



**WAVERLEY**  
COUNCIL

**MINUTES OF THE WAVERLEY COUNCIL MEETING  
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON  
THURSDAY, 27 SEPTEMBER 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:**

Ross McLeod	General Manager
Rachel Jenkin	Acting Director, Waverley Life
Dan Joannides	Acting Director, Waverley Renewal
Peter Monks	Director, Waverley Futures
Jane Worthy	Internal Ombudsman

*At the commencement of proceedings at 7.04 PM, those present were as listed above, with the exception of Cr Lewis who arrived at 9.10 PM during consideration of Item CM/7.17/18.09.*

*At 10.23 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**

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 Kay declared a pecuniary interest in Item CM/7.10/18.09 – Voluntary Planning Agreement – 9 Penkivil Street, Bondi, and informed the meeting that his mother-in-law owns property in the vicinity of the subject site.
- 2.2 Cr Copeland declared a pecuniary interest in Item CM/5.4/18.09 – Bondi Pavilion Conservation and Restoration Project.
- 2.3 Cr Goltsman declared a significant non-pecuniary interest in Item CM/8.1/18.09 – Boat and Trailer Parking - Young Street, Vaucluse, and informed the meeting that he lives in Clarke Street.

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

- 3.1 G Sheehy (chief petitioner) – CM/7.12/18.09 – Petition – Rickard Avenue, Bondi Beach – Closure and Traffic Calming.
- 3.2 H More – CM/8.7/18.09 – Bus Stop at 465 Bronte Road, Bronte – Relocation.

#### 4. Confirmation and Adoption of Minutes

##### CM/4.1/18.09 Confirmation of Minutes - Council Meeting - 21 August 2018 (SF18/215)

###### MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That the minutes of the Council meeting held on 21 August 2018 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

##### CM/4.2/18.09 Adoption of Minutes - Waverley Traffic Committee Meeting - 23 August 2018 (SF18/241)

###### MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Kay

That Part 1 of the minutes of the Waverley Traffic Committee meeting held on 23 August 2018 be received and noted, and that the recommendations contained therein be adopted.

#### 5. Mayoral Minutes

##### CM/5.1/18.09 2018 NRL Grand Final - Support for Sydney Roosters (A03/0416)

###### MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

That Council:

1. Congratulates the Sydney Roosters on reaching the NRL Grand Final to be played against Melbourne Storm on Sunday 30 September, and wishes the team the best of luck for the game.
2. Notes that, in 2013, when the Sydney Roosters won the Grand Final the police closed Spring Street and Bronte Road, with approximately 3,000 people gathering on the streets to celebrate.
3. Authorises officers to provide the relevant support and assistance to both the Easts Leagues Club and the police should a similar event be held over the weekend.
4. Notes that Randwick Council is currently flying the Sydney Roosters flag in support of the team.
5. Decorates the balconies at Council Chambers and Bondi Pavilion with Sydney Roosters flags or banners to show our support for the team this weekend.
6. If possible, flies the Sydney Roosters flag from Council Chambers and Bondi Pavilion for one week from Tuesday, 2 October if the Sydney Roosters win on Sunday.

**CM/5.2/18.09                    Herbicide and Pesticide Use (A06/0333)****MOTION / UNANIMOUS DECISION**

Mover:        Cr Wakefield

That Council officers engage an independent expert to undertake a review of our current policies and procedures governing herbicide and pesticide use to ensure we eliminate, or at least minimise, the use of glyphosate and are delivering a best practice and sustainable weed management solution that is an alternative, non- glyphosate substance to protect our employees, residents, and the local environment.

**Background**

In order to manage weeds in our municipality, Waverley Council does, from time to time, use chemical control methods including round up or glyphosate. The application of all chemicals used in Waverley LGA are in adherence to our Pesticide Use and Notification Plan adopted by Council in 2016: <[http://www.waverley.nsw.gov.au/\\_data/assets/pdf\\_file/0009/93069/Pesticide\\_Use\\_Notification\\_Plan.pdf](http://www.waverley.nsw.gov.au/_data/assets/pdf_file/0009/93069/Pesticide_Use_Notification_Plan.pdf)>.

In light of the recent decision of the Californian Superior Court regarding glyphosate use, there have been renewed community concerns raised about Council's chemical use. In 2016, the International Agency for Research on Cancer (IARC) completed a review of glyphosate. The APVMA considered the assessment completed and found no grounds to place it under formal reconsideration. It was deemed to be safe to use where the instructions on the label are followed: <<https://apvma.gov.au/node/13891#IARC>>. As such, there is no scheduled plan to review our Pesticide Use and Notification Plan 2016 in the short term.

Over the years, many Councillors have requested information on the extent of chemical use and have requested officers investigate alternatives to chemical use as well as options to minimise use (biological treatments, different maintenance schedules and non-chemical treatments). However, we have not undertaken an independent expert review to look at our chemical use across our operations and benchmark ourselves against best practice.

This mayoral minute calls for an independent expert review of our current policies and procedures governing herbicide and pesticide use to ensure we are delivering a best practice and sustainable weed management solution that protects our employees, residents and the local environment.

**CM/5.3/18.09                    Shopping Trolleys (A04/2081)****MOTION / UNANIMOUS DECISION**

Mover:        Cr Wakefield

That Council reports on the current policies and progress in the control of shopping trolleys on Waverley streets and public places. Emphasis to be placed on outcomes to minimise the number of shopping trolleys being left in the public domain especially in Bondi Junction, Bondi Beach and Rose Bay.

**CM/5.4/18.09 Bondi Pavilion Restoration and Conservation Project (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, in regard to the Bondi Pavilion Restoration and Conservation Project, undertakes the following actions:

1. Façade. Prepares a timetable and costing for works to the façade that can be undertaken with heritage exemption.
2. Amphitheatre/outdoor performance space. Prepares concept designs, costings and a heritage impact assessment for:
  - (a) Retaining and renovating the amphitheatre in its current location.
  - (b) Building a new amphitheatre in the central courtyard possibly sunken and tiered, with a retractable floor at grade.
  - (c) Facilitating performances in the southern curtilage (Dolphin Courtyard) area.
  - (d) Facilitating performances in the western curtilage adjacent to the Gatehouse.
3. Prepares a draft report detailing the above with additional information on the level of use of the current amphitheatre
4. Convenes a meeting of the Bondi Pavilion Stakeholder Committee to review this draft report for update by Council officers before presentation to Council.

**6. Obituaries**

Peter Bowden  
Bill Andoniadis  
John McGuire

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

**7. Reports****CM/7.1/18.09 Election of Deputy Mayor (SF18/2233)****MOTION / DECISION**Mover: Cr Wakefield  
Seconder: Cr Wy Kanak

That Council:

1. Agrees to elect a Deputy Mayor for the ensuing 12-month term to September 2019.

2. Notes the procedure for the election of Deputy Mayor by Councillors outlined in this report.
3. Determines the method of voting for the election of Deputy Mayor to be the open voting method.

AT THIS STAGE IN THE PROCEEDINGS, THE ELECTION OF THE DEPUTY MAYOR WAS CONDUCTED AS FOLLOWS:

The Returning Officer informed the meeting that two written nominations in the prescribed form had been received, and sought any further nominations before closing nominations. At the close of nominations, the following nominations had been received:

Cr Leon Goltsman and Cr Dominic Wy Kanak.

The election of Deputy Mayor proceeded by means of open voting, and the following votes were recorded:

**Cr Leon Goltsman**

**5 votes** – Crs Betts, Burrill, Goltsman, Kay and Nemesh.

**Cr Dominic Wy Kanak**

**6 votes** – Crs Copeland, Keenan, Masselos, O'Neill, Wakefield and Wy Kanak.

CR DOMINIC WY KANAK WAS DECLARED ELECTED AS DEPUTY MAYOR OF WAVERLEY COUNCIL FOR THE ENSUING 12-MONTH TERM TO SEPTEMBER 2019.

**CM/7.2/18.09 Appointment of Councillors to Committees (SF18/2233)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council appoints Councillors to committees, and delegates to various organisations, for a 12-month term to September 2019 as follows:

**STANDING COMMITTEES**

**Committee name:** **Operations & Community Services Committee**

**No. of Councillors to be appointed:** All Councillors are members of this committee.

**Chair of Committee:** *Local Government (General) Regulation 2005* states the Mayor unless s/he declines in which case Council will appoint the Chair.

**Membership:** Crs Copeland (Chair), Lewis (Deputy Chair) and all other Councillors.

**Committee name:** **Strategic Planning & Development Committee**

**No. of Councillors to be appointed:** All Councillors are members of this committee.

**Chair of Committee:** *Local Government (General) Regulation 2005* states the Mayor

unless s/he declines in which case Council will appoint the Chair.

**Membership:** Crs Masselos (Chair), Keenan (Deputy Chair) and all other Councillors.

#### **OTHER COMMITTEES**

**Committee name:** **Waverley Traffic Committee**

**No. of Councillors to be appointed:** Council must appoint one voting representative to the Committee. Council's voting representative may be the Mayor, a Councillor or an employee of Council. Council must also appoint an alternate.

**Chair of Committee:** The Chair of the Committee is Council's voting representative.

**Membership:** Cr Wakefield (Mayor) (Chair) (Alternate: Cr Kay).

**Committee name:** **Environmental Sustainability Advisory Committee**

**No. of Councillors to be appointed:** Mayor (or Mayor's nominee) and three Councillors.

**Chair of Committee:** A Councillor appointed by Council.

**Membership:** Cr Wakefield (Mayor), Crs Keenan (Chair), Copeland (Deputy Chair) Nemesh and Goltsman.

**Committee name:** **Community Safety Advisory Committee**

**No. of Councillors to be appointed:** Mayor (or Mayor's nominee) and two Councillors.

**Chair of Committee:** The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.

**Membership:** Crs O'Neill (Chair), Wy Kanak (Deputy Chair), Burrill.

**Committee name:** **Waverley Surf Life Saving Club Committee**

**No. of Councillors to be appointed:** Mayor (or Mayor's nominee) and two Councillors.

**Chair of Committee:** The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.

**Membership:** Crs O'Neill (Chair), Wy Kanak (Deputy Chair), Masselos and Nemesh.

**Committee name:** **Waverley Access Committee**

**No. of Councillors to be appointed:** All Councillors are members of this committee.

---

<b>Chair of Committee:</b>	The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.
<b>Membership:</b>	Crs Keenan (Chair), Goltsman (Deputy Chair) and all other Councillors.
<b>Committee name:</b>	<b><u>Multicultural Advisory Committee</u></b>
<b>No. of Councillors to be appointed:</b>	One – the Mayor or the Mayor’s nominee.
<b>Chair of Committee:</b>	The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.
<b>Membership:</b>	Crs Masselos (Chair), Wy Kanak (Deputy Chair), and all other Councillors as invitees.
<b>Committee name:</b>	<b><u>Waverley Public Art Committee</u></b>
<b>No. of Councillors to be appointed:</b>	Maximum of three.
<b>Chair of Committee:</b>	The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.
<b>Membership:</b>	Crs Masselos (Chair), Keenan (Deputy Chair) and Burrill.
<b>Committee name:</b>	<b><u>Waverley Housing Advisory Committee</u></b>
<b>No. of Councillors to be appointed:</b>	Mayor (or Mayor’s nominee) and three Councillors.
<b>Chair of Committee:</b>	The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.
<b>Membership:</b>	Cr Wakefield (Mayor), Crs Wy Kanak (Chair), Copeland and Nemesh.
<b>Committee name:</b>	<b><u>Waverley Business Forum</u></b>
<b>No. of Councillors to be appointed:</b>	The Mayor, and an alternate, the Deputy Mayor.
<b>Co-Chair of Forum:</b>	The Mayor, or in the absence of the Mayor, the Deputy Mayor, is co-chair of the Forum.
<b>Membership:</b>	Cr Wakefield (Mayor) Alternate: Cr Wy Kanak (Deputy Mayor).
<b>Committee name:</b>	<b><u>Waverley Council Audit Committee</u></b>
<b>No. of Councillors to be appointed:</b>	One and an alternate. The Mayor cannot be a member of this Committee.

---



**Chair of Committee:** An Independent Member (non-Councillor).

**Membership:** Cr Copeland (Alternate: Cr Lewis).

**APPOINTMENT OF COUNCILLORS AS DELEGATES  
TO VARIOUS ORGANISATIONS**

**Name:** **Southern Sydney Regional Organisation of Councils**

**No. of Councillors to be appointed:** A maximum of two delegates and two alternates (one delegate to be the Mayor).

**Membership:** Cr Wakefield (Mayor) and Cr Wy Kanak (Alternates: Crs Copeland and O'Neill).

**Name:** **Southern Sydney Regional Organisation of Councils – Program Delivery Committee**

**Description:** Deals with asset management, public works, procurement, waste management and SSROC financial reports.

**No. of Councillors to be appointed:** One.

**Membership:** Cr Wakefield (Mayor) (Alternate: Cr Wy Kanak).

**Name:** **Southern Sydney Regional Organisation of Councils – Sustainability Program Committee**

**Description:** Deals with regional planning, environmental management, transport planning and management, and community development.

**No. of Councillors to be appointed:** One.

**Membership:** Cr Keenan (Alternate: Cr O'Neill).

**Name:** **Sydney Coastal Council Group**

**No. of Councillors to be appointed:** Two and an alternate.

**Membership:** Crs Copeland and Masselos (Alternate: Cr Wy Kanak).

**Name:** **NSW Public Libraries Association**

**No. of Councillors to be appointed:** One.

**Membership:** Cr Lewis.

**CM/7.3/18.09 Hawkesbury Shelf Marine Bioregion - Marine Park Proposal - Submission (A07/0323)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield  
Seconder: Cr Nemesh

That Council notes a recent ministerial media release indicating that there will be no loss of fishing rights or access under proposed marine park sites put forward by the Marine Estate Management Authority (MEMA), and endorses the attached submission on the 'Hawkesbury Shelf Marine Bioregion – Marine Park Proposal'.

**CM/7.4/18.09 Code of Conduct Review (A18/0585)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield  
Seconder: Cr Wy Kanak

That Council:

1. Retains its existing Code of Conduct and Procedure until the Model Code of Conduct and Procedure are prescribed by regulation.
2. Holds a Councillor workshop on the Model Code of Conduct and Procedure, with a report to come back to Council with a new Code of Conduct and Procedure for adoption.

*Cr O'Neill was not present for the vote on this item.*

**CM/7.5/18.09 Draft 2017/18 Financial Statements (A18/0184)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield  
Seconder: Cr Wy Kanak

That:

1. Council, in relation to the financial statements required in accordance with section 413(2)(c) of the *Local Government Act 1993*, resolves that in its opinion the General Purpose Financial Statements, Special Purpose Financial Statements and Special Schedules for the year ended 30 June 2018:
  - (a) Have been properly drawn up in accordance with the provisions of the *Local Government Act 1993*, the *Local Government (General) Regulation 2005*, the Australian Accounting Standards and professional pronouncements, and the Local Government Code of Accounting Practice and Financial Reporting.
  - (b) To the best of the Council's knowledge and belief, the statements present fairly the Council's operating result and financial position for the year and accords with the Council's accounting and other records.
  - (c) Council is unaware of any matter that would render the financial statements false or misleading in anyway.

2. The Statement by Councillors and Management for the General Purpose Financial Statements and Special Purpose Financial Statements, on page 3 of the Annual Financial Statements, be signed by the Mayor, a Councillor, the General Manager and the Responsible Accounting Officer.
3. The Statement by Councillors and Management for the Special Purpose Financial Statements, on page 2 of the Special purpose Financial Statements, be signed by the Mayor, a Councillor, the General Manager and the Responsible Accounting Officer.
4. The financial statements be referred to Council's auditors for audit.
5. Arrangements be made to place copies of the audited financial statements on public exhibition and the necessary advertisements be published.
6. A copy of the audited financial statements be forwarded to the NSW Office of Local Government.
7. The audited financial statements be presented at a meeting of Council to be held in accordance with section 418 of the *Local Government Act 1993*.
8. Public notice of the meeting to be held on Tuesday, 20 November 2018, be published in newspapers in the week commencing 12 November 2018, including the publication of all documents required under section 418 of the *Local Government Act 1993*.
9. Council notes that, at the meeting to be held on Tuesday, 20 November 2018, Council will present its Audited Financial Report and Auditor's Report to the public.

**CM/7.6/18.09 Investment Portfolio Report - August 2018 (A03/2211)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield  
Seconder: Cr Wy Kanak

That Council:

1. Receives and notes the Investment Summary Report for August 2018 attached to 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/7.7/18.09 Asbestos Policy - Review (A05/0190)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield  
Seconder: Cr Wy Kanak

That Council:

1. Adopts the Asbestos Policy attached to this report.
2. Updates all relevant policy information on Council's website.

**CM/7.8/18.09                    2018-19 Financial Assistance Grants (A03/2167-02)****MOTION / UNANIMOUS DECISION**

Mover:        Cr Wakefield

Seconder:    Cr Wy Kanak

That Council:

1.     Notes the 2018/19 Financial Assistance Grant entitlement of \$1,959,787 attached to this report.
2.     Amends the Financial Assistance Grant income budget increase by \$33,225 to reflect the new entitlement.

**CM/7.9/18.09                    Venue Hire Grant Application - Wayside Chapel (A18/0195)****MOTION / UNANIMOUS DECISION**

Mover:        Cr Wakefield

Seconder:    Cr Wy Kanak

That Council, under section 356 of the *Local Government Act 1993* and the Venue Hire Grants Program 2018–19, grants \$130 in financial assistance to Wayside Chapel for their use of a Council venue for an event on 10 October 2018.

**CM/7.10/18.09                    Voluntary Planning Agreement - 9 Penkivil Street, Bondi (DA-541/2016/A)**

*Cr Kay declared a pecuniary interest in this item, and informed the meeting that his mother-in-law owns property in the vicinity of the subject site. Cr Kay not present at, or in sight of, the meeting for the consideration and vote on this item.*

**MOTION / DECISION**

Mover:        Cr Wakefield

Seconder:    Cr Masselos

That Council:

1.     Endorses the draft Planning Agreement attached to this report applying to land at 9 Penkivil Street, Bondi. The draft Planning Agreement offers a total monetary contribution of \$191,492 with \$127,342.80 (90%) to go towards the upgrade of parks, reserves and playgrounds in the Bondi area and 10%, or \$19,149.20 to go to Waverley's Affordable Housing Program, in accordance with Council's Planning Agreement Policy 2014.
2.     Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.

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

**CM/7.11/18.09            Multicultural Advisory Committee Meeting – Minutes - 14 June 2018 (A15/0509)****MOTION / UNANIMOUS DECISION**

Mover:        Cr Masselos

Seconder:    Cr Wy Kanak

That Council:

1.    Receives and notes the minutes of the Multicultural Advisory Committee meeting held on 14 June 2018.
2.    Notes that the minutes are available on Council's website.
3.    Sets February 2019 as the month in which to hold the Walk for Respect.

**CM/7.12/18.09            Petition - Rickard Avenue, Bondi Beach - Closure and Traffic Calming (A03/0042-04)****MOTION / UNANIMOUS DECISION**

Mover:        Cr Wakefield

Seconder:    Cr Goltsman

That the petition requesting the closure of Rickard Avenue at its intersection with Lamrock Avenue, and the installation of central refuges in Rickard Avenue at its intersection with Barracluff Avenue, be forwarded to the Executive Manager, Creating Waverley for appropriate action, including consideration of closure and/or traffic calming at the intersection of Barracluff Avenue.

*G Sheehy (chief petitioner) addressed the meeting.*

**CM/7.13/18.09            State Emergency Service (SES) Depot, Grafton Street - Cost Share and Operating Agreement (A12/0785)****MOTION / UNANIMOUS DECISION**

Mover:        Cr Wakefield

Seconder:    Cr Wy Kanak

That Council:

1.    Enters into a Cost Share and Operating Agreement with Woollahra Council for the joint operation of the Waverley and Woollahra State Emergency Service depot located at Area 2, 14 Grafton Street, Bondi Junction.
2.    Authorises the General Manager to execute the agreement on behalf of Council.

**CM/7.14/18.09 Alexandria Integrated Facility - Lease to Telstra (A15/0160)****MOTION / DECISION**

Mover: Cr Wakefield

Seconder: Cr Copeland

That Council:

1. Grants a lease to Telstra Corporation Limited on the terms and conditions outlined in this report.
2. Authorises the General Manager to complete negotiations on behalf of Council and to finalise and execute all necessary documentation.
3. Notes that the lease is subject to Woollahra Council formally approving the proposal as joint owners of the Alexandria Integrated Facility.
4. Notes that, under the *Telecommunications Act 1997*, Telstra potentially has the capacity to force the installation of some equipment on Council's site.

**Division****For the Motion:** Crs Betts, Burrill, Copeland, Goltsman, Kay, Keenan, Masselos, Nemesh and Wakefield.**Against the Motion:** Crs O'Neill and Wy Kanak.**CM/7.15/18.09 Alexandria Integrated Facility - Deed of Agreement for Easement with Ausgrid (A11/0249)****MOTION / DECISION**

Mover: Cr Wakefield

Seconder: Cr Masselos

That Council:

1. Enters into a Deed of Agreement for Easement over part of the common property known as lot 1 DP 270785, 67A Bourke Road, Alexandria, between Ausgrid Operator Partnership and the Community Association Scheme DP 270785, under which Waverley Council is a joint owner.
2. Notes that the easements are to be used for the installation of underground electrical cables and associated purposes.
3. Approves the amount of \$50,000 compensation to be paid to the Community Association Scheme DP 270785 from Ausgrid Operator Partnership.
4. Authorises the Mayor and General Manager to do all things necessary to give effect to the Deed of Agreement for Easement and to finalise the documentation.
5. Approves the execution of the Deed of Agreement for Easement by the Community Association Scheme DP 270785 on behalf of Waverley Council.

*Cr Wy Kanak requested that it be recorded in the minutes that he voted against the Motion.*

**CM/7.16/18.09 Request to Tender - Oxford Street Mall Markets, Bondi Junction (A18/0168)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That:

1. Council defers this request for tender.
2. Council considers the most appropriate approach for markets in Oxford Street Mall, Bondi Junction, at a Councillor workshop as soon as possible.
3. Council takes into account:
  - (a) The recently approved Night Time Activation Strategy.
  - (b) Outcomes of consultations with market operators, market-goers, precincts and the community.
4. Council does not currently support the recommendations contained in the JOC SGC 'Mobile Vending and Outdoor Markets Feasibility Study' attached to this report.
5. Council continues direct management of Oxford Street Mall markets until such time that Council resolves the most appropriate approach for markets in the Oxford Street Mall and a tenderer appointed.
6. A report come back to Council outlining options and recommendations for the markets in Oxford Street Mall.

**CM/7.17/18.09 Organisation Development Programme and High Level Organisation Structure (A18/0599)****MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council

1. Notes that the report of the General Manager entitled 'Organisation Development Programme and High Level Organisation Structure' is provided to Council in accordance with section 333 of the *Local Government Act 1993*.
2. Endorses the Organisation Development Strategy *Directions* and the work programme of organisational development focus areas as developed by the General Manager and set out in the agenda report.
3. Endorses the high-level organisation structure as set out in the agenda report.
4. Notes that the General Manager will be consulting with directly affected staff, designated staff consultation mechanisms, relevant unions and the wider staff community on both the broader organisational development programme and the proposed high-level organisation structure, and will report back to Council should he propose, after consultation, to make any modifications to the organisation development programme or the proposed structure that materially alter the current

proposal.

## 8. Notices of Motion

### CM/8.1/18.09 Boat and Trailer Parking - Young Street, Vaucluse (A14/0127)

*Cr Goltsman declared a significant non-pecuniary interest in this item, and informed the meeting that he lives in Clarke Street. Cr Goltsman was not present at, or sight of the meeting, for the consideration and vote on this item.*

#### MOTION / UNANIMOUS DECISION

Mover: Cr Betts

Seconder: Cr Nemesh

That Council investigates introducing a 4P parking restriction on Fridays 8 am–6 pm in Young Street, Vaucluse, and adjoining streets east of Old South Head Road to align with other boat trailer restrictions in Hunter Ward, to discourage boat parking in the area.

### CM/8.2/18.09 Bus Routes 361 and 381 (A03/0189)

#### MOTION / DECISION

Mover: Cr Copeland

Seconder: Cr Keenan

That Council:

1. Notes that the cancellation of the 361 bus service and the change to the 381 bus route and timetable in late September will have a deleterious effect on residential and visitor passengers to and from the Tamarama and North Bronte areas.
2. Notes that the changes to the routes and timetables imply that the planners have not considered the steepness of the topography in these areas and the need for readily accessible bus stops for older, fragile and/or mobility-challenged passengers.
3. Notes that the planners seem to have not considered that the State Government and the Greater Sydney Commission are trying to force ever more people into Waverley, and that Council's policy is to provide more public transport, not less, and to reduce the amount of private transport.
4. Notes that commuting on the 381 bus to Bondi Junction from the Hewlett/Bayview bus stop (North Bronte) via Bondi Road will increase to 17–26 minutes (for the worst case scenario and depending on congestion), compared with about 10–16 minutes on the cancelled 361 bus, respectively.
5. Notes that the cancellation of the 361 bus will make it very difficult for these now marooned passengers to travel to Waverley Bowling Club, Waverley College, War Memorial Hospital and Waverley Park Community Garden.
6. Notes that the cancellation of the 361 bus will force more passengers onto an already congested Bondi Road, whereas the retention of the 361 would continue to use a relatively uncongested Birrell Street.
7. Notes that the 360 is now the only bus service along Birrell Street, but the weekday timetable frequency has not been changed to compensate for the loss of the 361 service. The previous



weekday ratio of 360 services to 361 services is approximately 21 to 15. Without the 361 services, passengers lose approximately 40% of their Birrell Street services.

8. Notes that the 360 weekend timetable changes appear to have compensated for the loss of 361 services, but, unfortunately, this does not compensate for the loss of weekday services.
9. Notes that a better solution may be to retain the 361 bus service and modify the 381 bus service such that its terminus would be in the vicinity of the Fletcher/Dudley bus stop, and with limited stops on Bondi Road to improve traffic flow.
10. Notes that, without consulting passengers/local stakeholders, Sydney Buses published its intentions on 13 August 2018 at <<https://transportnsw.info/news/2018/more-bus-services-for-eastern-sydney>>. So it's no surprise that few members of the public knew about it.
11. Writes urgently to State Transit, the Premier, the Hon. Gladys Berejiklian, the Minister for Transport and Infrastructure, the Hon. Andrew Constance, and the Members for Vaucluse and Coogee, objecting to the changes, and requests that they not be implemented until full consultation is undertaken with all the stakeholders, including the affected passengers from the 360 and 361 bus service catchments.

#### Division

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

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

#### **CM/8.3/18.09 State Environmental Planning Policy (SEPP) No. 70 - Affordable Housing (A04/0302)**

#### **MOTION**

Mover: Cr Copeland

Seconder: Cr Keenan

That Council:

1. Reports on the advantages and disadvantages of being identified as having a need for affordable housing in section 9 of the State Environmental Planning Policy No. 70 (SEPP 70) – Affordable Housing (Revised Schemes) [NSW].
2. Reports on the interactions between SEPP 70 and Voluntary Planning Agreements, including using different approaches in different locations in the local government area.
3. Reports on the application process.
4. Notes that seven Councils have been included in section 9 as at 29 June 2018.
5. Notes it is required to prepare a Local Housing Strategy (LHS) as part of the preparation of a new LEP 2021 as required by the Greater Sydney Commission.
6. Notes this strategy will include an Affordable Housing Plan, and a recommendation as to whether to pursue inclusion in SEPP 70.
7. Agrees to discuss the issues raised by this matter at a councillor workshop to be conducted on 2 October 2018.

**AMENDMENT**

Mover: Cr Kay  
Seconder: Cr Burrill

That the Motion be adopted subject to the deletion of clauses 1–4.

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.

**Division**

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

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

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

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

**CM/8.4/18.09 Council's Passenger Fleet - Review (A03/1884)****MOTION / DECISION**

Mover: Cr Keenan  
Seconder: Cr Copeland

That Council:

1. Note that Council's 'Community Strategic Plan', 'Transport, Pedestrians and Parking' outlines the community's vision for transport over the next decade. The community told us they want to reduce the need to own and travel by private car and increase ride sharing in the LGA. They also want Council to prioritise access to residential parking.
2. Note that Council's 'People, Movement and Places Plan' identifies our vision with pedestrian's first then bikes, public transport shared services and private cars prioritised last. This plan also identifies congestion and parking as problems in the LGA.
3. Request that Officers prepare a report on the current passenger fleet with options for improved utilisation, cost and emissions reduction including but not limited to:
  - (a) The current number of passenger vehicles in the fleet.
  - (b) Total value of these passenger vehicles.
  - (c) How often are they replaced.
  - (d) Are these vehicles purchased or leased.
  - (e) The cost of operation for this fleet including petrol, insurance and other on road costs annually.

- (f) Annual maintenance costs.
- (g) The various models used in the fleet and what process is in place for staff when choosing models.
- (h) Number of fuel card issued.
- (i) Cost of KM/Lt for each vehicle (petrol and diesel).
- (j) How many are regarded as 'tool of trade' vehicles.
- (k) How many cars are on lease back arrangements to staff.
- (l) Number of lease back v's non lease back vehicles.
- (m) How many pool cars.
- (n) Where are passenger vehicles garaged.
- (o) How ride sharing could be used to replace pool cars (including cost of creating accounts with ride share companies).
- (p) Emissions from these cars.

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

**CM/8.5/18.09                      Peaceful Assembly and Protest (A18/0601)**

**MOTION / DECISION**

Mover:        Cr Keenan  
Seconder:    Cr Copeland

That Council:

1. Acknowledges that the right to protest is fundamental in a democratic society.
2. Notes that the NSW State Government has acted to shut down peaceful protests against CSG and coal mining through its *Inclosed Lands, Crimes and Law Enforcement Legislation Amendment (Interference) Bill 2016*, while the *Sydney Public Reserves (Public Safety) Bill 2017* has given police the power to move on homeless people, protesters and peaceful occupations in the City of Sydney area.
3. Notes that clause 13(1), item 4 of the *Crown Land Management Regulation 2018*, which came into effect on 1 July 2018, provides that '[t]aking part in any gathering, meeting, or assembly (except, in the case of a cemetery, for the purpose of religious or other ceremony of burial or commemoration)' can be prohibited by notice or direction. This means police or any Crown land manager can force any gathering or meeting on Crown land to end at any time without reason, and failure to comply with such a direction or notice is penalised by a maximum fine of \$11,000.
4. Acknowledges that prohibiting individuals from taking part in any gathering, meeting or assembly may unduly trespass upon the rights of individuals to peacefully assemble for a common purpose and express their views.
5. Acknowledges that this amendment will apply to those people who may wish to hold a meeting,

assembly or peaceful protest in many of the public parks and spaces in the Waverley LGA.

6. That the Mayor writes to the NSW State Government to:
  - (a) Oppose clause 13(1), item 4 of the *Crown Land Management Regulation 2018*, for the reasons detailed above.
  - (b) Express support for the right of peaceful gathering, meeting and assembly in NSW.

**Division**

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

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

AT THIS STAGE IN PROCEEDINGS, CR WY KANAK RELINQUISHED THE CHAIR AND CR WAKEFIELD RESUMED THE CHAIR.

**CM/8.6/18.09 Eastern Avenue Reserve (A17/0455)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh  
Seconder: Cr Betts

That Council:

1. Notes the concerns raised by the Dover Heights Precinct in relation the stability of the slope at Eastern Avenue Reserve starting at the top of Bulga Road and descending North.
2. Redirects the existing \$25,000 capital works funding for Eastern Avenue to this higher priority stabilisation project.
3. Informs the Dover Heights Precinct of its decision.

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

**CM/8.7/18.09 Bus Stop at 465 Bronte Road, Bronte - Relocation (A03/0189)**

**MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos  
Seconder: Cr Keenan

That Council:

1. Supports moving the bus stop outside 465 Bronte Road to the Bronte Beach terminus, which is across the road.
2. Recognises prior efforts of Council staff in attempting to have this bus stop moved to the Bronte Beach terminus.
3. Acknowledges the wishes of the local residents in wanting this bus stop moved.
4. Sends a delegation of the Mayor, Ward Councillors and Council staff to meet with the Minister to make representations to have the bus stop moved.

*H More addressed the meeting.*

**CM/8.8/18.09 Pensioner Rebate (A14/0379)**

**MOTION**

Mover: Cr O'Neill  
Seconder: Cr Wakefield

That Council:

1. Expresses its concern and dissatisfaction that the State Government Pensioner Concession Rates Rebate has remained at \$250 since 1993, and makes strong representations to the State Government to provide greater assistance to pensioners struggling under cost of living increases, and requests the government release the IPART Reports on 'Compliance and Red Tape Review' and 'Review of the Local Government Rating System' that were handed to the government in 2016.
2. As part of its deliberations for developing its 2019–20 Budget, receives a report on the financial implications of increasing its voluntary contribution to the Pensioner Concession Rates Rebate so that the total rebate equates to 25% of the average pensioner's rates charge in the Waverley local government area.

**AMENDMENT**

Mover: Cr Goltsman  
Seconder: Cr Kay

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

'Notes that the annual financial implications of raising subsidies by 25% would be \$187,720, which is currently not budgeted.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

THE MOVER AND SECONDER OF THE MOTION THEN ACCEPTED THE ADDITION OF THE FOLLOWING CLAUSE TO THE MOTION:

'Notes that Council currently has an additional rebate program available for financially disadvantaged ratepayers.'

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

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

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

**CM/8.9/18.09 Eastern Suburbs Bus Services (A03/0189)****MOTION / DECISION**

Mover: Cr O'Neill  
Seconder: Cr Masselos

That Council:

1. Writes to the Minister for Transport and Infrastructure, and the Members for Vaucluse and Coogee to:
  - (a) Affirm Waverley Council's support for public transport.
  - (b) Request that the Minister provide the reasons for the cancellations and changes to Eastern Suburbs bus services and timetables.
  - (c) Request that the 361 North Bronte to Bondi Junction not be withdrawn to:
    - (i) Ensure that bus commuters do not have more travel time added to their commute because their bus is now traveling on a major arterial road rather than the quieter Birrell Street.
    - (ii) Allow bus commuters, who are patients at the War Memorial Hospital, to be able to continue to access the hospital by public transport.
2. Writes to the Department of Transport urgently requesting that an education campaign be immediately instituted to:
  - (a) Inform current users of the 361 bus route about the changes that are due to commence on 23 September.
  - (b) Inform commuters about any changes to the 333, 382, X79, X84 and 361.
3. Requests that bus stops and 'stopping patterns' not be changed across the bus routes in such a way as to adversely impact commuters who may be experiencing difficulty walking some distance to catch the bus.

**Division**

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

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

## 9. Urgent Business

### CM/9.1/18.09 Opposition to Passenger Cruise Ship Terminal at Yarra Bay (A15/0529)

#### MOTION / DECISION

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

#### Division

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

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

#### MOTION / DECISION

Mover: Cr O'Neill

Seconder: Cr Wy Kanak

That Council:

1. Supports the Yarra Bay community, the La Perouse Local Aboriginal Land Council, as well as Randwick Council and Bayside Council, in opposing the proposed construction of a passenger cruise ship terminal at Yarra Bay.
2. Recognises the impact of this proposed development including:
  - (a) Detrimental impact on environment and heritage values of the area.
  - (b) Reduction of the public amenity of residents, visitors and those who recreate at Yarra Bay and surrounds.
  - (c) Increased traffic congestion on arterial roads, and especially Anzac Parade that will impact residents and visitors to Waverley LGA.
3. Writes to the NSW Government expressing our concerns

#### Background

The proposed cruise ship terminal will have a detrimental effect on the environment and heritage of the surrounding area, reducing the rights of Indigenous Australians, as well as the enjoyment of sailors, fishers, divers and people who enjoy the waters of Yarra Bay. The passenger cruise ship terminal would require massive concreting and dredging of the water to provide space for the new terminal and significantly alter and damage the local environment.

Additionally, in order to travel between Yarra Bay and the City of Sydney, thousands of visitors will need to use ANZAC Parade, a major arterial road on the outskirts of our municipality, and this will directly impact upon our own community as they commute to and from the city.

*At 10.23 PM, during the consideration of this item, Cr Burrill left the meeting and did not return.*

**10. Closed Session****CM/10/18.09 Closed Session****MOTION / DECISION**

Mover: Cr Wakefield

Seconder: Cr Goltsman

That:

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

CM/10.1/18.09 CONFIDENTIAL REPORT - Bondi Golf and Diggers Club - Potential Assignment of Lease to Easts Leagues

This matter is considered to be confidential in accordance with section 10A(2)(c) 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 person with whom the Council is conducting (or proposes to conduct) business.

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 10.26 PM, Council moved into closed session.

**CM/10.1/18.09 CONFIDENTIAL REPORT - Bondi Golf and Diggers Club - Potential Assignment of Lease to Easts Leagues (A02/0284-02)****MOTION / DECISION**

Mover: Cr Wakefield

Seconder: Cr Goltsman

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)(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. Notes the request received to assign the lease of the Bondi Golf and Diggers Club Ltd to Easts Leagues (Easts Group).
3. Notes that Council is currently preparing a Plan of Management for the Hugh Bamford and Williams Park Reserve Trust.
4. Selects Option 2 contained in this report as the way forward.



**Division**

**For the Motion:** Crs Betts, Goltsman, Kay, Lewis, Masselos, Nemesh, O’Neill and Wakefield.

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

**11. Resuming in Open Session**

**CM/11/18.09 Resuming in Open Session**

**MOTION / DECISION**

Mover: Cr Wakefield

Seconder: Cr Goltsman

That Council resumes in open session.

*At 10.54 PM, Council resumed in open session.*

***Resolutions from closed session made public***

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

**12. Meeting Closure**

**THE MEETING CLOSED AT 10.55 PM.**

.....  
**SIGNED AND CONFIRMED**  
**MAYOR**  
**16 OCTOBER 2018**