - (a) Council may need to update its delegations to the WDAP and to the General Manager when the new referral criteria are released by the Minister under section 117 of the *Environmental Planning and Assessment Act*.
 - (b) Council may need to update the WDAP Charter accordingly.
5. Prepares a submissions policy for approval by Council and referral to the Secretary of the Department of Planning and Environment for approval.
6. Expresses its in-principle opposition to the removal from the elected Councillors powers to determine development applications and directs the Mayor to write to the Premier, the Minister for Local Government and the Minister for Planning to convey this decision, and inform Local Government NSW of our opposition.

Division

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

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

CM/7.10/18.02 Parking Fees - Eastgate Car Park (SF18/400)

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

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council publicly exhibits the proposed amendments to the Car Parks section of the Pricing Policy, Fees and Charges 2017–18 as contained in Table B of this report for a period of 28 days, in accordance with sections 610F and 705 of the *Local Government Act 1993*.

CM/7.11/18.02 Latin American Festival Bondi (SF17/380)

Crs Keenan and Nemesh were not present for the vote on this item.

C Rosario addressed the meeting.

MOTION / UNANIMOUS DECISION

Mover: Cr Wy Kanak

Seconder: Cr O'Neill

That Council grants up to \$17,000 in financial assistance, under section 356 of the *Local Government Act 1993*, to the Bondi Association for Arts and Music to help cover the costs of running the 2018 Latin American Festival.

CM/7.12/18.02 Venue Hire Grant Application - Underearners Anonymous (A17/0227)

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

MOTION / UNANIMOUS DECISION

Mover: Cr Wy Kanak

Seconder: Cr O'Neill

That Council grants \$161.50 in financial assistance, under section 356 of the *Local Government Act 1993* and the Venue Hire Grants Program 2017-8, to Underearners Anonymous for the period up to 30 June 2018.

CM/7.13/18.02 Tender Evaluation - Community Housing Provider (A17/0446)

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

MOTION / UNANIMOUS DECISION

Mover: Cr Wy Kanak

Seconder: Cr Goltsman

That Council:

1. Treats the attachment to 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. Under clause 178(1)(a) of the *Local Government (General) Regulation 2005*, accepts Bridge Housing Limited as the preferred tenderer for the supply of management of Waverley Council's Housing

Programs for the sum of \$154,695 excluding GST.

3. Authorises the General Manager, or delegated representative, to enter into contract on behalf of Council with Bridge Housing Limited for a period of five years, with a possible extension of one year if required.
4. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.
5. Authorises the General Manager, or delegated representative, to negotiate an administrative arrangement for the properties not included in this tender, that are consistent with the terms of the relevant deeds.

CM/7.14/18.02 SSROC Supplier Panels - Bush Regeneration and Copy Paper (SF17/2878)

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

MOTION / UNANIMOUS DECISION

Mover: Cr Goltsman

Seconder: Cr Masselos

That Council:

1. Treats the Tender Evaluation Matrices attached to this report as confidential under section 10A(2) 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. Adopts the SSROC-approved supplier panels listed below for the following:
 - (a) Provision of Bush Regeneration Services, for a period of three years with two one-year options, with commencement date of 27 November 2017. The Panel comprises:
 - Bushland Management Solutions Pty Ltd.
 - Dragonfly Environmental Pty Ltd.
 - National Trust of Australia (NSW).
 - Southern Habitat (NSW) Pty Ltd.
 - Sydney Bush Regeneration Company Pty Ltd.
 - Symbiota Ecology Pty Ltd t/a Apunga Ecological Management.
 - Toolijooa Pty Ltd t/a Toolijooa.
 - Total Earth Care Pty Ltd ATF Irrawong Trust Environmental Restoration.
 - (b) Supply and Delivery of Copy Paper for a period of three years with two one-year options, with commencement date of 1 March 2018. The Panel comprises:
 - Fuji Xerox Australia (NSW) Pty Ltd.
 - Winc Australia Pty Ltd.

8. Notices of Motion**CM/8.1/18.02 Charing Cross Street Festival (A18/0073)**

J McAlpin (on behalf of Charing Cross Precinct) addressed the meeting.

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr O'Neill

That:

1. Council investigates the reinstatement of the Charing Cross Festival including:
 - (a) Consulting with:
 - (i) The Charing Cross Precinct.
 - (ii) Charing Cross businesses.
 - (iii) Charing Cross Chamber.
 - (iv) Potential sponsors.
 - (b) Reviewing the previous Charing Cross Street Festival and any learnings.
 - (c) Identifying benefits such as place making, community cohesion and business development.
 - (d) Budget and timeline.
2. A report come to Council with recommendations.

CM/8.2/18.02 Cleanliness of Arcades in Bondi Junction Mall (A14/0404)

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

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Lewis

That:

1. An audit be undertaken of all arcades/through site links in Bondi Junction Mall as well as the nearby pop-up seating in Spring Street to determine the cleanliness of these high pedestrian traffic public spaces.
2. Relevant development consents be reviewed to determine conditions of consent that relate to the cleaning of these areas including any land owner requirements for waste and rubbish storage and collection, sanitation and cleaning.
3. Officers investigate proactive methods to ensure that all existing and future publically accessible areas that have high pedestrian traffic in privately owned thoroughfare areas such as in arcades and through site links have suitable requirements to maintain a high standard of cleanliness via increased frequency of cleaning. This may include amendments to the Waverley DCP 2012 as appropriate.
4. A report come to council detailing a course of action to ensure these high pedestrian traffic public

spaces are regularly cleaned and maintained and appropriate standards are implemented.

CM/8.3/18.02 Rodney Reserve - Radio Astronomy Memorial (A03/1221)

Crs Burrill and Kay were not present for the consideration and vote on this item.

MOTION

Mover: Cr Lewis
Seconder: Cr Wakefield

That Council:

1. Agrees in principal to the construction of a viewing platform in Rodney Reserve at the site of the Radio Astronomy Memorial.
2. Investigates the cost of constructing the viewing platform.
3. As part of the investigation, holds discussions with the CSIRO and consults with the relevant Precinct with the view of sharing the cost of the construction of the viewing platform.
4. Investigates and reports back on the viability of moving the location of the new coastal fence to the east in the area east of the Rodney Reserve playing fields so that the view of the radio telescope replica antennae and the ocean can be unobstructed.

AMENDMENT

Mover: Cr Nemesh
Seconder: Cr Betts

That the Motion be adopted subject to clause 1 being amended to read as follows

“Agrees in principal to investigate the cost and feasibility of constructing a viewing platform in Rodney Reserve at the site of the Radio Astronomy Memorial”.

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Betts, Goltsman 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 TO CLAUSE 1 SUCH THAT IT NOW READS AS FOLLOWS:

“Agrees in principal to the construction of a viewing platform in Rodney Reserve in the vicinity of the site of the Radio Astronomy Memorial subject to appropriate ground testing”.

AMENDMENT

Mover: Cr Nemesh
Seconder: Cr Betts

That the Motion be adopted subject to Clause 4 being amended to read as follows:

“Notes that the installation of the new coastal fence from Hugh Bamford Reserve to Clarke Reserve take into consideration the potential for a viewing platform at Rodney Reserve so that the view of the radio telescope replica antennae and the ocean be unobstructed”.

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Betts, Goltsman and Nemes.

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 TO CLAUSE 2 SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That Council:

1. Agrees in principal to the construction of a viewing platform in Rodney Reserve in the vicinity of the site of the Radio Astronomy Memorial subject to appropriate ground testing.
2. Investigates the cost of constructing the viewing platform, and consults the La Perouse Aboriginal Land Council in regard to the site.
3. As part of the investigation, holds discussions with the CSIRO and consults with the relevant Precinct with the view of sharing the cost of the construction of the viewing platform.
4. Investigates and reports back on the viability of moving the location of the new coastal fence to the east in the area east of the Rodney Reserve playing fields so that the view of the radio telescope replica antennae and the ocean can be unobstructed.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

Division

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

Against the Motion: Crs Betts, Goltsman and Nemes.

CM/8.4/18.02 Plastic-free Education at our Beaches (A15/0392)

T Silverwood addressed the meeting.

MOTION

Mover: Cr Masselos

Secunder: Cr Wy Kanak

That:

1. In keeping with the Council's commitment to waste minimisation and the Second Nature Program, Council institutes a proactive grassroots education program, especially over the summer holidays, that encourages beach goers to use alternatives to single use plastics such as plastic bags, plastic water bottles, straws and take away coffee cups.
2. As part of their duties, rangers will undertake waste compliance and also face-to-face education as they come into contact with beach goers.
3. Rangers be provided with information and training about alternatives to single use plastics which they will be able to impart to residents and visitors as they go about their duties.
4. Council's proactive awareness-raising activities be supplemented with appropriate 'Please Say No to Single-use Plastics' signage.

5. An evaluation system be developed to collect metrics and assess this trial.

AMENDMENT

Mover: Cr Burrill
Seconder: Cr Goltsman

That the Motion be adopted subject to Clause 2 being amended to read as follows:

“Litter education ambassadors be engaged over the summer holidays and undertake a face-to-face education program as they come into contact with beach goers at Waverley beaches”.

FORESHADOWED AMENDMENT (Cr Lewis)

That the Motion be adopted subject to clause 2 being amended to read as follows:

“Council investigates the use of litter education ambassadors over the summer holidays and undertakes a face-to-face education program as they come into contact with beach goers at Waverley beaches, and reports back on the financial impacts to the budget”.

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

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

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

THE FORESHADOWED AMENDMENT WAS THEN ACCEPTED INTO THE MOTION BY THE MOVER AND SECONDER OF THE MOTION, WHO ALSO ACCEPTED FURTHER AMENDMENTS SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That:

1. In keeping with the Council’s commitment to waste minimisation and the Second Nature Program, Council institutes a proactive grassroots education program, especially over the summer holidays, that encourages beach goers to use alternatives to single use plastics such as plastic bags, plastic water bottles, straws and take away coffee cups.
2. Council investigates the use of litter education ambassadors over the summer holidays and undertakes a face-to-face education program as they come into contact with beach goers at Waverley beaches, and reports back on the financial impacts to the budget.
3. Rangers also be provided with information and training about alternatives to single use plastics which they will be able to impart to residents and visitors as they go about their duties.
4. Council’s proactive awareness-raising activities be supplemented with appropriate ‘Please Say No to Single-use Plastics’ signage.
5. An evaluation system be developed to collect metrics and assess this trial.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

CM/8.5/18.02 Waverley Businesses Purchasing Co-operative for Alternatives to Single-use Plastic Products (A15/0392)

T Silverwood addressed the meeting.

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr O'Neill

That:

1. Through the Second Nature Program, Council investigates the feasibility of facilitating the establishment of a purchasing co-operative for businesses in the Waverley LGA in conjunction with the Bondi & Districts Chamber of Commerce that wish to provide alternatives to single-use plastics for their customers.
2. A report come to Council that:
 - (a) Assesses the feasibility of such a co-operative, the demand from cafes and how much extra buying power such a co-op may have and what discount process it could attract for alternative products to single use plastics.
 - (b) If feasible, identifies what Council resources might be required to facilitate the establishment of such a cooperative.
 - (c) Outlines strategies for making this co-operative self-sustaining.
 - (d) Identifies potential businesses that may be interested in participating.
 - (e) Addresses time frame.

CM/8.6/18.02 Pilot Pedestrianisation of Selected Streets/Lanes to Play Spaces (A03/0042-04)

T Matthews addressed the meeting.

MOTION

Mover: Cr Masselos

Seconder: Cr Burrill

That, given latest scientific studies showing the pedestrianisation of selected streets have increased youngsters' activity fivefold, Council:

1. Investigates the trialling of a pilot in a number of locations that:
 - (a) Identifies suitable locations, such as lanes and quiet streets, in each Ward.
 - (b) Determines suitable times and durations for the closure of pilot sites.
 - (c) Adapts/modifies the trail sites to provide appropriate surfaces, greening, sun protection and other relevant actions that may be necessary.
2. Consults with residents, children and community in the development of these pilots in order to:
 - (a) Establish clear goals.

- (b) Identify measurement processes to evaluate the success of the initiatives against these criteria.
3. Consults with relevant state authorities and others.
 4. Allocates suitable budget.
 5. Provides a report to Council detailing the above including an implementation strategy.

AMENDMENT

Mover: Cr Kay
Seconder: Cr Goltsman

That the Motion be adopted subject to it reading as follows:

“That, given latest scientific studies showing the pedestrianisation of selected streets have increased youngsters’ activity fivefold, Council:

1. Investigates the trialling of a pilot in a single location
 - (a) Such as a lane or quiet street.
 - (b) Determines suitable times and durations for the closure of the pilot site.
 - (c) Adapts/modifies the trial site to provide appropriate surfaces, greening, sun protection and other relevant actions that may be necessary.
2. Consults with residents, children and community in the development of this pilot in order to:
 - (a) Establish clear goals.
 - (b) Identify measurement processes to evaluate the success of the initiatives against these criteria.
3. Consults with relevant state authorities and others.
4. Allocates suitable budget.
5. Provides a report to Council detailing the above including an implementation strategy”.

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Betts, Burrill, Goltsman, 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 FURTHER AMENDMENTS SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That, given latest scientific studies showing the pedestrianisation of selected streets have increased youngsters’ activity fivefold, Council:

1. Investigates the trialling of one pilot in each Ward including:
 - (a) Identifying a suitable location, such as a lane or quiet street.

- (b) Determining suitable times and durations for the closure of the pilot sites.
 - (c) Adapting/modifying the trial sites to provide appropriate surfaces, greening, sun protection and other relevant actions that may be necessary.
2. Consults with residents, children and community in the development of these pilots in order to:
 - (a) Establish clear goals.
 - (b) Identify measurement processes to evaluate the success of the initiatives against these criteria.
 3. Consults with relevant state authorities and others.
 4. Allocates suitable budget subject to the outcome of the investigation.
 5. Provides a report to Council detailing the above including an implementation strategy.

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

CM/8.7/18.02 NSW National Parks and Wildlife Service (A18/0111)

Crs Burrill and Kay were not present for the consideration and vote on this item.

MOTION / DECISION

Mover: Cr Copeland
Seconder: Cr Wy Kanak

That Council:

1. Acknowledges that there are more than forty million visits to NSW National Parks each year with an overwhelming 94 per cent of visitors being satisfied or very satisfied with their experience. See <<http://www.environment.nsw.gov.au/research/NSWparkspopularity.htm>>.
2. Notes that a significant number of Waverley Council residents visit NSW National Parks: <<http://www.environment.nsw.gov.au/resources/research/2016-nsw-parks-visitation-survey-report.pdf>>. These parks include Sydney Harbour, Lane Cove, Ku-rin-gai, Kamay Botany, Royal and Blue Mountains National Parks. There are 50 National Parks in the Sydney Metropolitan area, see <<http://www.nationalparks.nsw.gov.au/visit-a-park/regions/sydney-and-surrounds>>. Many also visit Kosciuszko National Park, see <<http://www.nationalparks.nsw.gov.au/visit-a-park/regions/snowy-mountains>>.
3. Notes with concern the budget and staff cuts, and restructures currently taking place within the NSW National Parks and Wildlife Service (NPWS) and the risk this places to the economy, visitor safety, public amenity and the environment.
4. Calls on the NSW Government to treat NPWS staff with the respect they deserve and to stop the undermining of national parks.
5. Writes to the NSW Premier, the Hon. Gladys Berejiklian MP, the NSW Minister for the Environment, The Hon. Gabrielle Upton MP, the Shadow Minister for the Environment, Penny Sharpe MLC and the Greens NSW Environment Spokesperson, Dr Mehreen Faruqi MLC expressing the concerns raised in

this resolution and;

6. Distributes this resolution to relevant community and environment groups and the Public Services Union.

CM/8.8/18.02 Unceded Aboriginal Sovereignty (A18/0112)

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

MOTION / UNANIMOUS DECISION

Mover: Cr Wy Kanak

Seconder: Cr Copeland

That:

1. In consultation with the Multicultural Advisory Committee and the Eastern Region Local Government Aboriginal Torres Strait Islander Forum, Council officers prepare a report in consultation with Aboriginal community elders/organisations, statutory authorities, Agencies and Advocates on how the concept and issue of 'Unceded Aboriginal Sovereignty' can be dealt with into the future.
2. Inclusive of the diversity of Aboriginal Islander Community opinion on the term/phrase, 'Sovereignty Never Ceded', a Council officer's report cover research into local historical as well as contemporary elements of the broader Community discussion on First Nations Treaties, Self Determination, Constitutional Recognition and related matters.
3. Council notes in this report the following points:
 - (a) There has never been a constitutionally recognised/endorsed Treaty with Australian First Nation Peoples.
 - (b) The timetable for referendum on Aboriginal Islander Constitutional Recognition has been rescheduled and stalled a number of times since its initial inception/impetus during the term of Australia's first woman Prime Minister, Julia Gillard, and former Senator Bob Brown.
 - (c) 2018 marks a ten year Anniversary since Prime Minister Kevin Rudd's National Apology covering issues of the Stolen Generations, for which a 13 February 2008 Public big screen telecast at Bondi Pavilion Community Cultural Centre event inclusive of local school Students was organized by Council.
 - (d) Waverley Council has shown advocative leadership on Aboriginal Islander political cultural contexts by:
 - (i) Hosting in Waverley Oval the 26 January 'Survival Day' community concert gathering at the turn of the century.
 - (ii) Completing Council's first Reconciliation Australia endorsed 'Reconciliation Action Plan'
 - (iii) Formally receiving at a 26 January Citizenship Ceremony the Sydney-Newcastle Regional Aboriginal Lands Council's 'SACRED Principles' document from Mr Chris Ingray, CEO of the La Perouse Local Aboriginal Land Council.
 - (iv) Supporting through the Eastern Region Local Government Aboriginal Torres Strait Islander Forum, ERLGATSIF, ongoing work in the engagement between Municipal

Councils, Aboriginal Land Councils, the NSW Local Government Aboriginal Network, Local Government NSW and the wider Community.

- (e) Implementation of the recommendations of the Royal Commission into Aboriginal Deaths in police and prison custody is an important part of the relationship between Local Councils and police Area Commands.
- (f) Waverley Council has still not fully implemented all the recommendations from its 2007 Waverley Aboriginal Heritage Survey.
- (g) Recently as part of Bondi Pavilion Stakeholders Committee Council has engaged with Aunty Rhonda Dixon Grovenor in Her capacity as Community Darug Elder and through that relationship We have organised a Cultural Smoking Ceremony with Elder Uncle Max Dhulumunmun for the Bondi Pavilion Community Cultural Centre.

9. Urgent Business

There were no items of urgent business.

10. Closed Session

CM/10/18.02 Closed Session

Crs Burrill and Kay were not present for the consideration and vote on this item.

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 Masselos
 Seconder: Cr Copeland

That:

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

CM/10.1/18.02 CONFIDENTIAL REPORT - Confidential Crown Lands Matter

This matter is considered to be confidential in accordance with Section 10A(2)(di) of the Local Government Act, and the Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

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 as confidential under 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 11.51PM, Council moved into Closed Session.

CM/10.1/18.02 CONFIDENTIAL REPORT - Confidential Crown Lands Matter (A17/0006)

Crs Burrill and Kay were not present for the consideration and vote on this item.

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

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)(d)(i) of the *Local Government Act 1993*. The report contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
2. Defers the matter for further consideration at a confidential Councillor workshop.
3. Instructs the Mayor to write to the General Manager of Crown Lands informing them that Council is still considering the matter.

11. Resuming in Open Session

CM/11/18.02 Resuming in Open Session

Crs Burrill and Kay were not present for the consideration and vote on this item.

MOTION / DECISION

Mover: Cr Goltsman

Seconder: Cr Betts

That Council resumes in open session.

At 11.58PM, 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 11.59PM.

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SIGNED AND CONFIRMED
MAYOR
20 MARCH 2018