



WAVERLEY
COUNCIL

**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD IN THE RANDWICK COUNCIL CHAMBER, 90 AVOCA STREET, RANDWICK ON
TUESDAY, 19 JUNE 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 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
Sharon Cassidy	Executive Manager, Project Waverley
Rachel Jenkin	Acting Director, Waverley Life
Mitchell Reid	Acting Director, Waverley Futures
Jane Worthy	Internal Ombudsman

At the commencement of proceedings at 7.00 pm, those present were as listed above.

At 10.28 pm, Cr Burrill left the meeting and did not return.

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

Cr Keenan was previously granted leave of absence by Council for this meeting.

2. Declarations of Pecuniary and Non-Pecuniary Interests

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

- 2.1 Cr Lewis declared a less than significant non-pecuniary interest in Item CM/7.8/18.06 – Eastgate Bondi Junction – Awning and Façade Project, and informed the meeting that he resides in Eastgate.
- 2.2 Cr Nemesh declared a pecuniary interest in Item CM/7.7/18.06 – Voluntary Planning Agreement – 17 Isabel Avenue, Vaucluse, and informed the meeting that he owns property adjacent to the building.
- 2.3 Cr Kay declared a pecuniary interest in Item CM/4.4/18.06 – Adoption of Minutes – Waverley Traffic Committee Meeting – 24 May 2018 (TC/V.03/18.05 – Ramsgate Avenue, North Bondi – Construction Zone), and informed the meeting that his mother-in-law owns property in the building.

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

That the audio recording of this meeting be published on Council's website within seven days of the meeting.

THE MOTION WAS PUT AND DECLARED CARRIED UNANIMOUSLY.

3. Addresses by Members of the Public

- 3.1 J Gabrielsson – CM/8.3/18.06 – Birrell Street, Bondi – Pedestrian Safety.
- 3.2 A Aaron (on behalf of Diamond Bay/Vaucluse Precinct) – CM/7.7/18.06 – Voluntary Planning Agreement – 17 Isabel Avenue, Vaucluse.
- 3.3 A Aaron (on behalf of Diamond Bay/Vaucluse Precinct) – CM/8.7/18.06 – Strategic Plan for Management of Urban Development – Diamond Bay/Vaucluse Precinct.
- 3.4 A Aaron (on behalf of Diamond Bay/Vaucluse Precinct) – CM/8.9/18.06 – Diamond Bay Rezoning.

4. Confirmation and Adoption of Minutes**CM/4.1/18.06 Confirmation of Minutes - Council Meeting - 15 May 2018 (SF18/215)****MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That the minutes of the Council meeting held on 15 May 2018 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

CM/4.2/18.06 Confirmation of Minutes - Extraordinary Council Meeting - 22 May 2018 (SF18/215)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That the minutes of the Council meeting held on 22 May 2018 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

CM/4.3/18.06 Confirmation of Minutes - Extraordinary Council Meeting - 12 June 2018 (SF18/215)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That the minutes of the Council meeting held on 12 June 2018 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

CM/4.4/18.06 Adoption of Minutes - Waverley Traffic Committee Meeting - 24 May 2018 (SF18/241)

Cr Kay declared a pecuniary interest in Item TC/V.03/18.05, and informed the meeting that his mother-in-law owns property in the building.

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That Part 1 of the minutes of the Waverley Traffic Committee meeting held on 24 May 2018 be received and noted, and that the recommendations contained therein be adopted.

Save and except the following:

1. TC/L.01/18.05 – Proposed Changes to Parking Restrictions in Bondi Junction

And that this item be dealt with separately below.

CM/4.4.1/18.06 Adoption of Minutes - Waverley Traffic Committee Meeting - 24 May 2018 - TC/L.01/18.05 - Proposed Changes to Parking Restrictions in Bondi Junction (SF17/2867)

This item was saved and excepted by Cr Burrill.

MOTION / DECISION

Mover: Cr Burrill
Seconder: Cr Goltsman

That the recommendation of the Traffic Committee be adopted subject to the proposed changes to meter operating times shown in the table in the report being amended to correct identified administrative errors as follows:

1. Allens Parade – Proposed Time Restrictions changed to No change, residential.
2. Leswell Street east side (between Oxford Street and Hegarty Lane) – Current Time Restrictions changed to 1/2P ticket 8 am–12 pm 2P ticket 12 pm–7 pm.
3. Leswell Street east side (between Oxford Street and Hegarty Lane) – Proposed Time Restrictions changed to 1/2P ticket 8 am–12 pm 2P ticket 12 pm–6 pm.
4. Leswell Street east side (between Camp Lane and Grafton Street) – Current Time Restrictions changed to 1/2P ticket 8 am–12 pm 2P ticket 12 pm–7 pm.
5. Leswell Street east side (between Hegarty Lane and Grafton Street) – Current Time Restrictions changed to 1/2P ticket 8 am–12 pm 2P ticket 12 pm–7 pm.
6. Oxford Street (between Newland Street and Denison Street) – First duplicate entry removed.
7. Porter Avenue changed to Porter Street.
8. Porter Street (between Bronte Road and Adams Lane) – First duplicate entry removed.
9. Ruthven Street (between Oxford Street and Gowrie Lane) – Current Time Restrictions changed to

1/2P ticket 8 am–12 pm 2P ticket 12 pm–7 pm.

10. Ruthven Street (between Oxford Street and Gowrie Lane) – Proposed Time Restrictions changed to 1/2P ticket 8 am–12 pm 2P ticket 12 pm–6 pm.
11. Vernon Street (between Oxford Street and Rowe Lane) – Current Time Restrictions changed to 1/2P ticket 8 am–12 pm 2P ticket 12 pm–7 pm.
12. Vernon Street (between Oxford Street and Rowe Lane) – Proposed Time Restrictions changed to 1/2P ticket 8 am–12 pm 2P ticket 12 pm–6 pm.

Division

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

Against the Motion: Crs Burrill and Kay.

5. Mayoral Minutes

CM/5.1/18.06 Compliance (SF18/215)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

That:

1. Council undertakes a review of its compliance functions and gives consideration to:
 - (a) Multi-skilling some or all parking rangers to undertake general ranger duties.
 - (b) Provides recommendations for improvement in compliance functions; in particular, for:
 - (i) Illegal backpacker premises.
 - (ii) Non-compliant building works.
 - (iii) Works approved by a private certifier.
2. The report to Council can be presented in parts if deemed appropriate by the General Manager, and should provide input into Council’s accommodation strategy related to compliance staffing and resource requirements.

CM/5.2/18.06 Schools (A14/0170)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

That Council

1. Confirms its support for the establishment of a new state high school in the Eastern Suburbs.
2. Seeks detailed information from the NSW Department of Education on school capacity projections, student numbers, capital works and maintenance proposals for all state primary and secondary

schools in Waverley.

3. Selects Councillors Wy Kanak, O'Neill and Betts, and appropriate officers, to accompany the Mayor to meet with the Minister to discuss the future of public education in Waverley.

6. Obituaries

Ernie Page
Shirley Roozendal
Cely Benchoam
Sofia Ostrovsky
Ari Mogilevski

MOTION / UNANIMOUS DECISION

Mover: Cr Goltsman
Seconder: Cr Betts

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

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

7. Reports

CM/7.1/18.06 Community Strategic Plan 2018-2029, Delivery Program 2018-2021, Operational Plan 2018-19 and Pricing Policy, Fees and Charges 2018-19 (A17/0229)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That Council:

1. Receives and notes the submissions and proposed amendments made in relation to the Integrated Planning and Reporting documents, as set out in Attachment 1 to this report.
2. Adopts the Community Strategic Plan 2018–2029, Delivery Program 2018–2021 and Operational Plan 2018–19, including the Statement of Revenue Policy, set out in Attachments 2, 3 and 4 to this report.
3. Adopts the Rating Structure for 2018–19 contained on page 65 of the Operational Plan 2018–19 in Attachment 4 to this report, together with the marked up changes to the proposed Pricing Policy, Fees and Charges 2018–19 as in Attachment 5 in accordance with sections 497, 516, 518, 529 (2)(d), 534, 535 and 548(3) of the *Local Government Act*, which propose the following rates and charges for every parcel of rateable land within the Waverley Local Government Area for the period of 1 July 2018 to 30 June 2019:
 - (a) That an ordinary rate of zero point one one two eight four cents (0.11284) in the dollar subject to a minimum rate in accordance with section 548(3) of the Act, per assessment on all rateable land categorised Residential in accordance with section 516 of the Act and sub categorised Ordinary in accordance with section 529(2)(b) of the Act for the period 1 July 2018 to 30 June 2019.

- (b) That an ordinary rate of zero point five three zero nine three cents (0.53093) in the dollar on all rateable land categorised Business in accordance with section 518 of the Act and sub categorised Ordinary in accordance with section 529(2)(d) of the Act for the period 1 July 2018 to 30 June 2019.
- (c) That an ordinary rate of zero point eight six four eight zero cents (0.86480) in the dollar on all rateable land categorised Business in accordance with section 518 of the Act and sub categorised Bondi Junction in accordance with section 529(2)(d) of the Act for the period 1 July 2018 to 30 June 2019.
- (d) That in accordance with section 496 of the *Local Government Act*, the charge for the Domestic Waste Management Service is set at \$548.00 per service per annum for the period 1 July 2018 to 30 June 2019.

At 9.27 pm, the meeting adjourned for a short break.

At 9.34 pm, the meeting resumed.

**CM/7.2/18.06 Budget for Financial Year 2018/19 and Long Term Financial Plan (LTFP 5)
(SF17/2658)**

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That Council:

1. Adopts the budget for the financial year 2018/19 set out in Attachments 1 and 2 to this report.
2. Receives and notes the Long Term Financial Plan (LTFP 5) for an 11-year period from 2018/19 to 2028/29 including Income Statement, Balance Sheet, Statement of Cash Flow, Reserve Balances, Assumptions and Sensitivity Analysis, as detailed in Attachment 3 to this report.

CM/7.3/18.06 Strategic Asset Management Plan 5 (SAMP 5) (SF17/2653)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That Council:

1. Adopts the Strategic Asset Management Plan 5 attached to this report.
2. Notes the inclusion of the Strategic Asset Management Plan as part of Council's Resourcing Strategy for the purposes of integrated planning and reporting.

CM/7.4/18.06 Environmental Action Plan 2018-2030 (A17/0306)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wy Kanak
Seconder: Cr Wakefield

That Council:

1. Adopts the Environmental Action Plan 2018–2030 attached to this report.
2. Notes the inclusion of the Environmental Action Plan 2018–2030 as part of Council’s resourcing strategy for the purposes of integrated planning and reporting.

CM/7.5/18.06 Investment Portfolio Report - May 2018 (A03/2211)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That Council:

1. Receives and notes this report.
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/7.6/18.06 Trade Debtors Debt Write Off (SF17/299)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That Council writes off bad trade debts amounting to \$13,128.21 as shown in Tables 1, 2 and 3 of this report, in accordance with clause 213(3) of the *Local Government (General) Regulation 2005*.

CM/7.7/18.06 Voluntary Planning Agreement - 17 Isabel Avenue, Vaucluse (DA-578/2015/A)

Cr Nemesh declared a pecuniary interest in this item, and informed the meeting that he owns property adjacent to the building. Cr Nemesh was not present at the meeting for the consideration and vote on this item.

MOTION / DECISION

Mover: Cr Wakefield
Seconder: Cr Lewis

That:

1. Council notes that officers have consulted residents in the vicinity of the subject development, in accordance with Council’s resolution of 17 April 2018.

2. Council endorses the draft Planning Agreement attached to this report applying to land at 17 Isabel Avenue, Vacluse, that provides a total contribution of \$125,249. Of this amount, \$112,724 is to be applied towards the upgrade and improvement of Diamond Bay Reserve and/or Clarke Reserve, and \$12,525 (10%) towards affordable housing under Waverley's Affordable Housing Program, in accordance with Council's Planning Agreement Policy 2014.
3. Upgrade and improvement work at Diamond Bay Reserve and/or Clarke Reserve is to be subject to consultation with the Vacluse/Diamond Bay Precinct Committee, traditional owner representatives and representatives of the La Perouse Local Aboriginal Land Council.
3. 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 Burrill, Copeland, Kay, Lewis, Masselos, O'Neill, Wakefield and Wy Kanak.

Against the Motion: Crs Betts and Goltsman.

A Aaron (on behalf of Diamond Bay/Vacluse Precinct) addressed the meeting.

CM/7.8/18.06 Eastgate Bondi Junction - Awning and Façade Project (A17/0675)

Cr Lewis declared a less than significant non-pecuniary interest in this item, and informed the meeting that he resides in Eastgate.

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Wakefield

That Council:

1. Notes that the project to replace the awning and lower façade tiling of the Eastgate building is in the 2018–19 Capital Works Program.
2. Approves expanding the scope of the project to include a treatment to the upper façade and vertical pylons located above the awning, as per Option 1 in this report.
3. Notes that this project is identified in the Long Term Financial Plan, with funding from the Investment Strategy Reserve.
4. Brings forward \$650,000 of future funding allocation for the Eastgate awning and façade project from the Long term Financial Plan Year 2020/21 for inclusion in the 2018/19 budget to cover the proposed additional costs associated with the expanded scope of the project.
5. Supports, in principle, the lodgement of a development application for the proposed works.

CM/7.9/18.06 Tender Evaluation - Bondi Beach Stairs (A18/0189)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield
Seconder: Cr Goltsman

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 Awada Civil Engineering Pty Ltd as the preferred tenderer for the Bondi Beach Stairs project for the sum of \$83,200 including GST.
3. Authorises the General Manager, or delegated representative, to enter into contract on behalf of Council with Awada Civil Engineering Pty Ltd.
4. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

CM/7.10/18.06 Tender Evaluation - South Bronte Amenities and Community Centre - Design and Documentation (SF18/1893)**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos
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 Panovscott Pty Ltd as the preferred tenderer for the supply of South Bronte Amenities and Community Centre professional services design and documentation for the sum of \$106,700 excluding GST.
3. Authorises the General Manager, or delegated representative, to enter into contract on behalf of Council with Panovscott Pty Ltd.
4. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

CM/7.11/18.06 Councillors' Fees - Local Government Remuneration Tribunal Determination for 2018–19 (A03/1343)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield
 Seconder: Cr Wy Kanak

That Council, in accordance with the Local Government Remuneration Tribunal's Annual Report and Determination 2018 attached to this report, endorses the annual fees for the year 1 July 2018 to 30 June 2019 as follows:

1. All Councillors (including the Mayor) – \$19,790.
2. Mayor – \$43,150 in addition to the Councillor fee.
3. Deputy Mayor – \$3,819 in addition to the Councillor fee, and that this amount be paid from the fees paid to the Mayor.

8. Notices of Motion

CM/8.1/18.06 Rodney Reserve (A03/1221)

MOTION

Mover: Cr Lewis
 Seconder: Cr Wakefield

That Council:

1. Congratulates the officers for the delivery of the restoration and renewal of Rodney Reserve.
2. Thanks the local residents and, in particular, the Rodney Reserve Committee of residents for their input and cooperation.
3. Commits to maintaining Rodney Reserve as a community park and not constructing an amenity block, kiosk or Council storage facilities on the Reserve.

AMENDMENT

Mover: Cr Nemesh
 Seconder: Cr Betts

That the motion is adopted subject to the amendment of clause 1 to read as follows:

'Congratulates officers for delivering the upgrade of the playing field in Rodney Reserve, which includes a new irrigation system, new turf, new goal posts and soft plantings.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

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

Against the Amendment: Crs Copeland, Lewis, Masselos, O'Neill, 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:

1. Congratulates the officers for the delivery of the restoration and renewal of Rodney Reserve.
2. Thanks the local residents, the Dover Heights Precinct and, in particular, the Rodney Reserve Committee of residents for their input and cooperation.
3. Commits to maintaining Rodney Reserve as a community park and not constructing additional lighting, an amenity block, kiosk or Council storage facilities on the Reserve.

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION: That the Motion be adopted.

CM/8.2/18.06 Single-use Plastics and Development Consents (A04/0339)

MOTION / UNANIMOUS DECISION

Mover: Cr Copeland
Seconder: Cr Masselos

That Council:

1. Officers investigate methods to reduce or eliminate the use of single-use plastic items, including bags, drinking straws, plastic film etc. for new retail premises in Waverley through amendments to the DCP and DA standard conditions of consent.
2. Introduces new standard conditions of consent and lease/licence conditions for commercial, retail operations under Council's control on public Crown Land (e.g. Bondi Park, Beach, Pavilion) to eliminate the use of single-use plastic items, including bags, drinking straws, plastic film etc. for any future development, commercial operation or change of use consents.
3. Advocates for the NSW Government to identify and propose development controls to reduce and potentially eliminate single-use plastic in new retail development through amendments to the EP&A Act, State Environmental Planning Policies (SEPPs) and the Exempt and Complying Development Code, or through new legislation.
4. Notes its intention to develop and implement an education campaign for residents and business operators.

CM/8.3/18.06 Birrell Street, Bondi - Pedestrian Safety (A03/0578)

MOTION / UNANIMOUS DECISION

Mover: Cr O'Neill
Seconder: Cr Masselos

That Council:

1. Investigates improving the safety of pedestrians crossing from Birrell Street between Alfred Street and Ocean Street, with a report to be prepared for consideration by the Waverley Traffic Committee.
2. Notes work by Council officers on this matter, including Council resolution CM/8.6/16.07, for improving traffic calming in Birrell Street between Watson Street and Tamarama Street; in particular,

on exploring a new traffic refuge to the immediate east of the Murray Street/Birrell Street roundabout.

J Gabrielsson addressed the meeting.

CM/8.4/18.06 Sydney Marine Park (A07/0323)

MOTION / DECISION

Mover: Cr Copeland

Seconder: Cr Wy Kanak

That Council:

1. Calls on the NSW Government and the NSW Marine Management Authority to establish a Sydney Marine Park.
2. Notes that the Australian Marine Conservation Society and the Nature Conservation Council NSW have petitioned for a marine park.
3. Notes that it has been shown that marine parks increase fish stocks in surrounding areas.
4. Notes that, within marine parks, sanctuary zones could protect certain species and other designated areas could allow recreational and commercial fishing.
5. Notes that only one per cent of Sydney's waters are protected.
6. Notes that plastic and other pollution has a detrimental effect on the marine environment.
7. Officers provide feedback to Council from local stakeholder groups on how they might be affected.
8. Carries out a survey to determine if residents support a marine park in their local area.

CM/8.5/18.06 Newstart Allowance (A18/0366)

At 10.28 pm, during the consideration of this item, Cr Burrill left the meeting and did not return.

MOTION

Mover: Cr Copeland

Seconder: Cr Wy Kanak

That Council:

1. Notes that the current rate of the Newstart allowance for a single person without dependent children is \$545.80 per fortnight.
2. Notes that an increase in Newstart would help reduce the subsequent increased pressure on communities and Council community service resources.
3. Advocates in writing that the Newstart allowance be increased by \$75 per week to the Prime Minister, Malcolm Turnbull; Deputy Prime Minister, Michael McCormack; Minister for Social Services, Dan Tehan; Minister for Human Services, Michael Keenan; Minister for Jobs and Innovation, Michaelia Cash; Bill Shorten MP; and Richard Di Natale MP; and sends copies of the letter to NSW

Premier, Gladys Berejiklian; Minister for Family and Community Services, Pru Goward; Luke Foley MP; and David Shoebridge MP.

AMENDMENT

Mover: Cr Goltsman
Seconder: Cr Betts

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

‘Notes that the majority of Newstart recipients receive additional payments and supplements based on their circumstances.’

AT THIS STAGE IN THE PROCEEDINGS, CR WAKEFIELD VACATED THE CHAIR, AND CR WY KANAK ASSUMED THE CHAIR.

THE AMENDMENT WAS PUT AND DECLARED LOST

Division

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

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

AT THIS STAGE IN THE PROCEEDINGS, CR WAKEFIELD ASSUMED THE CHAIR.

THE MOVER AND SECONDER OF THE MOTION THEN ACCEPTED AMENDMENTS TO THE MOTION SUCH THAT IT NOW READ AS FOLLOWS:

That Council:

1. Notes that the current rate of the Newstart allowance for a single person without dependent children is \$545.80 per fortnight.
2. Notes that an increase in Newstart would help reduce the subsequent increased pressure on communities and Council community service resources.
3. Further notes that around two thirds of those granted Newstart exit income support within 12 months.
4. Further notes that working age allowance payments, such as Newstart allowance, are designed to provide a safety net for people who require assistance while unemployed and looking for work.
5. Advocates in writing that the Newstart allowance be increased by \$75 per week to the Prime Minister, Malcolm Turnbull; Deputy Prime Minister, Michael McCormack; Minister for Social Services, Dan Tehan; Minister for Human Services, Michael Keenan; Minister for Jobs and Innovation, Michaelia Cash; Bill Shorten MP; and Richard Di Natale MP; and sends copies of the letter to NSW Premier, Gladys Berejiklian; Minister for Family and Community Services, Pru Goward; Luke Foley MP; and David Shoebridge MP.

AMENDMENT

Mover: Cr Goltsman
Seconder: Cr Betts

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

‘Further notes that indicative costing of a \$75 per week increase for single allowance recipients of the Newstart allowance and related payments would cost the taxpayer an additional almost \$3.3 billion per year.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Betts, Goltsman, Kay and Nemes.

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

THE MOVER AND SECONDER OF THE MOTION THEN ACCEPTED A FURTHER AMENDMENT TO THE MOTION SUCH THAT IT NOW READ AS FOLLOWS:

That Council:

1. Notes that the current low rate of the Newstart allowance of \$545.80 per fortnight is exacerbating poverty, homelessness and the ability to look for work.
2. Notes that an increase in Newstart would help reduce the subsequent increased pressure on communities and Council community service resources.
3. Further notes that around two thirds of those granted Newstart exit income support within 12 months.
4. Further notes that working age allowance payments, such as Newstart allowance, are designed to provide a safety net for people who require assistance while unemployed and looking for work.
5. Advocates in writing that the Newstart allowance be increased by \$75 per week to the Prime Minister, Malcolm Turnbull; Deputy Prime Minister, Michael McCormack; Minister for Social Services, Dan Tehan; Minister for Human Services, Michael Keenan; Minister for Jobs and Innovation, Michaelia Cash; Bill Shorten MP; and Richard Di Natale MP; and sends copies of the letter to NSW Premier, Gladys Berejiklian; Minister for Family and Community Services, Pru Goward; Luke Foley MP; and David Shoebridge MP.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

Division

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

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

DECISION: That the Motion be adopted.

CM/8.6/18.06 Shopping Trolleys - Removal from Bondi Junction (A04/2081)

MOTION / UNANIMOUS DECISION

Mover: Cr Copeland

Secunder: Cr Wy Kanak

That Council:

1. Requires the Mayor and General Manager to meet with the management of Aldi, Coles and Woolworths to discuss their responsibilities in relation to the removal of shopping trolleys from the Bondi Junction shopping area.
2. Requests that the operators ensure brake locking on all trolleys from both Eastgate and Westfield shopping centres to stop customers taking trolleys out onto the streets, which are blocking pathways

and the entrances to Bondi Junction train station.

3. Requests that the collection of dumped trolleys be increased to reduce the number left across the Bondi Junction area, and that trolley removers actually collect trolleys from all locations, including those in less obvious places such as pedestrian-only areas.
4. Considers impounding abandoned shopping trolleys in the public domain as necessary.

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

CM/8.7/18.06 Strategic Plan for Management of Urban Development - Diamond Bay/Vaucluse Precinct (A18/0368)

MOTION

Mover: Cr Lewis
 Seconder: Cr Wakefield

That:

1. Council advises the Diamond Bay/Vaucluse Precinct that Council has scheduled preparation of a strategic plan for management of urban development in Waverley.
2. The strategic plan is to include a:
 - (a) Community Participation Plan, which will outline local community involvement in future planning and decision-making.
 - (b) Local Strategic Planning Statement, which will outline to the community how Council will align Council's Community Strategic Plan with regional, district and local plans.
 - (c) Local Housing Strategy and Local Affordable Housing Strategy, which will outline how Council will meet the dwelling needs of the future Waverley community, and to inform the future Waverley Local Environmental Plan.
 - (d) A new comprehensive Development Control Plan, which considers:
 - (i) Residential and commercial development controls.
 - (ii) Parking generation rates for new development.
3. Council engages with the Diamond Bay/Vaucluse precinct in order to have the precinct involved in the strategic and development planning process.
4. Council communicates this information to all the precincts, including Diamond Bay/Vaucluse Precinct.

AMENDMENT

Mover: Cr Nemesh
 Seconder: Cr Betts

That the Motion be adopted subject to the addition of the following clauses

1. Council notes that the NSW State Government introduced a new *Environmental Planning and Assessment Act* (EP&A) or 'Planning Bill 2017' into Parliament in October 2017 which substantially

amended the existing EP&A Act requiring Councils to prepare:

- (a) Community Participation Plans (CPP).
 - (b) Local Strategic Planning Statements (LSPS).
2. Council further notes that Council is required to review and prepare the following strategies in line with the recently adopted reforms by the Greater Sydney Commission:
- (a) Undertake a review of the Waverley LEP 2012.
 - (b) Prepare a Local Strategic Planning Statement.
 - (c) Prepare a Housing Strategy and Affordable Housing Strategy.
 - (d) Prepare a Planning Proposal to amend the Waverley LEP 2012 to support the Eastern Sydney District Plan, the Local Strategic Planning Statement and the housing strategies.

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

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

Against the Amendment: Crs Copeland, Lewis, Masselos, O'Neill, 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:

1. Council advises all precincts, including the Diamond Bay/Vaucluse Precinct, that Council has scheduled preparation of a strategic plan for urban development in Waverley.
2. The strategic plan is to include a:
 - (a) Community Participation Plan, which will outline local community involvement in future planning and decision-making.
 - (b) Local Strategic Planning Statement, which will outline to the community how Council will align Council's Community Strategic Plan with regional, district and local plans.
 - (c) Local Housing Strategy and Local Affordable Housing Strategy, which will outline how Council will meet the dwelling needs of the future Waverley community, and to inform the future Waverley Local Environmental Plan.
 - (d) A new comprehensive Development Control Plan, which considers:
 - (i) Residential and commercial development controls.
 - (ii) Parking generation rates for new development.
3. Council engages with all precincts, traditional owner representatives and the La Perouse Aboriginal Land Council in order to have the precincts involved in the strategic and development planning process.

4. Council communicates this information to all the precincts, including Diamond Bay/Vaucluse Precinct.
5. Council schedules a workshop to discuss the new legislation in regard to strategic planning process.

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION: That the Motion be adopted.

A Aaron (on behalf of Diamond Bay/Vaucluse Precinct) addressed the meeting.

CM/8.8/18.06 Bronte Park and Beach - Heritage Listing of Items (A16/0168)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr O'Neill

That Council:

1. Acknowledges the review of the heritage status of items and landscape features in Bronte Park and Beach as part of the development of the Bronte Park and Beach Plan of Management (POM).
2. Acknowledges there is a need to provide better heritage protection of some items and areas in Bronte Park and Beach.
3. Investigates the following:
 - (a) Bronte Sewerage Pumping Station: be specifically identified in the Waverley Local Environmental Plan 2012 (LEP 2012).
 - (b) Bronte Pool: identified for state heritage listing as it is understood that the very first demonstration of the Aussie Crawl was in Bronte Pool by Alick Wickham in 1901.
 - (c) Bronte Cutting: considered for state heritage listing in order to align with the already state-listed tram shelters in Bondi Beach and Bondi, and as the cutting used to be the terminus for the trams.
 - (d) Bronte Tram Shelter: considered for state heritage listing.

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

CM/8.9/18.06 Diamond Bay Rezoning (A18/0367)

MOTION / UNANIMOUS DECISION

Mover: Cr Betts
Seconder: Cr Nemesh

That Council investigates rezoning the suburb of Diamond Bay (Diamond Bay Road, Craig Avenue and Isabel Avenue) from R3 Medium Density Residential to R2 Low Density Residential when amending the next Waverley Local Environmental Plan.

Division

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

Against the Motion: Nil.

A Aaron (on behalf of Diamond Bay/Vaucluse Precinct) addressed the meeting.

CM/8.10/18.06 Accessible Play Equipment in our Play Spaces (A10/0562)

MOTION / UNANIMOUS DECISION

Mover: Cr Kay
Seconder: Cr Betts

That Council:

1. Notes a new Play Space Strategy will not be completed until 2020 at the earliest.
2. Consults with the Access Committee (including other interested stakeholders) on play spaces that could have accessible play equipment within the Waverley LGA, and the access to that play equipment.
3. Officers prepare a report for Council consideration that identifies where accessible play equipment can be:
 - (a) Retrofitted to already upgraded play spaces under the current Play Space Strategy.
 - (b) Included within future play spaces yet to be implemented, ensuring that appropriate access to the play space and mobility parking is also provided.

ensuring that appropriate access to the play space and mobility parking is also provided.

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

CM/8.11/18.06 Preserving Waverley's Commercial Spaces (A18/0225)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos
Seconder: Cr Lewis

That:

1. Council recognises it must provide a minimum of 10,000 jobs in order to maintain its status as a Strategic Centre within the metropolitan centres hierarchy.
2. Council recognises that Bondi Junction's 2016 job estimate is 13,800 jobs and that it is required to accommodate between 17,000 and 20,500 jobs forecast in the Eastern City District Plan by 2036.
3. Council is concerned about the findings highlighted in the Bondi Junction Commercial Centre Review including:
 - (a) The existing re-development of commercial office and retail into residential towers has already resulted in the loss around 10,000 sqm of commercial floor space in recent years.

- (b) The conversion of commercial office space to build residential towers, which could entail the loss of 64,000 sqm of floor space (around 2,500 jobs) in the longer term and 40,000 sqm of floor space (around 1,600) in the short-term.
 - (c) The limited sites remaining in the B3 Commercial Core zone for office-only development.
 - (d) The development of non-office uses in the B3 zone, such as serviced apartments.
 - (e) Impact the lack of appropriate commercial space has on driving very high levels of commuting and the deleterious effects this has on the lifestyle of working residents.
 - (f) Potential for a continued decline in local jobs on existing activity in the Junction and the prospect of it gaining momentum and triggering further decline.
4. Council acknowledges the growing concern with the ever-increasing push by developers to build higher buildings with limited setbacks that challenge LEP/DCP regulations and guidelines.
 5. Council undertakes a review of the Waverley LEP as a matter of urgency to introduce protections for commercial buildings
 6. Council officers report back to Council as a matter of urgency.
 7. A delegation of the Mayor, Ward Councillors and appropriate staff meet with the Minister for Planning, The Hon. Anthony Roberts, as a matter of urgency.

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

CM/8.12/18.06 Reduced Parking Fines (A03/2236)

MOTION

Mover: Cr Kay
Seconder: Cr Betts

That Council:

1. Notes that the NSW State Government has recently announced that new legislation will shortly be introduced to allow local government flexibility to charge lower amounts for some parking fines.
2. Agrees to support the principle of allowing NSW councils flexibility to tailor parking fines to suit their needs, and makes a submission to the NSW Government, via its website, to provide this feedback.
3. As soon as the new legislation is introduced:
 - (a) Identifies the potential for reduced parking fines.
 - (b) Determines a methodology for reducing parking fine amounts.
 - (c) Based on this methodology, recommends what parking fine amounts could be reduced in the Waverley LGA.
4. Officers, following completion of the actions above, prepare a report for Council consideration, including how the reduction in parking fees could be introduced into Waverley so that Waverley is less reliant on parking fees for its general income, while ensuring that services are unaffected and the

impact on Council's budget and Long Term Financial Plan is managed appropriately.

AMENDMENT

Mover: Cr Masselos
Seconder: Cr Wakefield

That the Motion be adopted subject to the deletion of clause 2.

THE AMENDMENT WAS PUT AND DECLARED CARRIED.

Division

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

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

THE AMENDMENT NOW BECAME THE SUBSTANTIVE MOTION, AND WAS PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION: That the Substantive Motion be adopted.

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

CM/8.13/18.06 Bondi Road Transit Corridor (A03/0586)

This Notice of Motion was withdrawn at the meeting by Cr O'Neill.

MOTION (WITHDRAWN)

That Council writes to Roads and Maritime Services requesting the current 'No Stopping' restrictions in operation on Bondi Road for the eastbound lane from 4.00 pm to 6.00 pm and the west bound lane from 7.00 am to 9.30 am during weekdays be changed to 'Clearway' restrictions.

9. Urgent Business**CM/9.1/18.06 CONFIDENTIAL REPORT - Waverley Cemetery - Fees and Charges 2018-19 (A14/0165)****MOTION / DECISION**

Mover: Cr Wakefield
Seconder: Cr Nemesh

That Council deals with this matter as an item of urgent business in closed session.

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

**CM/9.2/18.06 CONFIDENTIAL REPORT - Commercial Waste - Fees and Charges 2018-19
(A02/0162)**

MOTION / DECISION

Mover: Cr Wakefield

Seconder: Cr Nemesh

That Council deals with this matter as an item of urgent business in closed session.

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

10. Closed Session

CM/10/18.06 Closed Session

MOTION / UNANIMOUS 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 section 10A(2) of the *Local Government Act 1993* for the reasons specified:

CM/9.1/18.06 CONFIDENTIAL REPORT - Waverley Cemetery - Fees and Charges 2018-19

This matter is considered to be confidential in accordance with section 10A(2)(d)(ii) of the *Local Government Act*, and Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a competitor of the council.

CM/9.2/18.06 CONFIDENTIAL REPORT - Commercial Waste - Fees and Charges 2018-19

This matter is considered to be confidential in accordance with section 10A(2)(d)(ii) of the *Local Government Act*, and Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a competitor of the council.

CM/10.1/18.06 CONFIDENTIAL REPORT - Tender Evaluation - Processing and Disposal Services for General Solid Waste (Non-putrescible)

This matter is considered to be confidential in accordance with section 10A(2)(d)(i) 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 commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

2. Pursuant to section 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*.

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

At 11.10 pm, Council moved into closed session.

CM/9.1/18.06 CONFIDENTIAL REPORT - Waverley Cemetery - Fees and Charges 2018-19

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

The confidential report was distributed to Councillors before the meeting.

MOTION / DECISION

Mover: Cr Wakefield

Seconder: Cr Masselos

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)(ii) of the *Local Government Act 1993*. The report contains information that would, if disclosed, confer a commercial advantage on a competitor of Council.
2. Adopts the fees and charges for cemetery services for the period 1 July 2018 to 30 June 2019 attached to this report.

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

**CM/9.2/18.06 CONFIDENTIAL REPORT - Commercial Waste - Fees and Charges 2018-19
(A02/0162)**

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

The confidential report was distributed to Councillors before the meeting.

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Masselos

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)(ii) of the *Local Government Act 1993*. The report contains information that would, if disclosed, confer a commercial advantage on a competitor of Council.
2. Adopts the fees and charges for commercial waste services for the period 1 July 2018 to 30 June 2019, as set out in the table in this report.

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

CM/10.1/18.06 CONFIDENTIAL REPORT - Tender Evaluation - Processing and Disposal Services for General Solid Waste (Non-putrescible) (A17/0666)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield
Seconder: Cr Masselos

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. Declines to accept any of the tenders for the supply of processing and disposal services for general solid waste (non-putrescible), in accordance with clause 178(1)(b) of the *Local Government (General) Regulation 2005*.
3. Declines to invite fresh tenders or applications as referred to in clause 178(3) (b)–(d) of the *Local Government (General) Regulation 2005*, due to the unsuccessful outcome of the request for tender process, the subsequent legal risks presented in the two submissions received during the RFT process, and to enable Council to bring forward its intended commencement as a participating Council in the Southern Sydney Region of Councils (SSROC) tender for supply and delivery of services to process municipal clean-up waste.
4. In accordance with clause 178(3)(e) of the *Local Government (General) Regulation 2005*, authorises the General Manager to enter into negotiations with the existing service provider for a 12-month contract for the supply of processing and disposal services for general solid waste (non-putrescible), based on the specification set out in Attachment 1 to this report.
5. Participates in the forthcoming SSROC tender for the supply and delivery of services to process municipal clean-up waste.
6. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

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

11. Resuming in Open Session**CM/11/18.06 Resuming in Open Session****MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That Council resumes in open session.

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

At 11.12 pm, Council resumed in open session.

Resolutions from closed session made public

In accordance with clause 253 of the Local Government (General) Regulation 2005, when the meeting resumed in open session the Chair announced the resolutions made by Council, including the names of the movers and seconders, while the meeting was closed to members of the public and the media.

12. Meeting Closure

THE MEETING CLOSED AT 11.16 PM.

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SIGNED AND CONFIRMED
MAYOR
17 JULY 2018