



WAVERLEY
COUNCIL

**MINUTES OF THE OPERATIONS AND COMMUNITY SERVICES COMMITTEE MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 10 APRIL 2018**

Present:

Councillor George Copeland (Chair)	Waverley Ward
Councillor John Wakefield (Mayor)	Bondi Ward
Councillor Dominic Wy Kanak (Deputy Mayor)	Bondi Ward
Councillor Sally Betts	Hunter Ward
Councillor Angela Burrill	Lawson 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 Marjorie O'Neill	Waverley Ward

Staff in attendance:

Peter Monks	Acting General Manager
Linda Bathur	Acting 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 7.01PM, those present were as listed above.

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

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

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

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

1. Apologies/Leaves of Absence

Apologies were received and accepted from Cr Nemesh.

2. Declarations of Pecuniary and Non-Pecuniary Interests

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

- 2.1 Cr MASSELOS declared a less than significant non pecuniary interest in Item OC/5.3/18.04 - Public Art Committee and informed the meeting that she knows one of the people nominated for membership.
- 2.2 Cr WAKEFIELD declared a less than significant non pecuniary interest in Item OC/5.3/18.04 - Public Art Committee and informed the meeting that he knows one of the people nominated for membership.

3. Addresses by Members of the Public

There were no addresses by members of the public.

4. Confirmation of Minutes

OC/4.1/18.04 Confirmation of Minutes - Operations and Community Services Committee Meeting - 6 March 2018 (SF18/245)

MOTION / DECISION

Mover: Cr Goltsman
Seconder: Cr Wy Kanak

That the minutes of the Operations and Community Services Committee Meeting held on 6 March 2018 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

5. Reports

OC/5.1/18.04 Dockless Bike Share (SF18/630)

MOTION

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council:

1. Notes that Council has sought legal advice on the various mechanisms that Council can use to regulate dockless bike share.
2. Notes the release of the Inner Sydney Bike Share Guidelines agreed by six councils and their mayors on 22 December 2017.
3. Notes the first three monthly review undertaken by the six councils on 22 March 2018 and the recommendations therein.
4. Continues working with other council and state government representatives to progress the recommendations and participate in the ongoing three-monthly review process.
5. Explores where additional bike parking areas in high usage locations are required, as well as potential security measures to protect against vandalism, with installation costs to be funded via operator contributions.
6. Continues to ensure the removal of bikes deemed to be unrideable or broken, through mechanisms such as impounding and the issue of clean up notices.
7. Continues public education about vandalism, road rules and safety, and correct parking of bikes in public places.
8. Notes the clean-up actions undertaken by Council staff on 5 March and 27 March 2018 which resulted in 122 bikes being impounded. Notes that Council's impounding of 122 bikes has cost approximately \$10,000, and uncalculated amenity and safety and positive environmental impact.
9. Notes the 2017 study into a docked bike system undertaken by three inner Sydney councils, which found that such a system would cost at least \$25 million to implement with significant subsidy required by governments.
10. Seeks further legal advice on the use of the Protection of the Environment and Operations Act 1997 in relation to clean up notices and action and clauses related to litter.
11. Notes the legal advice received by Randwick Council from prominent SC Ian Hemmings in September 2017, and circulated to all Metropolitan Mayors, outlining that the use of land for storage of bicycles – in this case, where dockless bikes are randomly parked throughout the LGA when not under hire - could amount to a breach of the Environmental Planning and Assessment Act by the dockless bike operator.
12. Notes that Randwick Council has not attempted to take action against bike operators under the EPA Act.
13. Notes that the operators' use of the LGA for dockless bicycle storage in the public domain and according to Waverley's LEP, is potentially an unlawful use of land, as the use is potentially without development consent in some land use zones, or alternatively for purposes that are prohibited in

other land use zones.

14. Notes that no dockless bike operator has sought or obtained consent.
15. Investigates the planning requirement for the dockless bike operators to regularise their use of land for the parking of bikes within the LGA by lodging a Development Application with a Plan of Management, in consultation with the dockless bike operators.
16. Officers prepare an urgent report for Council consideration that presents the results of the investigation and the processes required for Council to mandate that dockless bike operators submit a development application to Council.
17. Additionally, the report is to outline alternative enforcement actions that can be taken if the operators fail to respond to requests by Council for the operators to regularise their use of land.

AMENDMENT

Mover: Cr Goltsman
 Seconder: Cr Kay

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

“Until further notice, Council does not collect any more bikes”.

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Cr Goltsman.

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

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

Division

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

Against the Motion: Cr Goltsman.

OC/5.2/18.04 Southern Sydney Regional Organisation of Councils (SSROC) - Changes to Governance and Structure (A08/1115)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield
 Seconder: Cr Wy Kanak

That Council writes to South Sydney Regional Organisation of Councils (SSROC) to advise that based on the limited information provided about the proposed restructure of SSROC, Waverley Council does not currently support the proposal and requests SSROC to attend a workshop with Councillors to explain the proposal.

OC/5.3/18.04 Public Art Committee (A18/0141)

Cr Masselos and Wakefield declared less than significant non-pecuniary interests in this item as they know people nominated for membership.

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council appoints the following members to the Waverley Public Art Committee for a term of two years:

- Alexandra Bowen
- Claire Edwards
- Isabelle Toland
- Joni Taylor
- Sam Marshall
- Sylvia Hrovatin
- Willa Stanton
- Charles Clapshaw
- Ian Shadwell (on reserve)
- Liane Rossler (on reserve)

OC/5.4/18.04 Petition - Resident Parking Scheme in Alfred Street, Bronte (A03/2581)**MOTION / UNANIMOUS DECISION**

Mover: Cr O'Neill

Seconder: Cr Wakefield

That the petition requesting a resident parking scheme be installed in Alfred Street, Bronte be forwarded to the Executive Manager, Creating Waverley for appropriate action.

OC/5.5/18.04 Tender Evaluation - Gibson Street Reserve Playground Upgrade (A17/0119)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Burrill

1. Treats the Tender Evaluation Matrix attached 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 Undercover Landscapes Pty Ltd as the preferred tenderer for the supply of the Gibson Street Reserve Playground Upgrade for the sum of \$128,153.35 excluding GST.
3. Authorises the General Manager, or delegated representative, to enter into contract on behalf of Council with Undercover Landscapes Pty Ltd.
4. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

**OC/5.6/18.04 Tender Evaluation - Waverley Park Water Harvesting Scheme Upgrade (Re-issued)
(A17/0525)****MOTION / UNANIMOUS DECISION**Mover: Cr Copeland
Seconder: Cr O'Neill

That Council:

1. Treats the Tender Evaluation Matrix attached 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 SAS Water Solutions Pty Ltd as the preferred tenderer for the supply of Waverley Park Water Harvesting Scheme Upgrade for the sum of \$363,065 excluding GST.
3. Authorises the General Manager, or delegated representative, to enter into contract on behalf of Council with SAS Water Solutions Pty Ltd.
4. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

6. Urgent Business

Nil.

7. Meeting Closure**THE MEETING CLOSED AT 8.03PM.**

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SIGNED AND CONFIRMED
CHAIR
1 MAY 2018